

PROTECTION OF PRIVATE SUBJECTS AGAINST THE PUBLIC AUTHORITIES - CROATIA



COMPETENT JURISDICTION

- ▣ administrative jurisdiction
- ▣ four 1st instance administrative courts
- ▣ The High Administrative Court of the Republic of Croatia – the supreme administrative jurisdiction

TYPES OF ACTIONS

- ▣ action for annulment an administrative act (*includes all administrative acts, but acts within the procedure are excluded*),
- ▣ action against the silence of administration,
- ▣ action for performance (*no administrative act is issued, but the administration does something*)
- ▣ action connected to administrative contract

CLAIM FOR DAMAGES

- ▣ must be included in an administrative law action
- ▣ all types of damages can be asked
- ▣ prior annulment of an administrative act is a condition
- ▣ option for a civil procedure

LEGALITY OF A BYLAW

- ▣ request of a party addressed directly to the High Administrative Court
- ▣ the High Administrative Court can initiate this procedure on its own motion (*ex officio*)

CONTENT OF THE JUDICIAL DECISION - I

- ▣ an unlawful act will be annulled
- ▣ an administrative court should, as a rule, replace the disputed act, except when administrative decision is of discretionary nature or when administrative court finds that it is not possible due to the “nature of the issue”
- ▣ annulment has got retroactive effect (*ex tunc*)

CONTENT OF THE JUDICIAL DECISION - II

- ▣ an unlawful bylaw will be repealed
- ▣ the judgement takes effect from the day of publication of the judgement in the Official Gazette (*ex nunc*)

▣ *Thank you for your attention*