

CROATIAN BAR ASSOCIATION

1719

Pursuant to Articles 18 and 19 of the Law on the Legal Profession (Official Gazette No. 9/94) and Tariff No. 49 of the Tariff for Lawyers' Fees and Cost Compensation of the Croatian Bar Association, pursuant to the Decision on Amendments to the Tariff for Lawyers' Fees and Cost Compensation, the Executive and the Management Board of the Croatian Bar Association adopted on 18 June 2004

TARIFF FOR LAWYERS' FEES AND COST COMPENSATION

PART ONE

This Tariff sets out the method of valuation, calculation and payment of lawyer's services and expenses payable by the client to the lawyer or to the law firm for services rendered in accordance to a power of attorney or in accordance to an order of a competent authority pursuant to the Law on the Legal Profession.

The representation costs are the legal services increased by the value added tax and the disbursements necessary to perform the services. The orderer of the service (client) is obliged to pay the representation costs.

I. CRIMINAL PROCEDURE AND VIOLATIONS (PETTY OFFENCE) PROCEEDINGS

Drafting Submissions

TNo. 1

1. Private suits and penal charges, filing for economic offences and misdemeanours 50 points

2. Request of the damaged parties as plaintiff for investigation, filing motions for investigations, filing accusatory charges and indictments on behalf of the damaged parties who are assuming criminal prosecution - pursuant to TNo. 4, item 1 - in consistence with the seriousness of the criminal offence.

3. Submissions stating facts and substantiated proposals of evidence, and proposals for exclusion of illegal evidence from the court file pursuant to TNo. 4, item 1.

4. Submissions with substantiated claims for damages. 50 points

5. Other submissions 25 points

TNo. 2

1. Motions for respite of a penal sentence, interruption of service time, probation, deletion of sentence 50 points

2. Motions for rehabilitation and applications for pardon
Representation and defense in preliminary investigation proceedings 50 points

TNo. 3

1. For participating in preliminary investigation proceedings in front of police authorities, the lawyer as defence attorney or representing the damaged party as plaintiff, is entitled to a single fee equal to the remuneration for defence pursuant to TNo. 4, item 1, depending on the offence from the proceedings, and for the second and each subsequent commenced hour of attendance in the proceedings, a remuneration of 50 points

2. For the action referred to in item 1, performed out of court, in addition to the hourly compensation, the lawyer is entitled to remuneration pursuant to TNo.

34, out of pocket expenses and remuneration pursuant to TNo. 45.

Defence of the Accused, Representation of the Private Plaintiff, of the Damaged Party, and of the Damaged Party as the Plaintiff in the Investigation Proceeding and at the Main Hearing

TNo. 4

1. Defence of the accused and the legal entity, representation of the private plaintiff and of the damaged party as plaintiff in court hearings or before a petty offence judge, representation at hearings before the sentence execution judge, for each day of hearing:

- for criminal offences punishable by fines or by a prison sentence up to 3 years 100 points

- for criminal offences punishable by a prison sentence up to 5 years 200 points

- for criminal offences punishable by a prison sentence up to 10 years 300 points

- for criminal offences punishable by a prison sentence over 10 years 400 points

- for defence against economic offences 100 points

- for defence before petty offence judges 50 points

- for defence before a petty offence judge if, together with a fine or a prison sentence, a sentence of seizure of the objects used or intended to be used for committing the offence, or a sentence for deprivation of the gains of his wrongful conduct may be pronounced - the lawyer is entitled to remuneration pursuant to TNo. 7 item 1, depending on the value of the forfeited objects or gains

- for defence in criminal proceedings against legal entities according to the expected fine, the lawyer is entitled to remuneration pursuant to TI 7, item 1.

If the hearing lasts longer than one hour, for every subsequently commenced hour, the lawyer is entitled to remuneration of 50 points

2. Defence of the accused, and representation of the damaged party as the plaintiff or as the private plaintiff:

- at a session of the court of second instance - as for defence before the court of first instance

- at a hearing before the court of second instance - as for defence before the court of first instance, with a 25% increase.

3. In proceedings against minors, the lawyer as the defence attorney is entitled to the same remuneration as for defence in item 1 of this Tariff number.

4. If after charges, indictment or a private penal suit, prior to the presentation of evidence at the main hearing, the proceedings are stayed, or if the main hearing is adjourned, the lawyer is entitled to 50% of the remuneration referred to in item 1 of this Tariff number.

5. For every conference with the accused who is in custody, the lawyer is entitled to a remuneration of 50 points

and for the second and each subsequently commenced hour to a remuneration of 50 points

6. For the presence at judicial inspections (locus in quo) or at reconstructions and other acts of the court performed out of court, the lawyer is entitled to the same remuneration as for the defence under item 1 of this Tariff number and to remuneration pursuant to TNo. 34 and 45.

7. A lawyer appointed as counsel ex officio is entitled to 50% of the remuneration referred to in this Tariff number.

8. A lawyer representing the damaged party at a hearing in criminal proceedings is entitled to

remuneration amounting to 50% of the remuneration referred to in this Tariff number.

Legal Remedies

TNo. 5

1. For an appeal of the accused against the sentence, of the private plaintiff, of the damaged party as private plaintiff, for an appeal against the decision on denial of motion to exclude illegal evidence from the court file, for appeal against the decision for execution of a prison sentence, and for appeal against the decision on application of educational and correctional measures, for an appeal against the decision on application of safety measures and against committal to a custodial care and health treatment, the lawyer is entitled to the same remuneration as referred to in TNo. 4, increased by 50%.

2. For a reply to an appeal against a sentence, the lawyer is entitled to 50% of the remuneration referred to in item 1 of this Tariff number.

3. For an appeal against a decision on conducting investigation, a decision on setting or prolonging detention, the lawyer is entitled to remuneration pursuant to TNo. 4, item 1.

4. For appeals against a decision on costs, the lawyer is entitled to a remuneration of 50 points

5. For appeals against an indictment, the lawyer is entitled to 75% of the remuneration referred to in TNo. 4, item 1.

Extraordinary Legal Remedies

TNo. 6

1. Motions to submit a request for protection of lawfulness - same remuneration as for an appeal against a judgement on merits.

2. Motions to retrial, for extraordinary review of the final judgment, for extraordinary reduction of punishment, and for appeals against the decision on dismissing a request - remuneration pursuant to TNo. 4, item 1.

3. Replies to above motions - 50% of the remuneration referred to in TNo. 4, item 1.

II. CIVIL PROCEDURE

Drafting of Civil Suits and Submissions

TNo. 7

A lawyer is entitled to remuneration for drafting of a civil suit, counterclaim, motion or request:

1. If the value of the litigation is the following:

from Kuna	to Kuna	Points
0	2.500,00	25
2.500,00	5.000,00	50
5.000,00	10.000,00	75
10.000,00	100.000,00	100
100.000,00	250.000,00	250
250.000,00	500.000,00	500

If the value of the litigation exceeds Kuna 500.000,00 and is up to Kuna 5,000.000,00 the lawyer is entitled to charge apart from a remuneration of 500 points, a remuneration of 1 point for each commenced amount of Kuna 1.000,00.

From the value of the litigation above Kuna 5,000.000,00 and up to Kuna 10,000.000,00 for each commenced amount of Kuna 2.000,00 the lawyer is entitled to charge a remuneration of 1 point.

If the value in dispute exceeds Kuna 10,000.000,00 for each commenced Kuna 5.000,00 the lawyer is entitled to charge a remuneration of 1 point, but not more than 10.000 points.

2. In lawsuits concerning:

- trespassing 50 points
- easement 50 points
- tenancy disputes (notices, evictions, declaratory decisions) the value in dispute is one year rent or lease, but not less than 50 points
- divorce or annulment of matrimony, existence or non- existence of matrimony 50 points
- establishment or denial of paternity, custody over minor children 50 points
- labour relations (annulment of dismissals, establishment of the right to work, etc.) except in assessable cases subject to TNo. 7, item 1 50 points
- support, or termination of the obligation for support, the value in dispute shall be the amount of one year's support
- copyright, industrial property and related rights, remuneration pursuant to TNo. 7, item 1, but not less than 50 points
- for the determination of annuity, the value in dispute is the amount of a- five- year annuity.

3. For suits on issuance of payment orders based on an invoice or a statement from business books, a lawyer is entitled to 50% of the remuneration referred to in item 1 of this TNo. , but not more than 100 points

4. For suits on the issuance of bill of exchange, cheque, or payment orders based on other securities, public and private deeds, excluding the ones referred to in item 3 of this TNo., the lawyer is entitled to full remuneration pursuant to item 1 of this TNo.

5. Civil suits and substantiated submissions in front

of arbitration pursuant to TNo. 7, item 1, with a 100% increase.

6. Representation in mediation pursuant to TNo. 7, item 1 with a 100% increase.

TNo. 8

1. For drafting replies to claims, objections against payment orders and substantiated submissions responding to allegations in an objection or reply to a claim, or on expert findings - remuneration as for civil suits referred to in TNo. 7, items 1 and 2.

2. For drafting motions for reinstatement, motions for preliminary injunctions - 50% of the remuneration referred to in item 1 of this TNo., but 100 points not more than

3. For other submissions - 25% of the remuneration referred to in items 1 and 2 of this TNo., but not 50 points more than

Representation at Hearings

TNo. 9

1. For every hearing at which the main matter is discussed or evidence is presented, the lawyer is entitled to remuneration pursuant to TNo. 7, items 1 and 2.

2. For all other hearings where questions of procedure were discussed only, or if prior to the hearing on the main matter the case is terminated by withdrawal or objection, or by judgment by recognition, or by judgment by default - 50% of the remuneration referred to in TNo. 7, items 1 and 2.

3. For a hearing at which judgment is pronounced - 50 points 50% of the remuneration referred to in TNo. 7, items 1 and 2 but not more than

4. For every arbitration hearing at which the main matter is discussed or where evidence is presented - remuneration pursuant to TNo. 7, item 5, whereas for all other hearings 50% of the remuneration referred to in TNo. 7, item 5.

5. For appearing at the hearing that was adjourned - 50 points 25% of TNo. 7, item 1 but not more than

6. For a hearing before a second- instance court, the lawyer is entitled to remuneration pursuant to TNo. 7, items 1 and 2.

7. For attending an inspection the lawyer is entitled to the same remuneration as for representation at a court hearing and to remuneration pursuant to TNo. 35 and TNo. 45.

Legal Remedies

TNo. 10

1. For drawing regular legal remedies against a judgement, as well as a decision in lawsuits for trespassing, the lawyer is entitled to remuneration pursuant to TNo. 7, items 1, 2 and 5, with a 25% increase.

2. For drawing a reply to an appeal and a revision - remuneration pursuant to TNo. 7, items 1, 2 and 5.

3. For drawing an appeal against a decision, the lawyer is entitled to 50% of the remuneration referred to in TNo. 7, items 1, 2 and 5.

4. For drawing extraordinary legal remedies, the lawyer is entitled to remuneration pursuant to TNo. 7, items 1, 2 and 5, with an increase of 50%.

5. For replies to extraordinary legal remedies, the lawyer is entitled to remuneration pursuant to TNo. 7, items 1, 2 and 5.

III. EXECUTION PROCEEDINGS

TNo. 11

1. Motions for issuance of a writ of execution, motions for issuance of interim or preliminary injunctions, objections to a writ of execution, and against objection to a motion for interim or preliminary injunctions, replies to objections to a writ of execution - remuneration pursuant to TNo. 7, items 1 and 2.

2. Drafting conditions for forced auction - remuneration pursuant to TNo. 7, item 1.

TNo. 12

1. For representation at hearings - remuneration pursuant to TNo. 7, items 1 and 2, and TNo. 9.

2. For participation in enforcement - remuneration pursuant to TNo. 7, items 1 and 2, and TNo. 9.

TNo. 13

For drafting legal remedies - remuneration pursuant to TNo. 7, items 1 and 2, and TNo. 10.

IV. BANKRUPTCY PROCEEDINGS

TNo. 14

1. Bankruptcy petitions, according to the value of the claim - remuneration pursuant to TNo. 7, item 1.

2. For notices of claims, submissions on points of fact and substantiated proposals - remuneration pursuant to item 1 of this TNo.

3. For drafting legal remedies - remuneration pursuant to TNo. 7, item 1.

TNo. 15

For representation at a hearing for the examination of the claim and at the hearing for the dividing, the lawyer is entitled to remuneration pursuant to TNo. 7, item 1.

V. PROCEEDINGS IN NON- CONTENTIOUS MATTERS

TNo. 16

1. For drafting submissions to initiate proceedings for:

- separation of joint property or spousal property, dissolution of joint ownership of a real estate, determination of compensation for expropriated property, determination of rent or lease, deliberating of inheritance, and in all other assessable matters - 50 points
50% of the remuneration referred to in TNo. 7, item

1, but not less than

- regulation of boundary 50 points

- other non- assessable matters 50 points

- voidance of documents - 50% of the remuneration referred to in TNo. 7, item 1, but not more than 50 points

2. For the protest of a bill of exchange - 25% of the remuneration referred to in TNo. 7, item 1.

TNo. 17

1. For representation at hearings in assessable matters - 75% of the remuneration referred to in TNo. 7, item 1, but not less than 25 points

and in other matters remuneration pursuant to TNo. 16.

TNo. 18

1. For drafting regular and extraordinary legal remedies, the lawyer is entitled to remuneration pursuant to TNo. 16 increased by 25%.

VI. LAND REGISTRY PROCEDURES

TNo. 19

1. For drafting of motions to the Land Registry to obtain decisions on entrance, deletion, priority notice, or registration of a right, and for each hearing, the lawyer is entitled to 25% of the remuneration referred to in TNo. 7, item 1.

2. For the motion referred to in item 1 if the value is non- assessable - a remuneration of

3. For other submissions - 25% of the remuneration referred to in TNo. 7, item 1 but not less than 50 points

4. For drafting legal remedies - remuneration as in 25 points
points 1 and 2.

VII. ADMINISTRATIVE PROCEDURE

TNo. 20

1. Submissions initiating an administrative procedure, submissions on facts and substantiated proposals:

- in non- assessable matters 50 points

2. In all assessable tax return matters based on data from books mandatory kept by the taxpayer, substantiated submissions in matters regarding tax, customs and foreign currency issues, in expropriation proceedings, in the procedure for obtaining location and building permits, in proceedings concerning tenancy relations, in proceedings for the restitution of property seized during the Yugoslav communist regime and in other administrative proceedings - remuneration pursuant to TNo. 7, items 1 and 2. The calculation base is the total income i.e. the assets value or the amount of the one- year rent or lease.

3. Other submissions - 50% of the remuneration referred to in items 1 and 2 of this TNo.

TNo. 21

1. For representation at hearings in an administrative procedure - remuneration pursuant to TNo. 20, items 1 and 2 and remuneration pursuant to TNo. 35.

2. Defense in proceedings concerning tax violations, customs infringements or violations of foreign currency regulations - remuneration pursuant to TNo. 20, items 1 and 2 and remuneration pursuant to TNo. 35.

TNo. 22

For drafting appeals, motions for entrance of a request for protection of lawfulness, and for motions for a retrial - remuneration pursuant to TNo. 20, items 1 and 2 increased by 25%.

VIII. ADMINISTRATIVE DISPUTES

TNo. 23

1. In suits, replies to suits and submissions on factual and legal matters:

- in assessable matters - remuneration pursuant to
TNo. 7, item 1

- in non- assessable matters: 200 points

2. Representation at a hearing - remuneration as under 1.

IX. COURT REGISTER PROCEDURE

TNo. 24

1. Submissions requesting entry based on a deed of
incorporation in the commercial court register 50 points

2. Submissions requesting a change of entries in the 50 points
court register

3. For drafting documents (deed of incorporation,
articles of association, statutes, and other
agreements) required for entry of establishments or
changes in the court register, remuneration pursuant
to TNo. 29, items 1 and 2.

4. Other submissions in the procedure for entry 50 points

5. Legal remedies (regular and extraordinary) -
remuneration as for submissions referred to in items
1 and 2, increased by 50%.

TNo. 25

1. For drafting a suit for annulment of an entry in
the register, for replies to suits and substantiated
submissions on factual and legal matters, the lawyer 100 points
is entitled to a remuneration of

2. For a hearing at which the main matter is discussed or evidence presented - remuneration referred to in item 1, and for all other hearings at which only procedural issues are discussed, or for a hearing at which, prior to discussing the main legal matter, the proceedings end by withdrawal of the suit, by settlement or a judgement by recognition - 50% of the remuneration referred to in item 1.

3. For legal remedies (regular and extraordinary) against judgements

- remuneration referred to in item 1 increased by 25%,
and against decisions - 50% of the remuneration referred to in item 1 of this TNo.

4. For representation of a shareholder or members of the company in the general meeting, the lawyer is entitled to remuneration according to agreement with the client, but not less than 50 points, for each commenced hour of the general meeting.

X. PROTECTION OF EMPLOYEE'S RIGHTS VIS- À- VIS THE EMPLOYER

TNo. 26

In the procedure prior to the decision by the employer, the lawyer is entitled to:

1. For substantiated submissions 50 points

2. For drafting of motions for protection of rights - remuneration referred to in item 1 of this TNo.

3. For drafting resolutions, when the lawyer is representing the employer, as under item 1 and 2 of this TNo.

XI. PROCEDURE BEFORE THE CONSTITUTIONAL COURT

TNo. 27

- 1.** Submissions to initiate the procedure before the Constitutional Court, substantiated submissions stating factual and legal matters 500 points
- 2.** Other submissions in the course of the proceedings - 50% of the remuneration referred to in item 1 of this TNo.
- 3.** Representation and participation at hearings - remuneration pursuant to item 1 of this TNo.
- 4.** For hearings where only procedural questions were discussed, or the procedure was terminated prior to discussion of the main matter, the lawyer is entitled to 50% of the remuneration referred to in item 1 of this TNo.

XII. OTHER PROCEDURES

TNo. 28

A lawyer is entitled to remuneration for submissions and representation in matters and procedures conducted under existing laws and regulations prior to a court or administrative procedure, e.g. claims for indemnity against the state or municipality or some other administrative body, claims against insurance companies, enterprises, social security and other legal persons, claims for damages to unjustly convicted persons and unlawfully detained persons, in actions preceding expropriation and similar activities - remuneration is determined pursuant to TNo.7, item 1.

XIII. MISCELLANEOUS

Drafting Documents

TNo. 29

- 1.** For drafting contracts - the remuneration pursuant to TNo. 7, items 1 and 2 increased by 25%.
- 2.** For drafting documents on legal matters that are not assessable:
 - partnership agreements, agreements on joint construction, agreements on the use and maintenance of buildings, contracts on the transformation of an indivisible part ownership into a condominium, contracts on the division of property after divorce, contracts on lifelong support, contracts on transfer and division of property before the death of the transferor and similar contracts

- if the value is specified in the contract, the remuneration referred to in point 1 is applied

- if the value is not specified in the contract, the remuneration is 200 points

3. For simple and ex- parte declarations of will the remuneration is 50 points

4. For drafting testaments 50 points

- for complicated declarations of testament, the remuneration may be increased up to 100%.

Legal Advice and Legal Opinion

TNo. 30

1. Verbal legal opinion and legal counselling
- for every commenced hour 50 points

2. Written legal advice and written legal opinion stating factual and legal matters - remuneration pursuant to TNo. 7, items 1 and 2.
For written legal advice and legal opinion, the lawyer is entitled to remuneration only if the advice or opinion was requested by the client.
For written legal advice and opinion, given at the client's request in a foreign language, the lawyer is entitled to additional remuneration for the translation, according to the permanent court interpreters scale of charges.

For legal instructions, opinions and counselling for initiating proceedings and in the course of the proceeding, the lawyer is not entitled to the additional remuneration pursuant to items 1 and 2 of this TNo.

Participation at Conferences

TNo. 31

For participating at conferences and meetings at which factual and legal matters were discussed with the client, the counter party and other participants in the client's legal matter, the lawyer is entitled to the 50 points remuneration of

for every commenced hour.

Study of Documentation, Investigation of Legal Validity and Enforceability, Obtaining Documents for the Client

TNo. 32

For studying and reviewing the file in all proceedings, for inspection of the land register, records and other public books, the lawyer is entitled for each commenced hour to remuneration of 50 points

For inquiring or obtaining legal validity or enforceability of judgement, a decision or payment order a clause certifying that these instruments are legally valid and enforceable 50 points

For obtaining land register excerpts, company registers extracts or registers extracts of other authorities, or obtaining of other documents, the lawyer is entitled to remuneration of 50 points

Letters and Reminders

TNo. 33

For letters to the client, to the substitute, the counter party and to other participants in the client's legal affairs:

1. Notifications and reminders stating the factual state or instructions, per each page
2. Standardized reminders to a counter party to pay a specific amount, to fulfil an obligation, or performance 10 points

XIV. COMMON PROVISIONS

Remuneration per Hour

TNo. 34

Unless otherwise determined in a specific tariff provision which regulates that a particular service be paid per hour, the remuneration per hour shall be 50 points

TNo. 35

For the time waiting for the beginning hearing, or during the court deliberation, for the absence from office when travelling or similar, the lawyer is entitled to remuneration of 25 points

for each commenced hour, but not more than 7 hours per day.

Representation of Several Clients

TNo. 36

1. When in the same proceeding the lawyer defends or represents several persons, for the second and every additional person the lawyer is entitled to a 10% increase of tariff items - under the condition that the increase does not exceed the maximum of 50%. The amount of the increased remuneration shall be divided into equal parts according to the number of defendants i.e. represented persons.

2. In case of an obvious disproportion in defence or representation of the client in relation to the other clients represented or defended in the proceeding by the same lawyer, the lawyer may agree with the parties on a different method for calculation of expenses.

Increase or Decrease of Tariff Items

TNo. 37

1. For special professional and expert knowledge required for the elaboration of a case, for a particularly difficult case or special responsibility for performed work, tariff items may be increased by 100%.

Special professional and expert knowledge is particularly conceded in complex lawsuits, procedures or special types of contracts, where special knowledge or study of foreign law or legal literature is required, or where it is necessary to study professional issues from the area of technical sciences, chemistry, technology, natural and physical sciences, medicine, social sciences, use of a foreign language and similar.

2. In consideration of all circumstances of the completed task and benefits for the client, the lawyer may decrease individual tariff items by 50% .

Special Manner of Contracting Remuneration

TNo. 38

The lawyer may stipulate with a legal entity or person performing independent activities the

payment of a lump sum for the rendering of legal assistance, except for representation before the courts and state bodies.

A contract on rendering legal assistance in a lump sum must be stipulated in writing and must contain a description of the work or tasks the lawyer shall perform for the client.

The lawyer has to register such a contract with the Croatian Bar Association.

TNo. 39

The lawyer and the client may agree upon the amount of the remuneration for lawyers between themselves. The agreement is valid only if contracted in writing. The agreement does not oblige the court in determining costs to the successful party.

1. In penal cases lawyers and clients may agree upon remuneration for legal assistance in writing on an hourly rate basis, which can be higher but not lower than remuneration pursuant to TNo. 34.

2. In property legal matters lawyers and clients may agree upon remuneration for legal assistance in writing on an hourly rate basis, which can be higher but not lower than remuneration pursuant to TNo. 34.

3. In property legal matters lawyers may agree with the client upon remuneration for their work in writing also according to success in the proceedings i.e. in legal operations undertaken on behalf of the client. The maximum agreed amount may not exceed 30% of the succeeded.

TNo. 40

For rendering legal assistance abroad to a Croatian citizen or a Croatian legal entity, the lawyer is entitled to seek compensation of expenses and remuneration according to the tariff valid in the country where the client was represented, even when the representation was performed in writing.

TNo. 41

In non- assessable cases, not foreseen by this Tariff (i.e. civil suits for a declaratory judgment), or the value in dispute cannot be determined in any other way, the lawyer is entitled to the remuneration for each undertaken action:

- 1.** in proceedings before municipal courts and bodies in the amount of 50 points
- 2.** in proceedings before county courts and commercial courts and authorities of the same rank, 100 points in the amount of
- 3.** in proceedings before the Supreme Court of the Republic of Croatia and state bodies of the same rank 500 points

TNo. 42

The lawyer is entitled to charge the value added tax on all actions.

TNo. 43

The assessment and collection of expenses charged to the counter party shall not affect the calculation of expenses between the lawyer and the client and costs incurred in connection with the completed work.

At the client's request, the lawyer shall give a written accounting of the remuneration for the completed work and the direct expenses, and present the Tariff.

The lawyer appointed by the Croatian Bar Association to represent or defend a client due to social reasons is not entitled to any remuneration from the client.

PART TWO

XV. COMPENSATION OF COSTS

TNo. 44

A lawyer is entitled to compensation of costs for direct expenses necessary to carry out the entrusted work.

The expenses to be compensated pursuant to the provisions of the Tariff include expenses for postal, telephone and banking services and other expenses.

TNo. 45

For tasks performed outside the seat of the law office, a lawyer is entitled to compensation for travelling expenses and other direct expenses incurred during his or her absence from the law office.

TNo. 46

A lawyer is entitled to reimbursement of travelling expenses in the amount of a first- class express train fare or ship fare, and airfare for business class; if an overnight journey is necessary, a sleeping car on the train or a cabin on ship.

A lawyer is entitled to the compensation for the travelling expenses from the previous paragraph for the shortest possible route.

For the use of his own car, a lawyer is entitled to a compensation equal to 30% of the price of unleaded 98 octane petrol for each passed kilometre.

TNo. 47

A lawyer is entitled to charge a daily allowance equal to the daily allowance of the county court judge in the region in which the law office is situated.

If a lawyer needs to travel outside the seat of the law office for more than one day or stay overnight in a hotel, the lawyer is entitled to the daily allowance and the accommodation costs of a hotel, except a five star hotel.

PART THREE

XVI. APPLICATION OF THE TARIFF

All services performed prior to the entry into force of this Tariff are subject to the Tariff published in the Official Gazette fNarodne Novine« No. 69/93 with the amendments published in fNarodne novine« Nos. 87/93, 16/94 and 11/96.

XVII. METHOD FOR ADOPTION OF THE TARIFF AND CHANGES OF THE VALUE OF THE POINT

TNo. 49

The Tariff for fees and compensations of costs for lawyers is adopted by the Management Board of the Croatian Bar Association.

The value of the point is established by the Executive Board of the Croatian Bar Association. The new value of the point becomes effective on the day of its publication in the Official Gazette.

TNo. 50

The value of one point is 10.00 kn.

XVIII. EXPLANATION OF THE APPLICATION OF THE TARIFF

The Management Board of the Croatian Bar Association or the body designated by the Management Board shall provide explanations of the application of the Tariff and interpretation thereof.

Explanation or opinion in regard to the application of the Tariff shall be provided at the request of a client, a lawyer, a court or any other authorised body in the country or abroad.

XIX. ENTRY INTO FORCE

The Tariff shall enter into force on the day of its publication in the Official Gazette (Narodne novine).*

No.: 2284/2004.

In Zagreb, 18 June 2004

President of the Croatian Bar Association

Ranko Pelicarić

*The Tariff was published in the Official Gazette No. 91/04 of July 5, 2004.

Tariff 12/11/2009

CROATIAN BAR ASSOCIATION

On the basis of Articles 18 and 19 of the Law on the Legal Profession (Official Gazette Nos 9/94, 37/05 and 59/07), in connection with Articles 3 and 4 of the Act Amending the Law on the Legal Profession (Official Gazette No. 117/08, the Management Board of the Croatian Bar Association, competent pursuant to Article 70, para. 1, point 2 of the Statute of the Croatian Bar Association, at its meeting of 12 November 2009, adopted the following

ATTORNEY FEE SCHEDULE AND COST COMPENSATION*

PART ONE

The fee schedule sets forth the method of evaluation, computation and the payment of services and expenses that the parties are obliged to pay to an attorney-at-law or a law firm for the actions and services rendered under a power of attorney or a decision of a competent body pursuant to the Law on the Legal Profession.

The costs of representation are the attorney's services increased by value added tax and the expenses incurred while rendering these services. The client is obliged to pay the costs of representation.

I. Criminal and petty offence proceedings

Drafting submissions

TI 1

1.

Private actions and criminal reports, economic infraction and offence reports

50 points

2.

Claims of aggrieved parties as plaintiffs seeking investigation or issuing motions to conduct investigative actions, or issuing bills of indictment on behalf of aggrieved parties assuming criminal prosecution – pursuant to tariff item (TI) 4, point 1 – according to the seriousness of the criminal offence.

3.

Submissions containing points of fact and reasoned motions to admit evidence, motions to exclude illegal evidence from the file pursuant to tariff item 4, point 1.

*** The fee schedule was published in the Official Gazette No. 148/09 of 11 December 2009.**

4.

Submissions containing reasoned claims for indemnification. 50 points

5.

Other submissions, 25 points

TI 2

1.

Motions for the postponement of the execution of the sentence, suspension of serving the sentence, release on parole, expunction of conviction. 50 points

2.

Motions for rehabilitation and requests for pardon. 50 points

Representation and defence in preliminary investigation proceedings

TI 3

1.

For participation in preliminary investigation proceedings conducted before the bodies of police authorities, an attorney defending a party or representing the aggrieved party as the plaintiff is entitled to a single fee equal to the defence fee referred to in tariff item 4, point 1 according to the offence for which the proceedings are conducted, and for the second and any subsequent commenced hour of the attorney's attendance in the proceedings. 50 points

2.

For the activities referred to in point 1 carried out outside the court, in addition to an hourly rate, an attorney is entitled to remuneration pursuant to tariff item 34, as well as to remuneration of all direct expenses and to the remuneration referred to in tariff item 45.

Defence of the accused, representation of a private prosecutor, of the

aggrieved party and the aggrieved party as the plaintiff at the main hearing

TI 4

1.

Defence of the accused, a legal entity, representation of a private prosecutor and of the aggrieved as the plaintiff in court hearings or before petty offence judges, representation in hearings before sentence execution judges, for each day of the hearing:

- for criminal offences punishable by fines or by a prison sentence of up to 3 years 100 points
- for criminal offences punishable by a prison sentence of up to 5 years 200 points
- for criminal offences punishable by a prison sentence of up to 10 years 300 points
- for criminal offences punishable by a prison sentence of over 10 years 400 points
- for defence in the cases of economic offences 100 points
- for defence before petty offence judges 50 points
- for defence before a petty offence judge if, together with a fine or a prison sentence, a defendant may be punished by the seizure of objects used or intended to be used in the perpetration of an offence, or if the defendant may be punished by forfeiting the proceeds of his or her wrongful conduct or offence – an attorney is entitled to the remuneration referred to in tariff item 7, point 1, depending on the value of the forfeited proceeds.
- for defence in criminal proceedings against legal persons, in accordance with the prescribed fine, an attorney is entitled to the remuneration referred to in tariff item 7, point 1.

If the hearing lasts longer than an hour, for every subsequently commenced hour, an attorney is entitled to remuneration of 50 points

2.

Defence of the accused and representation of the aggrieved as the plaintiff or private prosecutor:

- at a session of the second instance chamber – the same as for defence before a court of first instance

- at a hearing before a court of second instance – the same as for defence before a court of first instance, increased by 25%.

3.

In proceedings against a person under legal age, a defence attorney is entitled to the same remuneration as for the defence referred to in point 1 of the same tariff item.

4.

If, upon indictment, a motion to indict, or a private action, and prior to the presentation of evidence at the main hearing, the proceedings are stayed, or the main hearing is adjourned, an attorney is entitled to 50% of the remuneration referred to in this tariff item.

5.

For any consultation with the accused who is in custody, an attorney is entitled to remuneration of

50 points

and for the second and every subsequently commenced hour to remuneration of

50 points

6.

For presence at site investigations and reconstructions, as well as for other judicial activities carried out outside the court, an attorney is entitled to the same remuneration as for defence pursuant to this tariff item and the remuneration referred to in tariff items 34 and 45.

7.

An attorney appointed as an *ex officio* counsel is entitled to 50% of the remuneration referred to in this tariff item.

8.

An attorney representing the aggrieved party at a hearing in criminal proceedings is entitled to remuneration of 50% of the fee referred to in this tariff item.

Legal remedies

TI 5

1.

For an appeal of the accused against a judgement, an appeal of a private prosecutor, or of the aggrieved party as the plaintiff, or for an

appeal against a decision rejecting a motion for exclusion from illegal evidence, for an appeal against a decision on imprisonment, an appeal against a decision on the imposition of educational and correctional measures, or an appeal against safety measures or on referral to a custodial or a health institution, an attorney is entitled to the same remuneration as that referred to in tariff item 4, increased by 50%.

2.

For an answer to an appeal against a judgement, an attorney is entitled to 50% of the remuneration referred to in point 1 of this tariff item.

3.

For an appeal against a decision to launch investigation, a decision on detention or its extension, an attorney is entitled to the remuneration referred to in tariff item 4, point 1.

4.

For appeals against a decision on expenses, an attorney is entitled to remuneration of

50 points

5.

For pleas against indictment, an attorney is entitled to 75% of the remuneration referred to in tariff item 4, point 1.

Extraordinary legal remedies

TI 6

1.

Motions for the protection of legality (writ of mandamus) – remuneration is the same as that for an appeal against a judgement on the merits.

2.

Motions to reopen a trial, an extraordinary review of the final judgment (*res judicata*), motions for extraordinary mitigation of punishment, and for appeals against the decision to dismiss a motion – remuneration is the same as that referred to in tariff item 4, point 1.

3.

Answers to the above motions – 50% of the remuneration referred to

in tariff item 4, point 1.

II. Civil procedure

Drafting civil action documents and submissions

TI 7

An attorney is entitled to remuneration for drafting civil action claims, counterclaims, motions, or pleas:

1.

If the amount in dispute is the following:

from HRK	to HRK	Points
0	2,500.00	25
2,500.00	5,000.00	50
5,000.00	10,000.00	75
10,000.00	100,000.00	100
100,000.00	250,000.00	250
250,000.00	500,000.00	500

If the amount in dispute exceeds HRK 500,000.00 and reaches the amount of HRK 5,000,000.00, apart from remuneration of 500 points, an attorney is entitled to charge 1 point for every additional HRK 1,000.00.

If the amount in dispute exceeds HRK 5,000,000.00 and reaches HRK10,000,000.00, an attorney is entitled to charge remuneration of 1 point for every additional HRK 2,000.00. If the amount in dispute is more than HRK10,000,000.00, an attorney is entitled to charge remuneration of 1 point for every additional HRK 5,000.00, but not more than 10,000 points.

2. An attorney is entitled to a single remuneration for the entire first instance proceedings regardless of the number of undertaken actions amounting to
in disputes concerning:

200 points

- **trespassing**
- **easement**
- **housing relations (notice to move, eviction, declaratory actions)**
- **divorce or annulment of marriage, existence or non-existence of marriage**
- **establishing or contesting paternity, granting custody of children under legal age**
- **labour relations (annulment of dismissals, establishment of the right to work, etc.), except in assessable cases subject to tariff item 7, point 1**

- **support maintenance or removal of the obligation to support.**

3.

For civil actions concerning:

- copyright, industrial property and related rights, remuneration is as referred to in tariff item 7, point 1, but not less than 50 points
- establishment of annuity, where the amount in dispute corresponds to the amount of a five-year annuity.

4.

For civil actions against the issuance of compensation orders on the basis of invoices or statements from business books, an attorney is entitled to 50% of the remuneration referred to in point 1 of this tariff item, but not more than 100 points

5.

For civil actions concerning the issuance of bills of exchange, cheques and payment orders on the basis of other types of securities, public or private documents, excluding those referred to in point 4 of this tariff item, an attorney is entitled to the full remuneration referred to in point 1 of this tariff item.

6.

For civil actions and reasoned submissions before domestic arbitration, an attorney is entitled to remuneration pursuant to tariff item 7, point 1.

For civil actions and reasoned submissions before international arbitration and arbitration with a foreign element, an attorney is entitled to remuneration pursuant to tariff item 7, point 1, increased by 100%.

7.

Representation in mediation under tariff item 7, point 1.

TI 8

1.

For drafting answers to civil actions, pleas against payment orders, reasoned submissions responding to allegations stated in the plea, or answers to filed actions, or responding to opinions and findings by expert witnesses, **but not more than a total amount of 4 submissions in first instance proceedings** – the same remuneration as for drafting a civil action claim referred to in tariff item 7, points 1, 3, 6 and 7.

2.

For drafting motions for reinstatement (*restitution in integrum*), motions for the issuance of interim measures – 50% of the remuneration referred to in point 1 of this tariff item, but not more than 100 points

3.

For drafting other types of submissions - 25% of the remuneration referred to in tariff item 7, points 1, 3, 6 and 7, but not more than 50 points

Representation at court hearings

TI 9

1.

For every hearing at which the main matter in dispute is discussed or evidence is presented, an attorney is entitled to the remuneration referred to in tariff item 7, points 1, 3, 6 and 7.

2.

For all other hearings where only procedural issues are discussed, or if prior to the hearing on the main matter dispute proceedings are terminated by the withdrawal of the civil action or by a plea, or by a judgement by confession or by a judgment by default – 50% of the remuneration referred to in tariff item 7, points 1, 3, 6 and 7.

3.

For a hearing at which the judgment is pronounced – 50% of the remuneration referred to in tariff item 7, points 1, 3, 6 and 7, but not more than 50 points

4.

For every arbitration hearing where the main matter in dispute is discussed or evidence is presented – the remuneration referred to in tariff item 7, point 6, and for all other hearings 50% of the remuneration referred to in tariff item 7, point 6.

5.

For appearance at a hearing adjourned prior to the actual commencement of the hearing, an attorney is entitled to 25 % of the remuneration referred to in tariff item 7, points 1, 3, 6 and 7, but not more than 50 points

6.

For a hearing at a second instance court, an attorney is entitled to the remuneration referred to in tariff item 7, points 1, 3, 6 and 7.

7.

For attending investigation (*locus in quo*), an attorney is entitled to the same remuneration as for representation at a court hearing and the remuneration referred to tariff items 35 and 45.

Legal remedies

TI 10

1.

For drafting regular legal remedies against a judgement, an attorney is entitled to the remuneration referred to in tariff item 7, points 1, 3 and 6 increased by 25%.

2.

For drafting regular legal remedies and answers to such legal remedies, in lawsuits referred to in tariff item 7, point 2, an attorney is entitled to single remuneration amounting to

60 points

3.

For drafting answers to appeals and reviews, an attorney is entitled to the remuneration referred to in tariff item 7, points 1, 3 and 6.

4.

For drafting an appeal against a decision, an attorney is entitled to 50% of the remuneration referred to in tariff item 7, points 1, 3 and 6.

5.

For drafting extraordinary legal remedies, an attorney is entitled to the remuneration referred to in tariff item 7, points 1, 3 and 6, increased by 50%.

6.

For drafting answers to extraordinary legal remedies, an attorney is

entitled to the remuneration referred to in tariff item 7, points 1, 3 and 6.

III. Enforcement proceedings and collateral insurance proceedings

TI 11

1.

Application for the issuance of a writ of enforcement, application for counter enforcement decisions, motions for collateral insurance, motions for the issuance of interim and preliminary measures, pleas against such motions and answers to pleas – the remuneration referred to in tariff item 7, points 1, 3 and 6.

2.

Enforcement procedure in the proceedings referred to in tariff item 7, point 2 - a single remuneration for the entire proceedings amounting to

80 points

3.

Drafting motions for a statement regarding assets and a list of assets – 50% of the remuneration referred to in tariff item 7, points 1, 3 and 6, but not more than 500 points.

4.

Drafting a motion to postpone enforcement – 50% of the remuneration referred to in tariff item 7, points 1, 3 and 6, but not more than 500 points.

5.

Drafting a motion to send a final and enforceable decision on enforcement to a bank (out-of-court enforcement) or to the court (court enforcement) or to other participants in enforcement proceedings, and drafting an enforcement debtor's complaint – 50% of the remuneration referred to in tariff item 7, points 1, 3 and 6, but not more than 500 points.

6.

Drafting an application for collection on the basis of a promissory note – 50% of the remuneration referred to in tariff item 7, points 1, 3 and 6, but not more than 500 points.

7.

Drafting auction conditions – the remuneration referred to in tariff item 7, point 1.

8.

Drafting other submissions in enforcement or collateral insurance proceedings – 25% of the remuneration referred to in tariff item 7, points 1, 3 and 6, but not more than 250 points.

TI 12

1.

For representation at a hearing – the remuneration referred to in tariff item 7, points 1, 3 and 6, in connection with tariff item 9.

2.

For taking part in enforcement or collateral insurance proceedings, an attorney is entitled to the remuneration referred to in tariff item 7, points 1, 3 and 6, in connection with tariff item 9.

TI 13

1.

For drafting legal remedies – the remuneration referred to in tariff item 7, points 1, 3 and 6, in connection with tariff item 10.

2.

For drafting legal remedies in enforcement proceedings referred to in tariff item 7, point 2 – remuneration amounting to

60 points

IV. Bankruptcy proceedings

TI 14

1.

Motions for the initiation of bankruptcy proceedings, in accordance with the value of the claim – the remuneration referred to in tariff item 7, point 1.

2.

Drafting a notice of claim, drafting submissions containing points of fact and reasoned motions – the remuneration referred to in point 1 of this tariff item.

3.

Drafting legal remedies – the remuneration referred to in tariff item 7, point 1, increased by 25%.

TI 15

For representation at a hearing where the claim is examined, and at a hearing for division, an attorney is entitled to the remuneration referred to in tariff item 7, point 1, in connection with point 9.

V. Non-contentious proceedings

TI 16

1.

For drafting submissions to initiate the following proceedings:

- for the division of common property or matrimonial property, the dissolution of joint ownership of real estate, the determination of compensation for expropriated property, the determination of rent or lease, the establishment of inheritance and in all other assessable legal matters – 50 % of the remuneration referred to in tariff item 7, point 1, but not less than 50 points
- regulation of boundary lines 50 points
- other non-assessable legal matters 50 points
- amortisation (expiry) of documents – 50% of the remuneration referred to in tariff item 7, point 1, but not more than 50 points

2.

For protesting bills of exchange, 25% of the remuneration referred to in tariff item 7, point 1.

TI 17

1.

For representation at a hearing in assessable legal matters – 75% of the remuneration referred to in tariff item 7, point 1, in connection with tariff item 9, but not less than

25 points

and in other cases, the remuneration referred to in tariff item 16.

TI 18

1.

For drafting ordinary and extraordinary legal remedies, an attorney is entitled to the remuneration referred to in tariff item 16, increased by 25%.

VI. Land registry proceedings

TI 19

1.

For drafting land register applications to obtain decisions on the registration, cancellation, subscription or registration of a right, as well as for every hearing, an attorney is entitled to 25% of the remuneration referred to in tariff item 7, point 1.

2.

For the application referred to in point 1, if the value is non-assessable, an attorney is entitled to remuneration of

50 points

3.

For drafting other types of submissions, an attorney is entitled to 25% of the remuneration referred to in tariff item 7, point 1 but not less than

25 points

4.

For drafting legal remedies – an attorney is entitled to the remuneration referred to in points 1 and 2, increased by 25%.

VII. Administrative proceedings

TI 20

1.

Submissions for the initiation of administrative proceedings, submissions

containing points of fact and reasoned motions:

- in non-assessable matters

50 points

2.

In all assessable tax return matters on the basis of the data contained in the books that a taxpayer is obliged to keep, reasoned submissions regarding tax, customs and foreign currency issues, expropriation proceedings, in procedures acquiring location and building permits, in proceedings concerning housing relations, in proceedings concerning the restitution of property confiscated during the Yugoslav communist regime and in all other administrative procedures, remuneration is as referred to in tariff item 7, point 1. The basis for computation is the total income or the value of the assets or the amount of annual rent or lease.

3.

Other submissions – 50% of the remuneration referred to in points 1 and 2 of this tariff item.

TI 21

1.

For representation at hearings in administrative proceedings – the remuneration referred to in tariff item 20, points 1 and 2 and the remuneration referred to in tariff item 35.

2.

For defence in proceedings concerning tax, customs or foreign currency violations – the remuneration referred to in tariff item 20, points 1 and 2, and the remuneration referred to in tariff item 35.

TI 22

For drafting appeals, writs of mandamus and applications for retrial – the remuneration referred to in tariff item 20, points 1 and 2, increased by 25%.

VIII. Administrative disputes

TI 23

1.

For civil actions, answers to civil actions and submissions containing points of fact and points of law:

- in assessable legal matters – the remuneration referred to in tariff item 7, point 1
 - in non-assessable legal matters
- 200 points

2.

Representation at hearings – the remuneration referred to in point 1 of this tariff item.

IX. Entry in the court register

TI 24

1.

Submissions for an entry in the Commercial Court Register on the basis of a deed of incorporation. 50 points

2.

Submissions to introduce changes in the Commercial Court Register. 50 points

3.

For drafting various kinds of acts (deeds of incorporation, articles of association, by-laws and other documents) required for entries in the court register, or for changes to be made to them, remuneration pursuant to tariff item 29, points 1 and 2.

4.

Other submissions in the procedure of Commercial Court registration. 50 points

5.

For legal remedies (ordinary and extraordinary) – the same remuneration as for the submissions referred to in points 1 and 2, increased by 50%.

TI 25

1.

For an action to annul entries in the court register, for answers to such actions and for reasoned submissions on points of fact or points of law, an attorney is entitled to remuneration of 100 points

2.

For hearings at which the main legal matter is discussed or evidence presented, an attorney is entitled to the remuneration referred to in point 1, and for all other hearings where only procedural issues are discussed, or for hearings where prior to discussing the main legal matter, proceedings are brought to an end by withdrawing a civil action, by a settlement or by a judgement by confession – 50% of the remuneration referred to in point 1.

3.

For drafting legal remedies (ordinary or extraordinary) against judgements the remuneration referred to in point 1, increased by 25%, and against a decision – 50% of the remuneration referred to in point 1 of this tariff item.

4.

For representing a shareholder or a company member at a company's general meeting, an attorney is entitled to the remuneration agreed upon with the client, but not less than 50 points for every commenced hour of the duration of the general meeting.

X. The protection of employees' rights vis-à-vis employers

TI 26

In proceedings prior to an employer's decision, an attorney is entitled to the following remuneration:

1.

For reasoned submissions 50 points

2.

For drafting motions for the protection of rights – the remuneration referred to in point 1 of this tariff item.

3.

For draft decisions, when an attorney represents an employer, the same remuneration as in points 1 and 2 of this tariff item.

XI. Proceedings before the Constitutional Court

TI 27

1.

Submissions initiating proceedings before the Constitutional Court, reasoned submissions containing points of fact and points of law 500 points

2.

Other submissions filed in the course of the proceedings – 50% of the remuneration referred to in point 1 of this tariff item.

3.

Representation and participation at court hearings – the remuneration referred to in point 1 of this tariff item.

4.

For hearings where only procedural issues are discussed, or where the proceedings are suspended prior to the discussion of the main legal matter, an attorney is entitled to 50% of the remuneration referred to in point 1 of this tariff item.

XII. Other proceedings

TI 28

For submissions and for representation in cases and in proceedings conducted in accordance with the existing laws and regulations preceding court or administrative proceedings, such as claims for compensation for damages against the state or a municipality, or some other unit of administration, claims against insurance companies, organisations, the social security administration or other legal entities, claims for compensation for damages suffered by unjustly convicted persons or unlawfully detained persons, in proceedings preceding expropriation, or the like – remuneration is determined pursuant to tariff item 7, point 1.

XIII. Miscellaneous

Drafting documents

TI 29

1.

For drafting contracts – the remuneration referred to in tariff item 7, points 1 and 2, increased by 25%.

2.

For drafting documents regarding various non-assessable legal matters:

- partnership articles, joint construction contracts, agreements on the use and maintenance of buildings, contracts on the transformation of aliquot co-ownership into condominiums, contracts on the division of property following divorce, life-maintenance contracts, contracts on surrendering or dividing property during life time, and similar contracts:
 - o if the value of the contract is specified, remuneration is the same as that referred to in point 1.
 - o if the value is not specified in the contract, remuneration amounts to 200 points

3.

For simple and *ex-parte* declarations of will, remuneration amounts to 50 points

4.

For drafting wills 50 points

- for complex declarations of last will, remuneration may be increased by up to 100%.

Legal advice and opinions

TI 30

1.

Oral legal opinion and legal counselling – for every commenced hour 50 points

2.

Written legal advice and written legal opinions containing points of fact and points of law – the remuneration referred to in tariff item 7, points 1 and 3.

Written legal advice or written legal opinions containing points of fact and points of law in non-assessable legal matters – remuneration is not less than 200 points

An attorney is entitled to remuneration for written legal advice and opinions only if the client has asked for them.

If the client has requested a written piece of advice or opinion in a foreign language, an attorney is entitled to additional remuneration for the translation in accordance with the schedule of fees of permanent court interpreters.

For legal instructions, opinions and counselling for the purpose of initiating proceedings and in the course of the proceedings, an attorney is entitled to additional remuneration pursuant to points 1 and 2 of this tariff item.

Participation at conferences

TI 31

For participation at conferences and meetings where points of fact and points of law are discussed with the client, the adverse party and other participants involved in the client's legal matter, an attorney is entitled to additional remuneration of 50 points
for every commenced hour.

Study of case files, ascertainment of finality and enforceability, procurement of documents for the client

TI 32

For studying and reviewing case files in any proceedings, checking the data contained in the land register, records and other public books, for every commenced hour of work, an attorney is entitled to 25 points

For the ascertainment of finality and enforceability of judgements, decisions or payment orders, an attorney is entitled to 25 points

For the procurement of land register certificates, company register or other certificates of an organisation, or for the procurement of other types of documents, an attorney is entitled to 25 points

Letters and reminders

TI 33

For a letter written to the client, to the attorney's substitute, to the adverse party or to other participants in the client's case, such as:

1.

Notices or reminders containing points of fact or instructions, an attorney is entitled to 25 points

per page.

2.

Standardised reminders to the adverse party to pay a specific amount of money, or to fulfil a certain obligation or perform an act, an attorney is entitled to

10 points

XIV. Common provisions

Hourly rate fee

TI 34

Unless otherwise determined in particular tariff items according to which particular services are paid by the hour, remuneration per hour amounts to

25 points

TI 35

For the time waiting for a hearing to begin, or for the court's deliberation period to finish, or for being absent from the law office while travelling for the purpose of a client's case or the like, an attorney is entitled to remuneration of

25 points

for every commenced hour, but for not more than 7 hours per day.

Representing more clients

TI 36

1.

When an attorney defends or represents more clients in the same case, he or she is entitled to a 10% increase of the fee for the second and every additional client, but the increase may not exceed a maximum of 50%. The amount of increased remuneration is divided equally according to the number of defendants or represented clients.

2.

If there is an obvious disproportion in the defence or representation tasks performed for a particular client in relation to other clients defended or represented by the same attorney, he or she may agree with the clients on a different method of computing the fee.

Increase or decrease of tariff items

TI 37

1.

For special professional and expert knowledge needed for the preparation of a case, for a particularly difficult case, or a case involving special responsibility, tariff items may be increased by 100%.

Special professional and expert knowledge is particularly acknowledged in complex cases or proceedings, and in the case of special types of contracts where special knowledge, or the need to study foreign law or legal literature is required, or where it is necessary to study and analyse professional issues in the field of technology, chemistry, natural or physical sciences, medicine, social sciences, the use of a foreign language, or similar tasks.

2.

Taking into consideration all the circumstances of the performed tasks and benefits on behalf of the client, an attorney may reduce individual tariff items by 50%.

Special arrangements regarding remuneration

TI 38

An attorney may make special arrangements for the provision of legal services with a legal person or a self-employed person to be paid in a lump sum, except for the tasks of representation before courts and state bodies.

A contract on legal services paid in the form of a lump sum must be made in writing and it must contain a description of the work and activities an attorney is going to perform for the client.

An attorney must register such a contract with the Croatian Bar Association.

TI 39

An attorney and a client may agree on the amount of remuneration for legal services. Such an agreement must be made in writing. It is not binding on the court when awarding costs to the successful party.

1.

In criminal cases, attorneys may agree with their clients in writing on remuneration based on an hourly rate which may be higher but not lower than the remuneration referred to in tariff item 34.

2.

In property law cases, attorneys may agree with their clients in writing on remuneration based on an hourly rate which may be higher but not lower than the remuneration referred to in tariff item 34.

3.

In property law cases, attorneys may agree with their clients in writing on remuneration in the form of a contingency fee (on the basis of their success in the case, or in the legal actions undertaken on behalf of the client). The upper limit of the agreed percentage must not exceed 30% of the total recovery.

TI 40

For rendering legal services to a Croatian citizen or a Croatian legal person abroad, an attorney is entitled to seek the compensation of costs and remuneration according to the schedule of fees valid in the country where the client is represented, even if the representation is conducted in written form.

TI 41

In non-assessable legal matters not provided for in the tariff items of this fee schedule (e.g. declaratory judgements), or where the value in dispute cannot be determined in any other way, for every legal action undertaken for the client, an attorney is entitled to the following remuneration:

1.

In proceedings before municipal courts and state bodies of the same level 50 points

2.

In proceedings before county and commercial courts and state bodies of the same level 100 points

3.

In proceedings before the Supreme Court of the Republic of Croatia and state bodies of the same level 500 points

TI 42

An attorney is entitled to charge value added tax for all the services rendered to the client.

TI 43

The determination of expenses to be recovered from the adverse party

does not affect the computation of expenses between an attorney and his or her client for the work performed and the expenses incurred in connection with the services.

At the request of the client, an attorney is obliged to make a written specification of remuneration for his or her work, and for the incurred expenses, and he or she must present the fee schedule to the client.

An attorney, appointed by the Croatian Bar Association to represent or to defend an indigent person, is not entitled to seek any remuneration from him or her.

PART TWO

XV. Reimbursement

TI 44

An attorney is entitled to reimbursement for the expenses necessary to perform the tasks entrusted to him or her.

Pursuant to the provisions of the fee schedule, the expenses to be reimbursed include the costs of postal, telephone and banking services, as well as other costs incurred.

TI 45

For the performance of activities outside the seat of his or her law office, an attorney is entitled to compensation of travelling expenses and all other expenses incurred during his or her absence from the law office.

TI 46

An attorney is entitled to compensation of travelling expenses amounting to the fare of a first-class express train or the cost of travel by ship, a business class plane ticket or a sleeping car train ticket, or a cabin-aboard-a-ship ticket if it is a night trip.

An attorney is entitled to the compensation referred to in the previous paragraph in an amount for the travelling expenses for the shortest possible route.

For the use of his or her private car, an attorney is entitled to compensation amounting to 30% of the price per litre of lead-free 98 octane petrol for every covered kilometre.

TI 47

An attorney is entitled to charge a daily allowance (per diem) equal to that of a county court judge in the area where his or her law office is located.

If an attorney needs to travel outside the seat of his or her law office for more than a day, or needs to stay in a hotel, he or she is entitled to a daily allowance and hotel accommodation apart from that of five-star hotels.

PART THREE

XVI. Application of the fee schedule

TI 48

All services performed prior to the entry into force of this fee schedule are subject to the tariff schedule published in the Official Gazette No. 69/93 with amendments published in the Official Gazette Nos 87/93, 16/94 and 11/96 and the tariff schedule published in the Official Gazette 91/2004, with amendments published in the Official Gazette Nos 37/05 and 59/07.

XVII. Adoption of the fee schedule and changes of the value of a point

TI 49

The attorney fee schedule shall be adopted by the Management Board of the Croatian Bar Association.

The value of a single point shall be established by the Executive Board of the Croatian Bar Association.

The newly established value of a point shall become effective on the day of its publication in the Official Gazette.

TI 50

The value of a point is HRK 10.00.

XVIII. Explanation of the application of the fee schedule

The Management Board of the Croatian Bar Association or a body designated by the Management Board shall provide the necessary explanation and interpretation of the fee schedule.

The explanation and opinion regarding the application of the fee schedule shall be given at the request of a client, an attorney, a court or any other authorised body in the country or abroad.

XIX. Entry into force

The fee schedule shall enter into force on the day of its publication in the Official Gazette.

No.: 7460/2009

In Zagreb, 12 November 2009

PRESIDENT
OF THE CROATIAN BAR ASSOCIATION

Leo Andreis