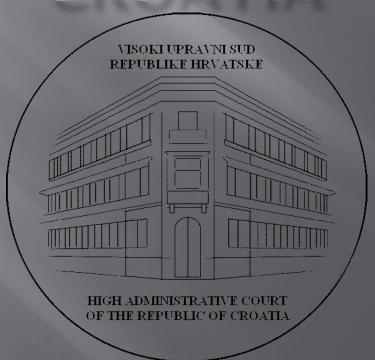
PROTECTION OF PRIVATE SUBJECTS AGAINST THE PUBLIC AUTHORITIES - CROATIA



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an unlawful bylaw will be repealed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