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COSTS OF A CIVIL PROCEEDING PURSUANT TO THE AMENDMENTS TO THE CIVIL PROCEDURE ACT, WITH SPECIAL REFERENCE TO THE LAWYER'S TARIFF DATING NOVEMBER 2023 - IN COURT PRACTICE OF THE REPUBLIC OF CROATIA – DILEMMAS

Summary: *Although the costs of a civil proceeding, as well as interests, are a secondary part of the claim or a secondary part of the main claim, they are very important for the entire civil proceeding. As a rule, the largest item relating to the costs of a proceeding represents attorney's fees, which are calculated pursuant to the Lawyer's Tariff as adopted by the Board of Directors of the Croatian Bar Association, and approved by a competent Minister of Justice and Administration, thus rendering it a by-law. The costs of the procedure are particularly specific in cases of compensation for damages, usually against insurers, in which the plaintiffs succeed in one part of a claim, while the other part is rejected, thus further complicating the calculation of costs. Such a problem does not exist in relation to ownership lawsuits, e. g. when determining the ownership of a field, because in such a procedure the plaintiff either succeeds with a claim in its entirety or is rejected in its entirety. Therefore, in such cases, the court is not required to decide on the costs of a procedure in line with the success ratio of the parties in the procedure (a proportionate part is successful, a majority part is successful or an insignificant part is not successful, etc.), as opposed to the cases dealing with the compensation procedures. Although the legislator certainly regulated the legal framework in part by amending the Civil Procedure Act in 2019, especially the Article 54, it should be pointed out that there is still inconsistency regarding the calculation of costs. There is a particularly large disparity in those cases in which a defendant disputes the basis of a claim or in which the claims are excessive. These issues have been also dealt with by the European Court of Human Rights in its ruling Klauz vs the Republic of Croatia. Although both the Constitutional Court of the Republic of Croatia and the Supreme Court of the Republic of Croatia agreed with this position, which eventually resulted with a slightly reduced punishment of a plaintiff due to an excessive claim, the practice still remains largely uneven. Since one of the main tasks of the Supreme Court is to ensure the uniform application of the law and the equality of citizens, i.e. the equality of all before the law, it is of the paramount importance for the Supreme Court of the Republic of Croatia to become more actively involved in the future (de lege ferenda) and to clarify decisively and clearly, through legal understandings, issues regarding both the calculation of procedure's costs, as well as the application of the Tariff itself and the application of the value of a point in court decisions in order to avoid that each court judges the same issue in a significantly different manner.*

Keywords: *dispute, civil proceeding, parties, proceeding's costs, attorneys, lawyers, success in a proceeding.*