

Track Changes

CORPORATE DIGITAL COMPLIANCE: FOUR STEPS TO PAPERLESS LEGAL COMMUNICATION

This document outlines four steps for paperless legal communication for companies established in Croatia. The first two steps represent mandatory compliance with the relevant legislative changes, while others serve as voluntary guidelines for the implementation of new forms of communication and contracting between business partners.

Mandatory registration with the commercial court registries and e-communication

1 ONLINE CORPORATE COMMUNICATION

- Companies should register an e-mail address with the commercial court registry by 1 September 2020.
- Registered e-mail addresses will be publicly available and will primarily serve as communication between commercial courts and the company.
- The registration process is simple – the company's management should fill in and sign an application template.

2 CROATIAN CIVIL PROCEDURE GOES ONLINE

- The 2019 amendments to the civil procedure rules introduced mandatory e-communication with courts.
- By 1 September 2020, all legal entities registered with the Croatian commercial court registry should request access to the secure platform of e-communication with the courts; this means that the companies should first have the e-signature in place (see step 3 below).
- The platform allows users not only to file and receive submissions via a secure electronic mailbox, but also to review complete case files in digital form.



Additionally, companies should consider implementing e-signatures and online contracting

3 E-SIGNATURE REQUIREMENTS:

- An e-signature legally fully replaces a wet-ink signature which will make document execution more efficient and reduce storage space.
- Even if only one signatory has e-signature in place, signing in counterparts is also allowed.
- Depending on the specific business needs, there are different types of e-signatures, but there are a few important considerations:
 - The most advanced form of e-signature (i.e. qualified signature) is most commonly used, since the identity of the signatory and not only the corporate entity should be confirmed. This form of e-signature offers the highest degree of protection and is legally the equivalent of a handwritten signature;
 - An EU certified provider for qualified signatures should be selected.

4 ONLINE CONTRACTING

- Entry into contract online or via e-mail is legally valid, provided that the parties have agreed on all important elements of the contract. Also, there should be no specific form requirements (i.e. notarization or notarial deed).
- Prior acquisition of e-signatures would make the entire process more secure and transparent.
- Certain restrictions may apply for specific industries or categories (primarily, consumers).

Our team provides full scope advice in relation to all above mentioned corporate digital compliance steps and their implementation.

If you would like to know more about this topic, please contact our experts:



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