CROATIA

GENERAL ADMINISTRATIVE PROCEDURE ACT (2009)

CROATIAN PARLIAMENT

1065

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby pass the

DECISION
PROMULGATING THE GENERAL ADMINISTRATIVE PROCEDURE ACT

I hereby promulgate the General Administrative Procedure Act, adopted by the Croatian Parliament at its session on 27 March 2009

Class: 011-01/09-01/59
No: 71-05-03/1-09-2

Zagreb, 1 April 2009

President of the
Republic of Croatia

Stjepan Mesić, m. p.

GENERAL ADMINISTRATIVE PROCEDURE ACT

PART ONE
BASIC PROVISIONS

Title I

GENERAL PROVISIONS

Scope

Article 1
This Act regulates the rules pursuant to which bodies of state administration and other state bodies, the bodies of units of local and regional self-government and legal entities vested with public authority (hereinafter: public law authorities) shall proceed and decide on administrative matters within their statutory scope of work.

Administrative Matters

Article 2

(1) Administrative matters are matters in which public law authorities in administrative proceedings decide on the rights, obligations and legal interests of natural or legal persons

or other parties (hereinafter: parties) pursuant to the direct application of laws and other regulations and general acts governing the appropriate administrative field.

(2) Administrative matters are also matters determined by law as administrative matters.

Application of the Act

Article 3

(1) This Act shall apply in proceedings in all administrative matters. Only individual issues of administrative procedure may be regulated otherwise by a separate law, when this is necessary for proceeding in individual administrative areas, and if this is not in violation of the basic provisions and the purpose of this Act.

(2) This Act shall apply in an adequate manner to the conclusion of administrative agreements and to any other action of public law authorities in the field of administrative law, when this has a direct effect on the rights, obligations or legal interests of parties, save as otherwise provided by law.

(3) This Act shall apply in an appropriate manner to proceedings for the protection of the rights or legal interests of parties in cases where legal persons who perform public services (hereinafter: public services providers) decide on their rights, obligations or legal interests, save when the law prescribes judicial or other legal protection.

Parties in administrative proceedings

Article 4

(1) Parties in administrative proceedings are natural or legal persons at whose request proceedings are instituted, or against whom the proceeding are raised or who have the right to participate in the proceedings for the purpose of protecting their rights or legal interests.
(2) Parties may also be bodies of state administration and other state bodies, bodies of units of local and regional self-government or other public law authorities without legal personality and their regional branches, i.e. branches or groups of persons associated by a common interest, provided they may hold the right or obligation which is being resolved in the administrative proceedings.

Principle of legality

Article 5

(1) Public law authorities shall decide on administrative matters on the basis of laws and other regulations and general acts adopted pursuant to public powers defined by law.

(2) In administrative matters, when public law authorities are authorized by law to decide by free assessment, a decision shall be rendered within the boundaries of their authority and in accordance with the purpose for which the authority was granted.

Principle of proportionality in the protection of the rights of parties and the public interest

Article 6

(1) The rights of parties may be limited by actions of public law authorities only when this has been laid down by law and when such actions are necessary for reaching the purpose established by law and in proportion to the goal which is to be reached.

(2) When some form of obligation is imposed on a party pursuant to a regulation, the most favourable measures shall apply to such party for the fulfilment of this obligation, provided such measure meets the purpose of the regulation.

(3) In the conduct of proceedings public law authorities are obliged to enable parties to protect and exercise their rights in the easiest way possible, taking into account the fact that the exercise of their rights may not be to the detriment of the rights of third parties nor in violation of the public interest.

Principle of aid to the party

Article 7

When an authorised official person (hereinafter: official person) finds out in the course of the proceedings or assesses that the party has grounds to exercise some right, the official person shall caution the party thereof, as well as of the consequences of his/her actions or omissions in the proceedings, and shall ensure that the lack of knowledge or the ignorance of the party or other persons who participate in the proceedings shall not be to the detriment of the right to which they are entitled by law.

Principle of establishing the substantive truth

Article 8

In administrative proceedings it is necessary to establish the true state of the matter and to that end all the facts and circumstances which are of importance for the lawful and correct resolution of the administrative matter shall be established.

Principle of independence and free assessment of evidence

Article 9

(1) An official person in a public law authority shall establish the facts and circumstances in proceedings independently and decide on the administrative matter on the basis of the facts and circumstances so established.

(2) The facts and circumstances which will be taken as proven shall be decided by the official person on the basis of his/her own free assessment, on the basis of a conscientious and careful assessment of each piece of evidence separately and of all the evidence together, and on the basis of the outcome of the proceedings as a whole.

Principle of efficiency and cost-effectiveness

Article 10

In administrative matters proceedings shall be as simple as possible, without delay and with the least possible expenditure, but ensuring that all facts and circumstances of importance for the resolution of the administrative matter are established.

Principle of access to data and data protection

Article 11

(1) Public law authorities shall provide parties with access to the necessary data, the determined forms and the web pages of public law authorities and provide them with other announcements, advice and professional help.

(2) Personal and confidential data must be protected in proceedings, in line with the regulations on personal data protection and data confidentiality.

Right of appeal

Article 12

(1) A party has the right of appeal against a first-instance decision or when a public law authority fails to decide on an administrative matter in the determined time limit, save as otherwise provided by law.

(2) An administrative dispute may be instituted against a second-instance decision or against a first-instance decision against which an appeal may not be filed.

(3) A party has the right of appeal against an administrative agreement or other action of a public law authority or public service provider.

Principle of protection of parties' acquired rights

Article 13

A decision of a public law authority against which an appeal may not be filed nor an administrative dispute instituted (final decision), and under which a party acquires a certain right or is imposed certain obligations, may be annulled or alternated only in cases provided for by law.

Official use of language and script

Article 14

(1) Proceedings shall be conducted in the Croatian language and the Latin script.
(2) Proceedings may be conducted in another language or script in official use with the public law authority where the proceedings are conducted, in line with the conditions laid down by regulations adopted pursuant to laws governing the official use of language and script.

Title II
JURISDICTION

Subject-matter jurisdiction

Article 15

(1) The subject-matter jurisdiction of public law authorities shall be established by the laws regulating individual administrative areas or the jurisdiction of public law authorities.
(2) When subject matter jurisdiction cannot be established by law, or by the nature of the administrative matter, subject-matter jurisdiction shall lie with the body of state administration of the first instance, whose scope of work includes general administrative affairs.

Territorial jurisdiction

Article 16

(1) Territorial jurisdiction shall be established by laws and regulations on administrative territorial division, or the organization of public law authorities.

(2) When territorial jurisdiction is not established by laws and regulations, territorial jurisdiction shall be established:

1. in matters concerning real-estate, according to the location of the real estate concerned,

2. in matters concerning ships and aircraft of Croatian flag, or in matters in which the reason for conducting the administrative proceedings arises on a ship or aircraft, according to the home port of the ship or aircraft,

3. in matters concerning the business or other activities of the party, according to the seat of the party or the place where the business is conducted or should be conducted,

4. in matters relating to the activities of public law authorities or legal persons, according to the location of their seat, or the seat of their branch unit, when the activities relate to that unit,

5. in other matters, according to the permanent residence of the party. If the party does not have permanent residence in the territory of the Republic of Croatia, jurisdiction shall be determined according to his/her temporary residence, and if he/she has no temporary residence, according to the place of his/her last permanent or temporary residence in the territory of the Republic of Croatia.

(3) When territorial jurisdiction cannot be established in the prescribed manner, territorial jurisdiction shall be determined according to the place where the reason for the conduct of administrative proceedings arose.

Binding nature of rules on subject-matter and territorial jurisdiction

Article 17

(1) Subject-matter and territorial jurisdiction cannot be changed by mutual agreement

between public law authorities, the public law authorities and the parties, or the parties alone.

(2) Public law authorities are obliged ex officio to pay attention to their subject-matter and territorial jurisdiction throughout the entire administrative proceedings.

(3) When there is a threat of deferral and the body of territorial jurisdiction can not take the necessary urgent action, another body of subject-matter jurisdiction may take an action outside of the area of its territorial jurisdiction. It shall immediately inform the public law authority with territorial jurisdiction of the action taken.

Actions of public law authorities without jurisdiction upon petitions

Article 18

(1) When a public law authority does not have jurisdiction to receive a petition filed personally by the applicant or a statement for the record, the official person shall warn the applicant thereof and refer him/her to the body with jurisdiction. If the applicant persists in demanding that his/her petition be accepted, the official person shall be obliged to accept the petition and send it without delay to the body with jurisdiction and inform the party accordingly.

(2) When an official person receives a petition from a party, and from the petition it can not be determined which body has jurisdiction to deal with the petition, a decision shall be rendered without delay to dismiss the petition due to the lack of jurisdiction and be delivered to the party accordingly.

Conflict of jurisdiction

Article 19

(1) When two or more public law authorities declare themselves to have or to not have subject-matter or territorial jurisdiction in the same administrative matter, a decision on which body has jurisdiction to resolve that administrative matter shall be made by the competent public authority of the second instance whose scope of work includes the administrative matter concerned, and when there is no such body, the central body of state administration competent for general administrative affairs shall decide on the conflict of jurisdiction.

(2) When there is a conflict of jurisdiction between bodies of state administration and other state bodies, or bodies of state administration and bodies of local and regional self-government, or other state bodies and bodies of local and regional self-government, the court competent for resolving administrative disputes shall decide on the conflict of jurisdiction without delay.

Conflict of jurisdiction resolution

Article 20

(1) A jurisdiction resolution procedure shall be instituted at the request of the body which last decided on jurisdiction or upon request of a party.

(2) The body deciding on the conflict of jurisdiction shall simultaneously annul the decision brought by the public law authority without jurisdiction or annul a decision under which the competent public law authority declared its lack of jurisdiction and submit the case to the body concerned for decision. An appeal may not be filed nor an administrative dispute instituted against a decision resolving jurisdiction matters.

Joint decisions in administrative matters

Article 21

(1) When it is prescribed that two or more public law authorities shall take part in resolving an administrative matter, each of them is obliged to proceed in the matter concerned. Public law authorities shall reach an agreement on which body shall reach a decision in the administrative matter, which shall include the decisions of other public law authorities.

(2) When it is prescribed that a public law authority shall decide on the basis of consent, certificate, approval or opinion of another public law body, that body shall issue such document or refuse to issue it within 30 days from receipt of an orderly issuance application.

(3) When a public law authority fails to decide within the set time limit on the application to issue a consent, certificate, approval or opinion, it shall be deemed that such document has been issued to the benefit of the party, save as otherwise prescribed.

Single administrative place

Article 22

(1) When, in order to exercise the right of a party, it is necessary to conduct several administrative or other proceedings, the party shall be granted the possibility to file at one single administrative place all its requests which shall, ex officio and without delay, be delivered to the competent public law authorities.

(2) Parties and other interested persons may at one single administrative place receive prescribed forms, notices, advice and other assistance falling within the scope of the public law authority.

(3) The receipt of parties' requests at one single administrative place shall not affect the subject-matter or territorial jurisdiction of public law authorities when deciding in administrative and other proceedings.

Title III
OFFICIAL PERSON

Official person

Article 23
(1) In administrative proceedings, an official person shall act within the scope laid down for conducting the proceedings concerned by regulations determining the organisation of the public law authority concerned.

(2) An official person conducting proceedings or deciding in administrative matters in a public law authority shall have the appropriate degree of education, the necessary work experience and shall have passed the state professional exam.

(3) When in a public law authority there is no person authorised to decide in administrative matters, the decision shall be rendered by the head of the body.

Exemption of official persons

Article 24

(1) The head of the body shall exempt by a conclusion an official person from conducting proceedings, i.e. from deciding in administrative matters, when in the administrative matter concerned the official person is:
1. a party, a co-beneficiary or co-obligor, a witness, an expert witness or authorised representative,
2. a direct blood relative to the party or the authorized representative, or an indirect relative to the fourth degree exclusively, a spouse or relative by marriage to the second degree, even after the termination of marriage,
3. related to the party or the authorized representative in the capacity of guardian, adoptive parent or adopted child.

(2) The head of the body shall exempt by a conclusion an official person from conducting second-instance proceedings when the official person concerned participated in first-instance proceedings.

(3) The head of the body shall exempt by a conclusion an official person from conducting proceedings i.e. from deciding:
1. if the official person and the party or its authorized representative are in a close personal relationship,
2. if the official person and the party are in an economic or other business relationship,
3. if the official person acts towards the party in a discriminatory manner,
4. if other reasons which would cast a doubt on the official person's impartiality are determined.

(4) Each person taking part in proceedings shall inform the head of the public law authority without delay of the reasons for exemption of an official person.

(5) The head of the second-instance public law authority shall, ex officio or at the request of a party, by a conclusion decide on the exemption of the head of the first-instance public law authority and when there is no such body, the body conducting supervision over the public law authority concerned shall decide on the exemption.

(6) The official person who will decide on the administrative matter or conduct particular actions in the proceedings related to the matter in which the exemption was determined shall be set by the conclusion on exemption.

Decision-making by a college of bodies

Article 25

(1) A college of public law bodies may decide in administrative matters by a majority vote

of all members, save as otherwise prescribed.

(2) A public law college of bodies may authorise in writing an official person in this body to decide in administrative matters up to the point of reaching the decision. In this case, the official person shall submit a written report to the college of public law bodies on the proceedings conducted and propose a draft decision in the administrative matter concerned.

Title IV

LEGAL ASSISTANCE IN ADMINISTRATIVE MATTERS

Legal assistance

Article 26

(1) Public law authorities are obliged to provide legal assistance to other public law authorities, within the boundaries of their scope of work and jurisdiction.

(2) A public law authority shall request legal assistance when it requires information on facts, documents, data or other evidence available to another public law authority or when for other justified reasons it is unable to undertake the necessary actions in administrative proceedings alone or in good time.

(3) Legal assistance shall also be sought when a public law authority would be able to undertake certain actions in the administrative proceedings alone but less effectively or at significantly higher cost.

(4) A public law authority may request courts to furnish files, documents or information which are needed for the conduct of proceedings.

(5) Legal assistance may also be sought from bodies of another state pursuant to the provisions of international agreements, and when no such agreements have been concluded, the principle of reciprocity shall apply. The central body of state administration responsible for foreign affairs shall clarify the existence of reciprocity.

Provision of legal assistance

Article 27

(1) Legal assistance shall be requested from a public law authority or a court in relation to facts, documents, data or other evidence of which it disposes (hereinafter: the requested body), and when certain administrative actions have to be taken, save as otherwise prescribed, legal assistance shall be sought from the public law authority of fist instance with territorial jurisdiction for undertaking the action which is subject to legal assistance.

(2) Legal assistance shall be provided no later than eight days following the date of request.

Refusal to provide legal assistance

Article 28

(1) A requested body may refuse to provide legal assistance only when this is prescribed by law.

(2) When the requested body determines that it must refuse to provide legal assistance in the case concerned, it shall inform thereof, without delay, the public law authority which has requested the legal assistance, providing reasons for the refusal to provide legal assistance.

Costs of legal assistance

Article 29

(1) No fee shall be paid for the legal assistance provided when the costs of legal assistance are reimbursed from the State budget.

(2) When the costs of the legal assistance provided by the requested body are reimbursed from other financial sources, the public law authority requesting the legal assistance shall reimburse them to the requested body.

(3) The costs of legal assistance which are reimbursed to the requested body shall form part of the overall costs of the proceeding.

Title V

PARTICIPATION BY PARTIES IN PROCEEDINGS

Statements by parties

Article 30

(1) In the course of proceedings parties must be given the opportunity to make a statement on all circumstances, facts and legal issues which are important for resolving the administrative matter.

(2) Proceedings may be conducted without giving the party the opportunity to make a statement when the application made by the party is accepted or when a decision in the proceedings has no negative effect on the legal interests of the party, or when this is prescribed by law.

Procedural capacity of parties

Article 31

Actions in proceedings may be undertaken by:
1. persons with full business capacity,
2. persons with limited business capacity when their limited business capacity is determined by law in the administrative matter which is the subject of the proceeding.

Representation of parties

Article 32

(1) In proceedings a party may be represented by a person authorized for representation, a legal representative, a temporary representative, a joint representative or an authorised representative (hereinafter: person authorised to represent the party). The person authorized to represent the party shall submit proof of his/her authorization to represent the party, and when additional conditions in relation to the form of authority are laid down by law, the authorisation must be given according to such conditions.

(2) In the course of proceedings an official person shall always address the person authorised to represent the party, when such person has been appointed. Exceptionally, when this is necessary to establish the facts and circumstances in the proceedings, the official person may request the direct attendance or another form of participation by the party in the proceedings. When an official person requests the direct attendance or another form of participation by the party in the proceedings, he/she shall simultaneously inform thereof the person authorized to represent.

(3) The provisions of this Act which relate to parties shall apply, as appropriate, to persons authorised to represent parties.

Legal representative

Article 33
(1) For parties without procedural capacity, actions in the proceedings shall be undertaken by their legal representative.

(2) When an official person suspects that a party is hindered by reasons of health or other circumstances from undertaking actions in the proceedings, he/she shall propose, without delay, to the competent public law authority or court to appoint an authorised representative, according to law.

(3) When an official establishes that the legal representative of the party is not investing sufficient attention in his/her representation, he/she shall inform thereof the body which appointed him/her or which supervises the work of the legal representatives, and appoint an interim representative.

(4) A legal person shall be represented by its legal representative or authorised representative.

Interim representatives

Article 34

(1) When a party without procedural capacity has no legal representative or an action in proceedings has to be taken with urgency against a person whose permanent residence, temporary residence or seat is not known, and who has no authorised representative, such party shall by a conclusion be appointed an interim representative.

(2) An interim representative shall also be appointed to a party whose identity and address are known but who is currently outside the territory of the Republic of Croatia and who has

failed to appoint an authorized representative at the request of the official person within the set time limit. The authorised person shall inform the party thereof without delay.

(3) When the party is unknown, the conclusion on the appointment of an interim representative shall be publicised in the official gazette, on the notice board and the web page of the public law authority, or in some other appropriate manner. The authority of the interim representative shall cease when the party or a person authorized to represent the party appears at the proceedings, or when the party appoints an authorized representative in writing.

(4) When the interests of a party, or the protection of life and health or property of greater value seek the urgent conduct of procedural actions and when the participation of a party or an authorized representative of the party in the conduct of such actions is not possible, or it involves unreasonable costs, an interim representative only for such actions shall be appointed and the party or the authorized representative shall be informed thereof without delay.

(5) An interim representative shall take part in the proceedings or undertake actions for which he/she has been appointed until the person authorised to represent the party is determined or until the actions for which he/she is appointed are undertaken.

Joint representative and joint authorised representative

Article 35

(1) When two or more parties in the same case appear jointly, they shall indicate which of them will appear as the joint representative or appoint a joint legal representative.

(2) When the parties do not appoint a joint representative or issue a joint power of attorney, the official person shall order the parties by a conclusion to do so within an appropriate time limit. When the parties fail to do so, the official person shall ex officio by a conclusion appoint one of the parties as the joint representative who shall undertake actions in the proceedings until the parties appoint another joint representative or issue a power of attorney.

(3) In the event a joint representative is determined or a joint power of attorney issued, each party retains the independent right to act in such proceedings.

Representative by power of attorney

Article 36

(1) A party or its legal representative may grant a power of attorney to a person who will represent him/her. The power of attorney may be granted to an attorney, law firm or other legal person who may provide representation to the party pursuant to law, or to any other person with full business capacity, save for those who offer unlicensed legal services.

(2) An official person shall deny by a decision the participation in proceedings to a person whom he/she considers to be offering unlicensed legal services. An appeal against such decision shall not defer its execution. Actions taken by such representative after a decision on the denial of representation of a party in proceedings is reached shall be null and void.

(3) The actions undertaken in proceedings by a person with a power of attorney, within the limits of the power granted, shall have the same legal effect as if they were taken by the parties themselves.

(4) A party may independently make statements or undertake other actions in the proceedings even when an agent has been appointed in the proceedings.

(5) A party which is present when the agent is giving an oral statement may amend the statement immediately after the statement is given or revoke the agent's statement. The party may, up until the rendering of the decision in the administrative matter, revoke in writing or orally individual or all the actions undertaken by the agent in the administrative proceedings. The costs of the administrative proceedings which arise as a result of this revocation shall be borne by the party.

(6) Repeal of the power of attorney shall produce effect from the moment when the repeal of the power of attorney has been received by the official person in writing or orally on the records.

Process agent

Article 37

(1) When a party has appointed a person to receive communications (process agent), he/she shall inform the public law authority thereof.

(2) When the person at whose request proceedings have been instituted is abroad and has not appointed a process agent in the Republic of Croatia, such person shall appoint a process agent with permanent residence in the Republic of Croatia. Should he/she fail to do so, the request shall be dismissed by a decision.

Expert assistant

Article 38

(1) A party may have an expert assistant in the oral hearing, at an on-site inspection or in other actions in the proceedings.

(2) An expert assistant is a person who helps the party in clarifying certain specific issues which arise in the proceedings.

(3) An expert assistant does not represent the party.

Death of the party, termination of the legal person

Article 39

(1) When in the course of the proceedings a party dies or a legal person ceases to exist, proceedings may be suspended or continued, depending on the nature of the administrative matter which is subject of the proceedings.

(2) A decision on the suspension of proceedings shall be delivered to the inheritors or legal successors. When inheritors or legal successors are unknown, the decision shall be publicly

announced in the official journal.

PART TWO
INSTITUTION AND CONDUCT OF ADMINISTRATIVE PROCEEDINGS

Title I

INSTITUTION OF PROCEEDINGS

Methods of instituting proceedings

Article 40
(1) Administrative proceedings shall be instituted at the request of a party or ex officio.
(2) When proceedings are instituted at the request of a party, proceedings shall be considered to be instituted at the moment when an orderly application has been filed with the public law authority.
(3) When proceedings are instituted ex officio, the proceedings shall be considered to be instituted at the moment when an official person in a public law authority undertakes any action with a view to conducting the proceedings ex officio.

Instituting proceedings at the request of a party

Article 41

(1) An application to institute proceedings may be directly filed by a party with a public law authority in writing or by an oral statement on the records, it may be sent by mail or by e-mail.

(2) When an official person determines that there are no legal grounds for instituting the proceedings, he/she shall dismiss the application by a decision.

(3) When a party puts forward various requests within the same submission, each one shall be dealt with separately. When another public law authority is competent for ruling on any of these requests, rules governing actions upon submissions of bodies without jurisdiction shall apply.

Instituting proceedings ex officio

Article 42

(1) Proceedings shall be instituted ex officio when this is laid down by law or when this is necessary for the protection of the public interest

(2) When assessing the existence of circumstances for instituting proceedings ex officio, the public law authority shall take into consideration written petitions and other notifications which indicate the need to protect a public interest.

(3) When an official person establishes that the conditions for instituting proceedings ex officio do not exist, he/she shall inform the applicant thereof as soon as possible, and no later than within 30 days following the day the petition or notification was filed.

(4) The applicant has the right to lodge a complaint to the public law authority from which

he received a notice effusing his/her application to institute proceedings within eight days following the receipt of the notice and in the event he received no reply in the prescribed time limit.

Institution of proceedings by public announcement

Article 43

(1) A public law authority may institute proceedings by a public announcement when the parties are unknown or when such method of instituting proceedings has been laid down by law.

(2) A public announcement must contain an indication of the administrative matter concerned, a definition of the persons to whom it relates, the manner of participation by such persons in the proceedings, a list of documents which they need to send or personally deliver to the public law authority and a caution on the consequences of failing to respond to the public announcement within the set time limit.

(3) The parties must be given a time limit of no less than 30 days to respond to the public announcement.

(4) A public announcement shall be published in the appropriate official gazette, through the media, or in other appropriate ways which will enable the people invited to learn about the public announcement.

Merger and separation of administrative matters

Article 44

(1) Two or more administrative matters may be merged into a single proceeding when the rights or obligations of the parties are based on the same legal basis and on the same or similar factual basis, and when the public law authority conducting the proceedings has subject-matter and territorial jurisdiction to conduct all those proceedings.

(2) If there is a change in the circumstances on the basis of which the matters were merged into single administrative proceedings, the proceedings shall be separated by a conclusion.

Amendments of the application

Article 45

(1) Before the rendering of the first instance decision in the administrative matter a party may amend his/her application or file another one, when such applications are based on the same or essentially similar facts.

(2) When an official person determines that the conditions for amending the filed application or for filing of another application do not exist, a decision dismissing the party's application shall be rendered.

Withdrawal of the application and termination of proceedings

Article 46

(1) In the course of proceedings a party may withdraw his/her application in writing, orally on the records or by e-mail.

(2) If the party withdraws the application, a decision on the termination of proceedings shall be adopted.

(3) A decision on the termination of proceedings shall also be adopted ex officio when it can be concluded from the actions of the party or other circumstances that the party has withdrawn the application.

(4) Proceedings shall be continued when the continuation of proceedings is in the public interest or when this is required by the counter-party.

(5) When it is determined in the course of proceedings that there are no more legal grounds for conducting the proceedings, the proceedings shall be terminated by a decision.

Title II
PROCEDURE FOR RESOLVING ADMINISTRATIVE MATTERS

Establishing facts

Article 47

(1) An official person shall establish all the facts and circumstances which are essential for deciding in the administrative matter.

(2) An official person shall acquire ex officio information on facts for which official records are kept by the public law authority before which the proceedings are conducted or by another public law authority or court.

(3) A party is obliged to declare the precise, true and specific factual situation on which the request is based. When generally known facts are not in question, the party is obliged to offer and when necessary produce evidence to support his/her statements. When a party fails to do so, an official person shall invite the party by a conclusion to do so in an appropriate time limit.

(4) When a party fails to supply the requested evidence within the set time limit, and the proceedings have been instituted at the party's request, an official person shall assess of what importance this is for deciding in the administrative matter. If the party's request can not be resolved without such evidence, the request shall be rejected by a decision.

(5) When a party fails to submit the requested evidence within the set time limit, and the proceedings have been instituted ex officio or at the counter-party's request, an official person shall continue the proceedings and decide in the administrative matter.

Direct deciding

Article 48

An official person of a public law authority may decide in administrative matters without producing evidence hearings when there are no parties with opposing interests in the proceedings (direct deciding).

Direct deciding in proceedings instituted ex officio

Article 49

An official person may directly decide an administrative matter in proceedings instituted ex officio:
1. when the real state of facts can be determined on the basis of official data available to public law authorities and a special statement of the party is not necessary to protect its rights or legal interests,
2. when this is necessary to take urgent actions for the purpose of protecting the life and health of people or property of greater value which can not be deferred, when this is in the public interest, and when the facts on which the decision is based have been determined or at least made credible.

Direct deciding in proceedings instituted at the request of parties

Article 50

An official person may directly decide an administrative matter in proceedings instituted at the request of parties:
1. when the party in its request stated all the facts or submitted the evidence necessary to determine the real state of facts or when the state of facts can be determined on the basis of generally known facts or official data available to the public law authority,
2. when it has been laid down that the matter can be decided on the basis of facts or circumstances which have not been fully proven or have been indirectly proven by evidence so that the facts or circumstances have been proven possible, and from the circumstances of the case it ensues that the party's request can be met.

Inquiry procedure
Article 51

(1) The inquiry procedure shall be conducted when this is necessary in order to determine the facts and circumstances which are necessary in order to establish the true status of the matter, when two or more parties with opposing interests take part in the proceedings and when this is necessary for the parties to exercise and protect their rights and legal interests.

(2) An official person shall order the presentation of evidence if he/she finds that this is necessary in order to clarify the matter and that this could supplement the circumstances, and present evidence of facts which were not presented earlier in the proceedings or which were presented but not yet confirmed, and which are necessary in order to establish the true status of the matter.

Rights and duties in the inquiry procedure

Article 52

(1) A party has the right to participate in the inquiry procedure up until the reaching of the decision on the administrative matter, to give statements, present facts and circumstances which are important for deciding in the administrative matter and dispute the accuracy of statements which are contrary to its own.

(2) An official person must render it possible for a party to make declarations on any circumstances and facts which were presented in the inquiry procedure, on proposals to produce evidence and on the evidence submitted, to participate in the presentation of evidence and to set questions to other parties, witnesses and expert witnesses through the official person, or directly upon prior approval of the official person, and to get informed of the results of the evidence produced and make declarations on such results.

(3) A party can make statements orally on the records or in writing. In complex administrative matters an official person may order a party to submit a statement in writing, which does not exclude the party's right to make an oral declaration.

(4) A party is obliged to take part in determining the facts which are important for deciding in the administrative matter and make personal statements when so asked by the official person or when required under law.

Subsequent recognition of party status

Article 53
When in the course of proceedings a person who has not participated in the proceedings requires to be recognised the right of a party to the proceedings concerned, the official person shall examine such person's right to participate in the proceedings as a party and render a decision on this. An appeal against such decision shall not stay the proceedings.

Oral hearing

Article 54

(1) Oral hearings shall be scheduled by a conclusion:
1. in administrative matters in which two or more parties are involved with opposing interests,
2. when it is necessary to undertake an on-site inspection or hear witnesses or expert witnesses,
3. in other cases when this is useful for deciding on the administrative matter.

(2) Oral hearings are public. As an exception, an official person may, ex officio or upon a proposal by a party, exclude the public from the hearing by a conclusion if this is required for the protection of privacy, public morals or public security, or when there is a serious and immediate danger of disturbance of the hearing.

(3) In the conduct of the hearing, an official person shall provide for the parties the right to take part in the hearing and give them and other persons who take part in the hearing the opportunity to supplement statements during the hearing, and to make comments on the statements of the opposing party and all other facts and circumstances of importance for

deciding in the administrative matter.

(4) Hearings shall be held at the premises of the public law authority. As an exception, an oral hearing may also be conducted at the location of an on-site inspection or in some other appropriate place if this is necessary to reduce the costs of the proceedings or for a more thorough, quicker or simpler discussion of the matter.

(5) If a party who has received an orderly summons fails to appear at the hearing for no justified reason, the official person may conduct the hearing in their absence. If the party at whose request the proceedings were instituted fails to appear at the hearing, having received an orderly summons, and from the entire status of the matter it may be assumed that the party has withdrawn the motion, the official person conducting the proceedings shall terminate the proceedings by a decision.

(6) The official person shall caution a person who disturbs the course of the hearing by their inappropriate behaviour, and if that person continues to disturb the hearing, such person may be fined with a pecuniary fine equalling 50% of the average annual gross salary in Croatia in the previous year. Should such person continue to disturb the hearing, he/she may be removed from the hearing. An appeal against the decision on the pecuniary fine does not postpone the enforcement of the decision.

Preliminary issue

Article 55

(1) When in the course of deciding in the administrative matter there is a preliminary issue that makes an independent legal component, which needs to be resolved in order to decide in the administrative matter, an official person may resolve this issue or stay the proceedings by a decision until the competent court or public law authority resolves the issue concerned.

(2) Proceedings shall be stayed when the prior issues relates to the existence of a criminal offence, the existence of marriage, the establishment of paternity or maternity or in other cases laid down by law. When the prior issues relates to a criminal offence and there is no possibility of criminal prosecution, the official person shall also assess that particular issue.

(3) The official person is bound by the legally effective decision of the competent body by which the preliminary issue was resolved.

Resolving preliminary issues
Article 56

(1) When an official person has resolved a preliminary issue, the decision on the preliminary issue shall produce legal effect only in the administrative matter concerned.

(2) When an official person does not undertake to resolve the preliminary issue, and proceedings to resolve the preliminary issue which may be conducted ex officio have not yet been instituted before the competent court or with the competent public law authority, the official person shall request the competent public law authority to institute proceedings, save as otherwise provided by law.

(3) In a matter in which proceedings to resolve a preliminary issue are to be instituted before the competent court or with the competent public law authority at the request of a party, the official person may order the party by a conclusion to institute proceedings before the court or with the public law authority within an appropriate time limit for the resolution of the preliminary issue, and to provide evidence that he/she has done so. The official person shall caution the party of the consequences of failure to do so.

(4) When the proceedings have been instituted at the request of a party, and this party fails to provide evidence of filing a request for resolving a preliminary issue, it shall be deemed that he/she has relinquished the application and the proceedings shall be terminated by a decision.

(5) Proceedings which have been stayed for the resolution of a preliminary issue before the competent court or the competent public law authority shall be continued when a decision on the preliminary issue becomes final. Proceedings may be continued ex officio even without a final decision on the preliminary issue, when an official person assesses that there is any reason to continue waiting for a legally effective resolution of a preliminary issue before the competent court or public law authority, save in cases where proceedings have to be stayed.

Settlements

Article 57

(1) When two or more parties with opposing interests are participating in the proceedings, the official person shall endeavour to reach a settlement between the parties throughout the entire course of the proceedings, whether completely or regarding individual disputed issues.

(2) Settlements contrary to regulations, the public interest and the rights of third persons are impermissible.

(3) A settlement shall be considered to be concluded after the parties read and sign the minutes. A certified copy of the minutes shall be given to the parties.

(4) When a settlement fully resolves an administrative dispute the official person shall terminate the proceedings by a decision

(5) When the settlement relates only to individual disputed issues, the official person shall, in the disposition of the decision, indicate the existence of the settlement on such issues.

(6) A settlement shall have the power of an enforcement decision rendered in an administrative proceeding.

Title III
PROVISION OF EVIDENCE

Evidence

Article 58
(1) In proceedings an official person shall establish the facts of the case by all means eligible for producing evidence, and to that end may obtain documents, hear witnesses,

obtain the findings of expert witnesses and carry out on-site inspections.

(2) It is not necessary to prove facts of which public law authorities keep official records, generally know facts, facts that are known to the official person or facts which regulations assume, but it is permitted to prove the lack of these facts.

Securing of evidence

Article 59
(1) An official shall secure the evidence ex officio or upon a motion by a party.

(2) When the proceedings are instituted ex officio and there is a reasonable doubt that it will not be possible to present specific evidence later in the course of the proceedings or its presentation will be more difficult, for the purpose of securing evidence such evidence may be presented throughout the entire course of the proceedings, even before proceedings have been instituted.

(3) Before the proceedings are instituted, the competent body of state administration in the first instance with jurisdiction for general administrative affairs in the territory where the object which needs to be examined is located, or where the person who needs to be heard is staying, or another public law authority which has been asked to provide help, shall be responsible for the securing of evidence, save as otherwise prescribed.

(4) A decision shall be rendered on the securing of evidence and it shall not stay the proceedings.

Documents

Article 60
(1) Evidence shall be produced by public or private documents. Documents may also be in electronic form.

(2) For the purposes of this Act, a public document shall be a document issued by competent courts or public law authorities within the limits of their jurisdiction and in the prescribed form. Public documents prove the facts they certify or confirm.

(3) If there is a doubt about the authenticity of a document, the official person shall ex officio or at the request of a party check the authenticity of that document with the court or public law authority which issued that document.

Obtaining documents
Article 61

(1) A party or another person who is in possession of a document required as evidence in proceedings is obliged to permit examination of the document at the request of the official person.

(2) If a natural person who is in the possession of a document refuses to allow an official person to inspect such document without justified reason, a decision on a pecuniary fine in the amount of 50% of the average annual gross salary in the Republic of Croatia in the last year may be imposed on such natural person. If a legal person who is in the possession of a document refuses to allow an official person to inspect such document without justified

reason, a decision on a pecuniary fine in the amount of three average annual gross salaries in the Republic of Croatia in the last year may be imposed on the responsible person of such legal person. An appeal against the decision on the pecuniary fine shall not defer the enforcement of the decision.

Witnesses

Article 62
(1) Any person who is considered to have knowledge on certain facts and who can present his/her knowledge on such facts can be a witness.

(2) Summons shall be delivered to a witness in writing eight days before the day of giving testimony.

Obligation to testify

Article 63

(1) Anyone summoned as a witness is obliged to testify.

(2) Witnesses shall be instructed that they have the right to refuse to testify or answer certain questions by which they would expose themselves, their direct relatives, or indirect relatives to the third degree, a marriage partner or relatives by marriage to the second degree, even after the marriage has ended, or guardians and wards or adoptive parents and adopted children to criminal prosecution, serious disgrace or significant material harm.

(3) Witnesses shall be instructed that they have the right to refuse to answer certain questions which they could not answer without violating a secret established by regulations and especially issues regarding what the party has confided to them as their attorney or confessed to them as a religious confessor.

(4) A witness may not, due to the danger of material damage, refuse to testify on legal issues where he/she was present as a witness, minute taker or mediator, or about activities he/she undertook in relation to disputed relations as a legal predecessor or representative of one of the parties or on other activities which he/she is bound to report or make a statement on pursuant to law.

(5) When assessed as necessary by an official person, a witness shall be bound to demonstrate the justification of the reasons why he/she refuses to testify or answer specific questions.

Hearing of witnesses

Article 64

(1) Witnesses shall be heard without the presence of the other witnesses. When several witnesses are called, a witness who has been heard may not leave the official premises of the public law authority or the location of the on-site inspection without permission, before the other witnesses have been heard. A witness who has been heard may be heard again or confronted with other witnesses if their testimonies do not correspond.

(2) A witness, who due to illness or other justified reason can not respond to the summons,

may be interviewed at his/her home or in some other appropriate place.

(3) If the witness does not speak the language in which the proceedings are being conducted, he/she shall be heard through an interpreter. If the witness is deaf, the witness shall be interrogated in writing, and if he/she is mute, he/she shall answer in writing. If the witness cannot be interrogated in that manner, a person who is able to communicate with the witness shall be called in as interpreter.

(4) The following personal data shall be obtained from the witnesses: personal name, date and place of birth, occupation and place of residence or temporary residence if he/she does not have permanent residence in the Republic of Croatia, and relationship to the parties.

(5) If the official suspects that there are specific reasons which bring the objectivity of the witness into doubt, the witness shall be interrogated on those circumstances.

(6) Witnesses shall be previously cautioned that they are obliged to tell the truth, that they must not conceal anything. The consequences of giving false testimony shall be explained.

(7) Witnesses shall only be asked questions about the administrative matter which is the subject of the proceedings and they shall be called to state all they know about it. It is not permitted to ask questions in a way that indicates how they are to be answered.

(8) When the witness is a minor, he/she shall be heard in the presence of his legal representative.

Expert testimony

Article 65

(1) When specialized professional skills, which official persons do not dispose with, is necessary in order to establish or assess certain facts of importance for a decision in the administrative matter, evidence may be produced by expert testimony.

(2) An official person shall order an expert testimony ex officio or upon a motion by a party. A person who is of the appropriate profession and who is authorised to render expert opinions within the relevant profession or who is registered as an expert witness shall be appointed by a conclusion as an expert witness. If such a person is not available, another person who has the appropriate knowledge needed to give expert testimony may be appointed as an expert witness. The parties shall always be heard previously regarding the expert witness.

(3) If the costs of presentation of testimony by expert witnesses would be disproportionate to the value of the case, the administrative matter may be resolved on the basis of other evidence, without expert testimony.

(4) A person who does not qualify to be a witness can not be appointed as an expert witness.

Rules of expert testimony

Article 66

(1) Expert testimony may be heard at a hearing. The expert witness may also be ordered to undertake expertise outside the hearing, in which case the expert witness shall be ordered to send his/her findings and opinion in writing within an appropriate time limit and to explain his/her findings and opinion at the hearing.

(2) Before starting to give testimony the expert witness must be cautioned that he/she is obliged to consider the subject of the testimony with care and in his/her findings precisely state what he/she observed and established and present his/her reasoned opinion without bias and in accordance with the rules of the profession or skill.

(3) When the expert testimony is not heard at the hearing, the official person shall determine the subject of the expert testimony or the person or thing that needs to be examined and in what sense.

(4) When the expert witness presents his/her findings and opinion, the official person and parties may ask him/her questions and request explanation of the findings and opinion presented.

(5) When several expert witnesses have been engaged, they may give their findings and opinions jointly. If they do not agree, each of them shall present their findings and opinion separately.

(6) When the findings or opinion of the expert witness are not clear or complete, if the findings and opinion of two or more expert witnesses are significantly different, if the opinion of the expert witness is not sufficiently explained, or if a reasonable doubt arises regarding the accuracy of the opinion given, and if these failings cannot be resolved even by hearing the expert witness again, the expertise shall be repeated by other expert witnesses and the opinion may also be sought of a scientific or professional institution.

(7) The opinion of a scientific or professional institution may also be requested when due to the complexity of the case or due to the need to undertake analysis it may be reasonably assumed that a more accurate opinion may be obtained in that way.

Pecuniary fines for witnesses and expert witnesses

Article 67

When a witness or expert witness fails to appear at a hearing for no justified reason or refuses to testify or provide expert testimony or if the expert witness does not send in his/her findings and opinion in writing within the time limit given for no justified reason, the official person may impose a fine on them in the amount of 50% of the gross salary in the Republic of Croatia in the previous year and order them to bear the costs incurred from their omission. An appeal against the decision on the fine shall not defer the enforcement of the decision.

On-site inspections

Article 68

(1) On-site inspections shall be conducted when direct observation by the official person is necessary to establish certain facts or to clarify important circumstances.

(2) An on-site inspection shall be determined by a conclusion.

(3) Parties have the right to attend on-site inspections. An on-site inspection may be conducted without the presence of parties when emergency measures are undertaken for the protection of life, health or property of greater value.

(4) An official person shall determine ex officio or upon a proposal by a party which persons shall also attend the on-site inspection.

Obligation to allow the conduct of on-site inspections

Article 69

(1) The owner or possessor of the thing, premises or land where it is necessary to undertake an on-site inspection is obliged to allow the on-site inspection to be conducted. Damage incurred by the conduct of the on-site inspection is included in the total costs of the proceedings.

(2) If the owner or possessor of the thing or any other person prevents without justified reason the on-site inspection from being conducted, the official person may impose a fine on them in the amount of 50% of the gross salary in the Republic of Croatia in the previous year and may use other appropriate measures to make the conduct of the inspection possible, including direct force with the help of the police. An appeal against the decision on the fine shall not defer the enforcement of the decision.

(3) An official shall request police assistance in writing if it is not possible to conduct the on-site inspection due to the unjustified opposition of the owner, occupier or other persons or when he/she justifiably expects resistance to the conduct of the on-site inspection.

(4) The competent police body is obliged to provide the assistance requested for the inspection, pursuant to separate laws and regulations on police procedures.

Statements by parties

Article 70

When there are no other evidence to establish certain facts, a statement by a party may also be taken as evidence to establish these facts.

Title IV

ACTIVITIES IN THE PROCEEDINGS

Submissions

Article 71

(1) The following are considered as submissions in proceedings: applications, proposals, completed forms, reports, requests, appeals, petitions, complaints, announcements, notifications and other acts by which parties apply to the public law authorities in relation to a specific administrative matter.

(2) Submissions must be comprehensible and contain all that is needed for proceedings to be conducted upon them, and especially the title of the public law authority to which they are addressed, an indication of the administrative matter concerned, the personal name (name and surname) of the party, or the name of their authorized representative, if the party has one, and the address of such person.

(3) Submissions may be submitted to the public law authority directly in writing, by post, in the form of an electronic document composed pursuant to law or given as an oral statement on the record.

(4) An official person who receives a submission shall, at the request of the applicant, confirm the receipt of the submission.

(5) A submission shall be signed by the party or its authorised representative. Submissions of parties who are illiterate or can not write shall be signed by another literate person with a denotation of their personal name and address.

Timely delivery of submissions

Article 72

(1) It shall be considered that a submission has been filed within a set time limit if it has been received by the public law authority to which it is to be submitted within the given time limit.

(2) When a submission has been sent by registered mail or handed over to an authorised provider of postal services, the day of delivery at the post office or to the authorised provider of postal services shall be considered as the day it was delivered to the public law authority to which it is addressed.

(3) Officials persons, or persons serving in the armed forces or police, persons in land, river, maritime or air transport, and persons deprived of their freedom or who are in some other way prevented from independently sending or delivering a submission within the set time limit, the day of delivering the submission to the competent command, administration, other official bodies or legal entities in which they are employed or in which they are located shall be considered to be the day of delivery to the public law authority to which it is addressed.

Errors in submissions

Article 73

(1) When a submission contains any errors which make it impossible to proceed upon the submission, or if the submission is incomprehensible or incomplete, an official person shall point this out to the party by a conclusion and set an appropriate time limit within which the party is obliged to correct the errors, with a caution as to the legal consequences of failing to do so within the set time limit.

(2) If the errors are not corrected within the set time limit, and no action can be taken upon the submission, the official shall dismiss the submission by a decision

Translations of submissions

Article 74

(1) When a public law authority receives a submission in a foreign language or in a script which is not in official use in that authority, the official person shall request the party to supply a translation of the submission without delay and shall set an appropriate time limit for this, and if the party fails to do so within the set time limit set, it shall be deemed that the submission has not been submitted.

(2) An authorised translation of a submission containing a foreign public document is required when the authenticity of such document is under question.

Electronic communication

Article 75

(1) Public law authorities and parties and other persons who participate in the proceedings may communicate in electronic form.

(2) Submissions submitted in electronic form with an electronic signature in accordance with the law shall be considered to be signed manu propria.

(3) Submissions submitted by electronic means shall be considered to be delivered to the public law authority when they are noted on the server for receipt of such messages. The public law authority shall confirm receipt of this form of submission without delay by electronic means.

(4) When for technical reasons the public law authority is unable to read the submission sent in electronic form, it shall inform the sender of this. The sender is then obliged to send the submission again in the correct electronic form or submit it in some other way within a set time limit. If the sender does not do this within the set time limit, it shall be considered that the submission was not submitted.

Minutes

Article 76

(1) A record shall be made in the form of minutes of oral hearings, on site inspections or

other activities of importance in the proceedings, as well of important oral statements by the parties or third parties in proceedings.

(2) The minutes shall contain the title of the public law authority undertaking the activity, the place where the activity is being undertaken, the date and time when it is being undertaken, the administrative matter regarding which the proceedings are being conducted, the personal names of the official persons, of the parties present and their authorized representatives, a description of the course and content of the procedure of the activity undertaken and the statements given, and the documents used.

(3) Before the conclusion of the minutes, they shall be read to the persons present who took part in the administrative task. At the end of the minutes it shall be stated that the minutes were read and that no comments were made, or if there were comments, the content of those comments shall be stated briefly. The minutes shall then be signed by the official person who conducted the administrative activity and the recording clerk if there was one. The persons who gave statements shall sign the minutes directly after their statements and at the end of each page containing their statement. Nothing may be added to or changed in the signed and concluded minutes. Supplements to minutes that have already been concluded shall be added as an appendix to the minutes which is signed by the official and the person on whose initiative the supplement was added

(4) If any of the persons present refuses to sign the minutes or leaves the site of the activity before the minutes are concluded, this shall be mentioned in the minutes, as well as the reasons why the signature was refused.

(5) Minutes prepared according to the provisions set out hereunder represent a public document. The minutes are evidence of the course and content of procedural activities and the statements given, save for those parts of the minutes to which comments were made stating that they were not composed correctly.

Conclusions

Article 77

(1) Procedural matters shall be decided by conclusions save when the provisions hereof prescribe that a decision shall be rendered.

(2) Conclusions shall be rendered by the official person who has undertaken the actions in the proceedings in which the matter, to which the conclusion relates, arose.

(3) When the conclusion orders some action to be undertaken, a time limit shall also be set within which that action must be undertaken.

(4) The conclusion shall be announced orally. A conclusion shall be issued in writing at the request of a party or when this is necessary for the correct conduct of the administrative proceedings.

(5) No appeal may be lodged against a conclusion. A conclusion may be challenged by an appeal against the decision resolving the administrative matter.

Reconstruction of files

Article 78

(1) When individual files or individual submissions are lost, damaged or destroyed, proceedings shall, when necessary, be instituted to restore the file (reconstruction).

(2) The procedure to reconstruct a file shall be conducted by the public law authority competent to decide in the administrative matter concerned.

(3) The procedure to reconstruct a file shall be instituted at the proposal of a party or ex officio. The decision on the restoration of a file shall be rendered by the head of the public law authority or a person he/she authorizes to do so.

(4) When a file reconstructed, only those parts of the file which are important as regards the reasons why the reconstruction procedure was approved shall be restored. Files shall be reconstructed on the basis of copies of lost, damaged or destroyed submissions, which are available to the parties or the public law authority, data from principal and auxiliary office books, pursuant to the rules on producing evidence.

(5) The file reconstruction procedure shall not be conducted when the time limit for keeping files of specific administrative matters has expired.

(6) The costs incurred in relation to the reconstruction of a file shall be reimbursed from the public law authority's funds.

Title V
TIME LIMITS

Setting time limits

Article 79

(1) Time limits are to be set for undertaking certain actions in proceedings.

(2) When the time limits are not laid down by regulation, the official person shall set an appropriate time limit for undertaking an action in proceedings.

(3) A time limit set by the official person as well as a time for which the possibility of extending it has been laid down by regulation, may be extended for justified reasons.

Calculation of time limits

Article 80

(1) Time limits are calculated in days, months and years.

(2) When the time limit is set in days, the day of delivery, from which a time limit will run, or the day of the event from which the time limit will be calculated occurred, will not be included in the time limit, but the beginning of the time limit shall be calculated from the following day.

(3) A time limit set in months or years expires on the day, month or year which in terms of its number corresponds to the day when the document was delivered or the day on which the event occurred from which the time limit is calculated. If there is no such day in the month in which the time limit expires, the time limit shall expire on the last day of that month.

(4) The expiration of a time limit may also be expressed as a specific date.

Sundays, holidays and non-working days

Article 81

(1) Sundays, holidays and non-working days do not affect the beginning or course of a time limit.

(2) When the last day of a time limit falls on a Sunday, holiday or another day when the public law authority is closed, the time limit shall expire on the first successive working day.

Restoration of a prior status

Article 82

(1) A party who for justified reasons fails to undertake an action within the set time limit, and due to such failure is excluded from undertaking such action, shall be permitted, upon a motion of the party, to restore the status in the proceedings before the failure to undertake such action within the given time limit (hereinafter: restoration of a prior status). The restoration of a prior status shall also be granted to a party who through ignorance or due to an obvious error sent or submitted the document on time but to a public law authority without jurisdiction.

(2) The motion to restore a prior status shall be filed with the body where the omitted task should have been undertaken, no later than eight days following the day when the reason for exceeding the time limit has ceased. In the motion to restore a prior status the facts must be stated which form the basis of the justification for the motion. If the return to the prior status is being requested because the time limit was exceeded for submitting a document, this document must be enclosed with the motion.

(3) After the expiration of three months following the end of the time limit exceeded, no restoration of a prior status may be requested, save when the submission of a motion was impossible due to a force majeure.

(4) A decision shall be rendered on the motion to restore a prior status. When the motion to restore a prior status is granted, the proceedings shall be returned to the state before the omission and the decision shall annul any legal consequences arising from the omission of the time limit.

(5) The restoration of a prior status shall not be granted when this is excluded by law.

(6) The filing of a motion to restore a prior status or the lodging of an appeal against a decision on the motion shall have no affect on the course of the proceedings.

Title VI

NOTIFICATION

Methods of notification

Article 83

(1) The official may notify the party and other participants in the proceedings of the course and actions taken in the proceedings orally, in electronic form, by directly handing over documents, by sending documents by post or in some other appropriate manner.

(2) Notification in electronic form shall be considered to have been completed at the moment when it has been recorded on the server for sending such messages.

(3) Notification by mail shall be conducted in line with the provisions hereof laying down indirect delivery.

(4) The party and other participants in the proceedings shall be notified personally, save when the party has an authorized representative or a process agent.

Notification on the course of proceedings and examination of case files

Article 84

(1) Parties and other persons who prove their legal interest have the right to inform themselves of the course of the proceeding and to examine the case file and to make copies at their own expense of acts in the case file, save for minutes of the hearings and voting by the college of bodies, draft decisions and other acts which are considered confidential according to law, or when this is in violation of the interest of one party or third persons.

(2) Examination of the case file shall be undertaken in the official premises of the public law authority where the proceedings are being conducted. In justified cases, case files may also be examined in the official premises of another public law authority.

(3) When the case file is being kept in electronic form, the public law authority is obliged to provide the technical conditions for it to be examined. The public law authority may provide access to electronic documents electronically, when the conditions are provided to protect the privacy of the parties.

(4) A decision shall be rendered on a rejection of a motion to examine and make copies of the case file.

Personal delivery

Article 85

(1) Documents shall be served personally to the addressee when a time limit, which can not be extended, begins to run from the moment of delivery or when such form of delivery is prescribed by law (personal delivery).

(2) When the addressee is not found at the place of delivery, the courier shall leave a

written notice in the mail box or delivery box or with a person found at the place of delivery, stating that the addressee should be present at the place of delivery at a certain date and time in order to receive the documents and where such documents can be collected before that date.

(3) Provided the courier does not find the addressee at the indicated time or if the addressee refuses to receive the document, the courier shall leave the document in the mail box or delivery box or when there is no such thing, at the door or another place visible to the addressee. On the acknowledgment of delivery form left together with the document the courier shall indicate the reasons for this form of service of documents, the date and time when the notice was left and affix his/her signature.

(4) When in the process of attempted delivery the courier finds out that there are reasons due to which the delivery of the document to the addressee is not possible at all, the document shall be returned to the sender with an indication of the reasons due to which the delivery of the document is not possible.

(5) The service of documents shall be deemed to be made at the date of delivery, i.e. the date when the document was left in the mail box or delivery box or when there is no such thing, at the door or other place visible to the addressee, save when a party proves that it was unable to receive the document due to justified reasons.

(6) The service of documents to an authorised representative or process agent shall be deemed as service to the party itself. The service to an attorney representing a party can be made by delivery of a document to an employee of the law office concerned.

Indirect delivery

Article 86

(1) When personal delivery is not required, and the courier does not find the addressee at the site of delivery, the document may be handed to an adult member of the family household, and when such person refuses to receive the document or is unable to hand over the document, the document shall be left in the mail box or delivery box of the addressee. In this case, the date and method of delivery shall be indicated on the acknowledgment of delivery form.

(2) The document may not be handed to a person who is participating in the same administrative proceedings with opposing interests.

(3) Service of documents shall be considered to be completed upon the date of delivery to the addressee, leaving the document to an adult member of the household or upon the date of leaving the document in the mail box or delivery box.

Delivery to joint representative

Article 87

When larger number of parties participate in the proceedings with the same requests or a group of people joined by the same interest, service of documents shall made by delivery to their joint representative.
Delivery to legal persons, persons conducting a registered activity and public law

authorities

Article 88

(1) The service of documents to legal persons, persons performing a registered activity and public law authorities shall be done by delivery of documents to the person authorised to receive documents.

(2) When the person authorised to receive documents can not be found in the place of delivery, the document shall be delivered to another employee.

Delivery in special cases

Article 89

(1) Delivery to persons serving in the armed forces or police, persons in land, river, maritime or air transport, and persons deprived of their freedom or to persons who are in some other way prevented from free movement, shall be done through the command, administration, other official bodies or legal entities in which they are employed or in which they are located.

(2) Delivery to persons who are abroad, to foreign countries, international organisations and persons with diplomatic immunity shall be done through the central body of state administration competent for foreign affairs, save when otherwise provided for under international agreements.

(3) The delivery of certificates issued at the request of a party located abroad shall be done directly to the party.

Place of delivery

Article 90

(1) Delivery shall be performed at the address indicated in the motion to institute proceedings, i.e. at the address of the place where the party can presently be found.

(2) When proceedings are instituted ex officio, delivery to a party shall be made at the party's address of permanent residence, temporary residence or place where the party is presently located. Delivery to a legal person, its branch office or another person who performs a registered activity shall be made at the location of its seat.

(3) Delivery to other persons who participate in the proceedings shall be made at the address of their permanent residence, temporary residence or place where the party is presently located or their seat. Delivery to public law and other authorities shall be made at the address of their seat.

Change of address of a party or its authorised representative

Article 91

(1) A party shall inform the public law authority of any change in its address of permanent residence, temporary residence or seat. When a party changes its address of permanent

residence, temporary residence or seat and fails to inform the public law authority thereof, further deliveries in proceedings shall be made by pinning a document on the public law authority's notice board. Delivery shall be deemed completed on the eight day following the day the document was displayed at the notice board.

(2) When an authorised representative or process agent change their address ion the course of proceedings and fail to inform the public law authority thereof, delivery shall be made directly to the party, as if the authorised representative or process agent were not appointed.

Time of delivery

Article 92

Delivery shall be made on a working day between 8 and 20 hours. When there are exceptionally important reasons or the delivery can not be postponed, a public law authority may order the delivery to take place at some other time.

Acknowledgement of delivery form

Article 93

(1) Completion of delivery shall be confirmed by an acknowledgment of delivery form. The acknowledgment of delivery form shall be signed in person by the person who receives the documents and shall contain an indication of the date of receipt.

(2) When the addressee is illiterate or cannot sign, the courier shall indicate on the acknowledgment of delivery form the name of the addressee with the date of service of documents and a note of why the person did not sign the document.

(3) When the service of documents was not conducted in person, the courier shall indicate to whom the document was delivered and what the relationship is between the person who received the document and the addressee.

Electronic delivery

Article 94

(1) Electronic delivery shall be conducted at the request of or with express consent of a party or when this is prescribed by law.

(2) Electronic delivery can be made at any time.

(3) Electronic delivery shall be deemed completed at the moment when the document was recorded on the server for the receipt of such messages.

Delivery by public announcement

Article 95

(1) Delivery by public announcement shall be conducted when this is laid down by law or when other forms of delivery are impossible or inappropriate.

(2) Delivery by public announcement shall be conducted by placing the document on the notice board of the public law authority, publication of the document in daily newspapers, at the public law authority's web page or in
some other appropriate manner.

(3) delivery shall be deemed completed on the eight day following the day of public announcement.

PART THREE

DECIDING ON ADMINISTRATIVE MATTERS

Decisions

Article 96

(1) Administrative matters shall be decided on by decisions.

(2) In accordance with law, an act under which administrative matters are decided may also have another name.

Form of decisions

Article 97

(1) Decisions shall be rendered in writing. Decisions may be issued on prescribed forms.

(2) By way of exception, a decision may be rendered in oral form when it is necessary to undertake urgent actions in order to preserve public law and safety, for the purpose of preventing an immediate danger to the life and health of people and property of greater value.

(3) A decision rendered orally shall be delivered to a party in writing when this is laid down by law or when the party requests this or when there are other justified reasons for this. A decision in writing shall be delivered without delay and no later than eight days following the oral decision. An official shall caution a party that it has the right to ask for a written copy of the oral decision.

Content of decisions

Article 98

(1) Decisions consist of the letterhead, an introduction, the disposition, the explanation, the instruction on legal remedies, the signature of the official person and the official seal of the competent public law authority.

(2) The introduction shall consists of the title of the public law authority which rendered the decisions, the regulations on jurisdiction, the name of the party and its legal representatives, a brief indication of the subject of the proceedings and an indication of whether the proceedings were instituted ex officio or at the request of the party. The introduction shall also contain an indication on whether the decision was rendered by two

or more public law authorities, or if it was rendered in repeated proceedings or following a judgment by the competent administrative court, or it was rendered with a consent, certificate or opinion obtained from another body. When the administrative matter was resolved by a college of bodies there should be an indication of the date of the session on which the matter was resolved.

(3) The disposition shall contain a decision on the administrative matter concerned. The disposition shall be brief and specific. When the decision contains a time limit, condition, imposition, withholding of repeal or the obligation to conclude an administrative agreement, this shall be included in the disposition.

(4) The disposition may be divided into several points. The costs of the proceeding shall be determined in a separate point of the disposition as well as the statement that an appeal against the decision shall not defer the decision's execution.

(5) The explanation shall contain a brief statement of the party's request, the facts of the case established, the decisive reasons in assessment of individual pieces of evidence, the reasons why any of the party's requests were not accepted, the reasons for rendering conclusions in the course of proceedings, and the regulations on the basis of which the administrative matter was resolved. When an appeal does not defer the enforcement of the decision, the explanation shall also contain a reference to the applicable law which determines this.

(6) The instructions on the legal remedy shall inform the party whether it is possible to lodge an appeal or institute an administrative dispute against the decision, before which body, in what time limit and in which manner.

Decisions in simple matters

Article 99

In simple matters where the party's request is adopted and there is no interference in public interest or the interest of third parties, the decision may be composed only of the disposition in the form of notes in the file, provided that the reasons for this decision are explicit.

Partial, supplementary and interim decisions

Article 100
(1) When several issues are being resolved in an administrative matter and a decision may be made on only some of them on the basis of the established facts, the official person may render a decision about those issues alone (a partial decision).

(2) When the competent public law authority has not decided on all the issues which are the subject of the proceedings, it is possible, upon a motion by the party or ex officio, to render a decision on the issues that have not been resolved (supplementary decision). A decision shall be rendered on the refusal of a party's motion.

(3) If according to the circumstances of the case a decision needs to be rendered before the conclusion of the proceedings to regulate disputed issues or circumstances temporarily, the decision shall be rendered on the basis of the facts known at the time it is rendered. This decision must be marked as interim (interim decision). An interim decision shall be

revoked by the decision resolving the administrative matter.

(4) In view of legal remedies and enforcement, partial, supplementary and interim decisions shall be considered as independent decisions.

Time limits for rendering decisions

Article 101

(1) When deciding directly upon the request of a party an official person shall render the decision and deliver it to the party without delay and no later than within 30 days following the receipt of an orderly request.

(2) When conducting an inquiry procedure at the request of a party an official person shall render the decision and deliver it to the party within 60 days following the receipt of an orderly request.

(3) When an official person fails to bring the adopt the decision within the prescribed time limit and to deliver it to the party, the party has the right to file an appeal or institute an administrative dispute.

Presupposed adoption of a party's request

Article 102

(1) When this is prescribed by law, it shall be considered that the party's request has been adopted when the public law authority, following proceedings instituted at the orderly request of a party, in which it is authorised to directly solve the administrative matter, fails to adopt a decision within the set time limit.
(2) The party has the right to require the public law authority to adopt a decision determining that the party's request has been adopted. A public law authority shall issue such a decision within eight days following the party's request.

Guaranteed conferral of rights

Article 103

(1) The public law authority may guarantee to the party that it will be conferred a certain right, when this is prescribed by law.

(2) The guarantee may not be contrary to public interest or the interest of third parties.

(3) The guarantee shall be decided on by a decision which is binding on the public law authority, save when there is an essential change to the legal grounds and the facts.

Removal of faults in decisions

Article 104
(1) A public law authority may by a decision correct any faults in names or numbers, in writing or computing as well as other apparent faults in the decision adopted by it or contained in its certified copies.
(2) Corrigenda of faults shall produce legal effect from the day on which the corrected

decision produces legal effects.

PART FOUR
LEGAL REMEDIES

Title I

APPEAL

Lodging appeals

Article 105

(1) A party has the right to lodge an appeal to the body of second instance against any first instance decision, provided that the right to lodge an appeal is not excluded by law.

(2) A party may lodge an appeal when a decision has not been adopted within the prescribed time limit.
Waiving the right of appeal and withdrawal from appeals

Article 106

(1) A party may waive its right of appeal in writing or orally on the records from the day of receipt of the first instance decision until the day of expiry of the time limit for lodging appeals.

(2) Waiver of the right of appeal in matters with several parties produces legal effect only when all parties waive their right of appeal.

(3) A party may withdraw from an appeal before delivery of the decision on the appeal.

(4) When a party withdraws from a lodged appeal, proceedings upon the appeal shall be terminated by a decision.

(5) Waiver of or withdrawal from appeals may not be revoked.

Subject of the appeals proceedings

Article 107

(1) The lawfulness of the decision shall be examined in the appeals proceedings.

(2) When the decision has been adopted by free assessment, the purposefulness of the decision shall also be examined in the appeals proceedings.

Content of appeals

Article 108

(1) The party should state in the appeal the decision it appeals, the title of the public law authority which rendered the appeal and why the reason why he/she is dissatisfied with the decision.

(2) When the appeal contains new facts and new evidence, the party is obliged to explain the reasons why they were not presented during the first instance proceedings.

(3) When new facts and evidence is brought forward in the appeal, and two or more parties with opposing interests take part in the proceedings, each party shall receive a copy of the appeal and be granted a time limit for giving a statement on the new facts and evidence.

(4) When an interim decision is rendered on the administrative matter, the appeal against a decision on the principal matter may dispute the determined facts even when it was not previously disputed in the proceedings preceding the interim decision.

Time limit for filing appeals

Article 109

Appeals shall be filed within 15 days following the day of the decision's delivery, save as otherwise prescribed.

Filing appeals

Article 110

(1) The appeal shall be submitted over to the first instance body in the manner laid down for filing submissions. When the appeal is sent to the second instance body, it shall, without delay, forward it to the first instance body. An appeal which has been handed over to the second instance body within the set time limit shall be considered to be lodged in good time.

(2) When the party files an appeal because the decision was not rendered within set time limit, the appeal may be submitted directly to the second instance body.

Right of parties upon an erroneous instruction on legal remedies

Article 111

(1) When the decision contains an erroneous instruction on legal remedies, the party may act under the applicable rules or in line with the instruction. A party acting in line with an erroneous instruction shall not sustain any harmful consequences.

(2) When the decision contains no instruction on legal remedies or when such instruction is incomplete, a party may act in accordance with the applicable rules in force or require the public law authority to supplement the decision in this part within 30 days. In this case the time limit for filing the appeal shall start to run from the date of delivery of the supplemented decision.

Deferrable effect of appeals

Article 112

(1) An appeal shall defer the effects of the decision until the party receives the decision on the appeal, save as otherwise provided by law.

(2) When the decision relates to two or more parties in proceedings with identical requests, an appeal by any of them shall defer the enforcement of the decision against all parties.

(3) As an exception, a public law authority may, for the purpose of protecting the public interest or undertaking urgent measures, or in order to remove any harm which otherwise couldn't be removed, decide that the appeal shall not have a deferrable effect. The decision shall explain into detail why the appeal does not produce a deferrable effect.

Procedure and authority of first instance bodies upon appeals

Article 113

(1) The first instance body shall examine whether the appeal is permitted, timely and filed by an authorized person. When the appeal is not permitted or timely when it is not filed by an unauthorized person, it shall be dismissed by a decision.

(2) When the first instance body establishes that the appeal is permitted, timely and filed by an authorized person, it shall take under consideration the statements in the appeal, examine the legality or purposefulness of the decision disputed by the appeal.

(3) When the decision is rendered in direct proceedings and the party in the proceedings requires to be permitted to render its statement on the facts and circumstances of importance for resolving the matter or to undertake inquiry procedures, the body of first instance shall act upon the party's request.

(4) When two or more parties with opposing interests participate in the proceedings, the appeal shall be sent to all the parties for a response together with an appropriate time limit for providing the response.

(5) When the first instance body establishes that an appeal is well-founded in its entirety or partially, it shall replace the disputed decision with a new one provided that the rights of third parties are not affected thereby.

(6) When the first instance body does not dismiss the appeal or replace the disputed decision with a new one, the appeal shall be sent to the second instance public law authority together with the case file without delay.

Procedure of second instance bodies upon receipt of appeals

Article 114

(1) The second instance body shall examine whether the appeal is permitted, timely and filed by an authorised person. When the appeal is not permitted or timely or filed by an authorised person, it shall dismiss it by a decision.

(2) When acting upon an appeal against a decision of a body of first instance on dismissing an appeal, the second instance body finds that there are no reasons for dismissing the appeal, it shall annul the decision dismissing the appeal and decide upon the dismissed appeal.

Procedure and authority of second instance bodies upon appeals

Article 115
(1) The second instance body shall examine the legality and assess the purposefulness of the disputed decision within the limits of the appeal without being bound by the grounds of the appeal.

(2) When acting upon an appeal the second instance body shall ex officio take account of its jurisdiction and the existence of the reasons for pronouncing the decision null and void.

(3) The body of second instance shall decide on the matter pursuant to the facts established in the first instance proceedings. When the facts have not been fully established or when they have been incorrectly established in first instance proceedings, the body of second instance shall supplement the proceedings alone or by way of the body of first instance.

(4) The body of second instance can reject the appeal, annul the decision in part or entirely or amend it.

(5) An annulment shall render null and void any the legal consequences produced by the appeal.

Rejection of appeals

Article 116

The body of second instance shall reject an appeal when it determines that:
1. the proceedings preceding the decision were regular and that the decision is regular and lawful,
2. there were insufficiencies in the first instance proceedings but that they were of a nature which does not affect the resolution of the matter,
3. the first instance decision is based on law for other reasons than the ones stated in the decision.

Annulment of decisions

Article 117

(1) A body of second instance shall annul the decision and decide upon the matter alone when it determines that:
1. the facts established in the first instance proceeding are incomplete or incorrect,
2. the proceedings did not take account of the rules of procedure which would have had an effect on resolving the matter,
3. the disposition of the disputed decision is unclear or in conflict with the explanation,
4. there was a misapplication o the rule pursuant to which the matter was decided.

(2) When, with regard for the nature of the administrative matter concerned, the direct deciding by the fist instance body is necessary in order to render a new decision, and the body of second instance finds that the decision should be annulled, the matter shall be delivered for repeated decision to the body of first instance.

(3) When the body of second instance finds that the first instance decision was rendered by

a body without jurisdiction, it shall repeal such decision ex officio and deliver the matter to the competent body for deciding.

Amendments to decisions

Article 118

(1) The body of second instance may not amend the decision to the detriment of the party who filed the appeal.

(2) By way of exception, the body of second instance may amend the first instance decision at the detriment of the party who filed the appeal only for reasons for which such decision may be pronounced null and repealed, save as otherwise provided by law.

Procedure upon appeals when bodies of first instance failed to reach a decision upon a request of the party within the given time limit

Article 119

(1) When deciding upon an appeal filed because the body of first instance failed to reach a decision at the request of a party within the given time limit, the body of second instance shall, without delay, request information on the reasons why the decision was not reached in the set time limit.

(2) When the body of second instance finds that the body of first instance failed to reach a decision for justified reasons, it shall set a new time limit, which may not exceed 30 days, within which the body of first instance is obliged to reach the decision.

(3) When the body of second instance finds that the reasons for failing to reach a decision within the set time limit are not justified, it shall decide on the administrative matter alone or order the body of first instance to reach the requested decision within 15 days.

Second instance decisions

Article 120

(1) The body of second instance shall decide on the appeal by a decision.

(2) The provisions hereof relating to the form and content of first instance decisions shall also apply to second instance decisions in the appropriate manner.

(3) In the explanation of the second instance decision all the assertions in the appeal must be assessed. When the first instance body has in the explanation of its decision already correctly assessed the assertions presented in the appeal, the second instance body may refer to the reasons in the first instance decision.

(4) An administrative dispute may be instituted against a second instance decision.

Time limits for adopting second instance decisions

Article 121

A body of second instance shall reach a decision on the appeal and deliver it to party by way of the first instance body as soon as possible and no later than 60 days following the delivery of an orderly appeal, save when a shorter time limit has been prescribed by law.

Title II

OBJECTIONS

Filing objections and actions upon objections

Article 122
(1) Objections shall be filed to the head of the body, save when otherwise provided for hereunder.
(2) The provisions on the form, content and filing of appeals shall apply, in an appropriate manner, to objections.
(3) The head of the body shall decide on objections by a decision within eight days following the day when the objection was filed.
(4) An appeal may be filed against a decision on the objection rendered by the body of first instance whilst an administrative dispute may be instituted against a decision on the objection rendered by the body of second instance. When there is no body of second instance, an administrative dispute may be instituted against a decision of the body on the objection.

Title III

REOPENING OF PROCEEDINGS

Reasons and time limits for reopening proceedings

Article 123

(1) The reopening of proceedings in which a decision against which an appeal is not permitted was rendered may be instituted at the request of a party or ex officio within three years following the delivery of the decision to the party provided that:
1. it is learned that there are new facts or the possibility is attained to use new evidence which would, alone or in connection with the evidence already presented and used, lead to a different decision if those facts or evidence had been presented or used in earlier proceedings
2. a decision, favourable to the party, was rendered on the basis of false statements by the party on the basis of which the official person was misled,
3. the decision was rendered by a person who was not authorized to make that decision or a person who should have been exempted,
4. the college of bodies which rendered the decision did not render the decision in a composition established by law or if the prescribed majority did not vote for the decision,
5. a person who should have participated in the capacity of a party was not given the opportunity to participate in the proceedings,
6. the party was not represented by a legal representative,
7. a person who participated in the proceedings was not given the opportunity to use their

own language or script.

(2) The reopening of proceedings in which a decision against which an appeal is not permitted was rendered may be instituted at the request of a party or ex officio without any time constrictions provided that:
1. the decision was rendered on the basis of false documents or a false statement by a witness or expert witness, or if it was reached as the result of any criminal offence,
2. the decision is founded on a judgment rendered in judicial proceedings, and that judgement was overturned with legal effect,
3. the decision is based on a preliminary issue and the competent court or public law authority resolved that question later differently in vital aspects.

(3) A party may request the reopening of proceedings within 30 days following the date of learning of the reasons for the reopening or attaining the possibility of using new evidence.

(4) The state attorney or other authorised state body may request the reopening of proceedings under the same conditions as the party.

Motion to reopen proceedings

Article 124

(1) The motion to reopen proceedings shall be filed by the party with the body which rendered the decision in line with the provisions laying down the delivery of submissions.

(2) In the motion to reopen proceedings a party shall prove credible the reasons for which it requires the reopening of proceedings and that the motion was filed within the statutory time limit.

(3) A motion to reopen proceedings shall not defer the enforcement of the decision for which the reopening is requested. By way of exception the body competent for deciding on the motion may postpone enforcement by a decision until a decision is rendered on the motion to reopen proceedings.

Body competent to decide on the motion to reopen proceedings

Article 125

The public law authority which rendered the decision against which an appeal can not be filed shall decide on the motion to reopen the proceedings.

Instituting the reopening of proceedings

Article 126

(1) When the competent body receives a motion to reopen proceedings, it shall examine whether the motion is timely and filed by an authorized person and if the circumstances on which the motion is based have been made credible. If these conditions are not met, the competent body shall reject the motion by a decision.

(2) When the conditions for reopening proceedings are met, the competent body shall examine whether the circumstances or evidence presented as the reason for the reopening

are such that they could lead to a different decision. When it establishes that they are not, it shall reject the motion by a decision.

(3) When the competent body does not dismiss or reject the motion to reopen proceedings or ex officio determines that there are reasons to reopen proceedings, it shall render a decision allowing the reopening of proceedings and define the scope in which the proceedings shall be reopened. The decision allowing the reopening of proceedings shall defer the execution of the decision against which the reopening is permitted.

(4) When it is possible according to the circumstances of the case and in the interests of speeding up the proceedings, the competent body shall, as soon as it establishes the existence of conditions for reopening proceedings, undertake the procedural actions which are to be reopened, not rendering a separate decision permitting the reopening.

Decision on reopening proceedings

Article 127

(1) After conducting the reopened proceedings, the competent body shall render a decision on the administrative matter that was the subject of the reopened proceedings. In the decision on the reopened proceedings, the competent body may leave in force the decision the subject to resubmission in force, replace it with a new one, in which case it will, depending on the circumstances, annul or revoke the prior decision.

(2) An appeal may be lodged against a decision rendered on the basis of a motion to reopen proceedings and against the decision rendered in the reopened proceedings, only when the decision was rendered by the first instance body. When the decision was rendered by a second instance body, an administrative dispute may be instituted against such decision.

Title IV

PRONOUNCING DECISIONS NULL AND VOID

Pronouncing decisions null and void

Article 128

(1) A decision shall be pronounced null and void provided that:
1. it was rendered in a matter falling within the jurisdiction of courts,
2. it was rendered in a matter which can not be resolved in administrative proceedings,
3. its enforcement has no legal or actual possibility,
4. its enforcement constitutes a criminal offence,
5. it was rendered without a prior request of the party to which the party did not subsequently expressly or tacitly agree,
6. it contains an irregularity which under an express statutory provision represent grounds for the decision's nullity.

(2) The decision shall be pronounced null and void by the public law authority which rendered it or which supervises the body which rendered it, ex officio or at the proposal of a party, at any time.

(3) When a decision pronouncing the decision null and void is reached by a body of first

instance, an appeal may be filed against such decision. When the public law authority of second instance or the body which supervises the body which rendered the decision pronounces the decision null and void, an administrative dispute may be instituted against such decision.

(4) A null and void decision shall not produce any legal effect. When a decision is pronounced null and void, the legal effects of such decision shall also be deemed as null and void.

Title V

ANNULMENT AND REPEAL OF DECISIONS

Annulment and repeal of illegal decisions

Article 129

(1) An illegal decision may be annulled or repealed entirely or in part even after the expiry of the period of appeal.

(2) A decision under which a party was conferred a right may be annulled when:
1. the decision is rendered by a public law authority without jurisdiction or when the decision is rendered without the consent, approval or opinion of another public law authority required by law,
2. a legally effective decision is rendered in the same matter, whereunder the same administrative matter is resolved in some other way.

(3) In the event of an express violation of substantive law, a decision under which a party was conferred a right may be annulled or repealed, depending on the nature of the administrative matter and the consequences arising from the annulment or repeal.

(4) In administrative matters where which two or more parties with opposing interests take part, a decision may be repealed only upon the agreement of the opposing party.

Repeal of a lawful decision under which a party was conferred a right

Article 130

(1) A lawful decision under which a party was conferred a right may be appealed in its entirety or in part provided that:
1. the repeal of this decision is permitted by law,
2. it contains an exclusion of repeal and the party failed to meet its obligation from the decision or failed to meet it in due time,
3. this is necessary in order to prevent serious and immediate danger to the life and health of people or public safety, and this could not be done by other means which would interfere less with the attained rights.

(2) When the decision is repealed for the purpose of preventing a serious and immediate danger to the life and health of people or public safety, the party is entitled to reimbursement of real damages.
Jurisdiction and the procedure for annulling and repealing decisions

Article 131
(1) A decision may be annulled or repealed by the public law authority which rendered it. When the decision was rendered by a body of first instance it can be annulled or repealed by a body of second instance. When there is no body of second instance, the decision may be repealed by the body which pursuant to law supervises this body.

(2) Unlawful decisions may be annulled within two years and repealed within one year following the date of the decision's delivery to the party, in which cases the decision must be sent out from the body which reached it within this time limit.

(3) A public law authority shall reach a decision on the annulment or repeal of a decision ex officio, at the proposal of a party or an authorised state body. When the motion for annulment or repeal of a decision has been filed by a party or an authorised state body, and the public law authority fails to accept such motion, the applicant shall be informed thereof.

(4) An appeal may be filed against a decision on the annulment or repeal rendered by the body of first instance, and when an appeal is not permitted, an administrative dispute may be instituted. An administrative dispute may be instituted against a decision of the body of second instance.

Return of assets attained without legal grounds

Article 132

When a decision is declared null and void or repealed, assets attained without legal grounds shall be returned pursuant to the provisions on civil law.

PART FIVE
ENFORCEMENT

Enforceability of decisions

Article 133

(1) A decision rendered in administrative proceedings shall be enforced after it becomes final.

(2) A first instance decision becomes final after the expiration of the time limit for an appeal provided no appeal is lodged, on receipt by the party of the decision when no appeal is permitted, on receipt by the party of the decision if the appeal does not have a deferring effect, or receipt by the party of a decision rejecting or dismissing the appeal, on the date the party waived its right to appeal and on receipt by the party of the decision terminating appellate proceedings.

(3) A decision of the second degree resolving the administrative matter shall become final on receipt by the party thereof.

(4) When the decision sets out that the action which is the object of enforcement may be performed within a given time limit, the decision shall become enforceable upon expiry of this time limit.

Enforcement debtor

Article 134

Enforcement is undertaken against a person who is obliged to meet some obligation (the enforcement debtor) or his/her legal successor.

Execution of enforcement

Article 135

(1) Enforcement shall be carried out ex officio when this is in the public interest. Enforcement in the interest of a party shall be carried out at the proposal of a party (the enforcement creditor).
(2) Enforcement may be also carried out pursuant to an agreement of the parties.
(3) Upon expiry of five years following the day when the decision becomes final, its enforcement may no longer be requested, save as otherwise provided by law.

Object of enforcement

Article 136

Enforcement of decisions shall be carried out for the purpose of realising pecuniary and non-pecuniary obligations.
Enforcement of pecuniary obligations

Article 137

(1) The enforcement of pecuniary obligations shall be carried out in line with the provisions on judicial enforcement.

(2) The enforcement of pecuniary obligations shall be carried out by the court at the request of the public law authority which rendered the decision or at the request of a party with interest.

(3) A decision of which enforcement is sought should contain a certificate of enforceability. When the body which reached an enforceable decision fails to issue the certificate within 15 days following receipt of the request, the party may prove the decision's enforceability by other means.

Enforcement of non-pecuniary obligations

Article 138

(1) The enforcement of non-pecuniary obligations shall be carried out by the public law authority which decided in the first instance.

(2) When it is laid down that the enforcement may not be carried out by the public law authority that decided in the first instance, and another authorized body has not been prescribed, enforcement shall be carried out by the first instance body of state administration competent for general administrative affairs according to the place of permanent or temporary residence of the enforcement debtor, or according to the seat of

the legal entity when the enforcement debtor is a legal person. The body whose decision is to be enforced is obliged to affix the certificate of enforceability upon the decision to be enforced and send it to the public law authority competent for enforcement.

Writ of enforcement

Article 139

(1) Should the enforcement fail to act on the enforcement decision, a writ of enforcement shall be rendered in writing.

(2) A writ of enforcement shall include the time, place and manner of enforcement. A writ of enforcement may set an additional time limit for performing an obligation or order its immediate performance.

(3) A writ of enforcement shall contain a caution of the pecuniary fine and the amount of the fine. When the enforcement is carried out by way of third persons, it is necessary to state the enforcement debtor's obligation to bear the expenses of enforcement.

(4) An appeal against a writ of enforcement may be filed only concerning the time, place and manner of enforcement and does not produce a deferral effect.

Deferment of enforcement

Article 140

(1) Upon a motion by a party and in order to avoid damage that would be difficult to remedy, the public law authority that rendered the decision may defer the enforcement and, when necessary, extend the deferral of the decision's enforcement until a legally effective decision is rendered on the administrative matter, save as otherwise provided by law and when this is not contrary to the public interest.

(2) The enforcement shall be deferred when a grace period is allowed for enforcement or when in place of the enforceable interim decision a new decision on the merits is adopted which is different than the interim decision.

(3) A decision shall be reached on the deferral.

Time of enforcement

Article 141

(1) Enforcement of decisions shall take plac3e on working days.

(2) Sunday, holiday and night time enforcements may only take place when there is a danger of deferral or when urgent measures must be taken to protect the life and health of people or property of greater value, and when the public law authority carrying out the enforcement issues a written order for this.

Coerced enforcement of non-pecuniary obligations by pecuniary fines

Article 142

(1) A public law authority which conducts enforcement shall compel the enforcement debtor to meet the obligations from the decision by a pecuniary fine, provided the enforcement debtor does not meet the obligations alone, when enforcement by means of third persons is not possible or when it is inappropriate to accomplish the purpose of the enforcement.

(2) The pecuniary fine by which a natural person is coerced into enforcement shall be pronounced by a decision in an amount not exceeding two average annual gross salaries realised in the Republic of Croatia in the previous year. The pecuniary fine by which a legal person is coerced into enforcement shall be pronounced by a decision on the responsible person of the legal person in an amount not exceeding ten average annual gross salaries realised in the Republic of Croatia in the previous year. An appeal against the decision on the pecuniary fine shall not defer the enforcement thereof.

(3) In the case of further failure to meet obligations, another higher pecuniary fine shall be imposed within the established range. If necessary the fine may be imposed several times.

(4) Pecuniary fines shall be enforced pursuant to the provisions hereof on the enforcement of pecuniary fines.

Enforcement of non-pecuniary obligations by way of third persons

Article 143

(1) When the enforcement debtor's obligation consists of actions which may be undertaken by a third party and the enforcement debtor fails to carry them out or does so partially, such actions shall be undertaken by a third party at the expense of the enforcement debtor.

(2) The body competent for enforcement shall order the enforcement debtor by a conclusion to make an advance deposit of the sum required to cover the costs of the enforcement. A decision shall be rendered on the costs of enforcement by way of third persons.

Enforcement of non-pecuniary obligations by direct force

Article 144

When the purpose of enforcing a non-pecuniary obligation can not be reached by application of other means or the enforcement can not be carried out timely, enforcement shall be carried out in according with the nature of the obligation, and when necessary, it may be carried out by the use of direct force.

Proportionality in enforcement

Article 145

Enforcement shall be carried out in a manner and by application of means which are most lenient on the enforcement debtor but reach the purpose of the enforcement.

Termination of enforcement

Article 146

(1) A public law authority shall terminate enforcement and the taken enforcement actions shall be annulled as follows:
1. when it determines that the obligation has been fulfilled,
2. when it determines that the enforcement was not permitted,
3. when it determines that enforcement was initiated against a person who has no obligation,
4. when the enforcement creditor refrains from enforcement,
5. when it determines that the decision, which is grounds for enforcement, has been pronounced null and void or repealed,
6. in other events laid down by law.

(2) A decision shall be reached on the termination of enforcement.

Removal of the consequences of annulment or amendments to a writ of enforcement
Article 147

(1) When a decision is pronounced null and void or amended to the benefit of the enforcement debtor after the enforcement has been carried out, the enforcement debtor shall have the right to request the return of what was taken or the restoration of a prior status or the reimbursement of damages.

(2) The public law authority which approved the enforcement shall decide upon the enforcement debtor's request by a decision.

Securing enforcement

Article 148

(1) In order to secure enforcement, some enforcement actions may be carried out, upon a motion of a party or ex officio, even before the decision becomes final, provided that the enforcement could be prevented or made significantly more difficult. In the event of carrying out obligations which may be undertaken by force only at the motion of a party, the applicant must submit proof that the danger of prevention or difficulties in fulfilment will likely appear, and the official person may, in such cases, condition securing the enforcement by depositing a certain sum of money for damages which the opposing party might incur by the enforcement of the decision in cases when the request of the applicant is not adopted by a legally effective decision in the administrative matter

(2) An interim decision on securing enforcement may be reached also when there is an obligation on the party or when the applicant has made it appear likely, and when there is a danger that the obliged party will, by disposal of assets, agreements with third persons or in some other way prevent the enforcement of the obligation or make it significantly more difficult.

(3) An interim decision shall be rendered on securing enforcement.

(4) When a legally effective decision on the administrative matter establishes that the party has no obligation to be secured, for which a temporary decision was rendered, or it is established in some other way that the request for an interim decision is unjustified, the applicant to whose benefit the interim decision was rendered shall compensate the

opposing party for the damages incurred to him/her by the interim decision rendered.

(5) The public law authority which rendered the interim decision shall decide on the compensation of damages. When it is obvious that the interim decision was obtained by the fault or frivolity of the applicant, the applicant shall be fined a sum equalling 50% of the annual gross salary in the Republic of Croatia in the previous year. An appeal against the decision on the pecuniary fine shall not defer the decision's enforcement.

Urgent enforcement

Article 149

When an oral decision has been reached, the public law authority may order that enforcement be carried out without rendering a writ of enforcement.

PART SIX

ADMINISTRATIVE AGREEMENT

Administrative agreements - conditions for concluding agreements and the subject thereof

Article 150

(1) A public law authority and a party shall conclude an administrative agreement on the performance of the rights and obligations determined under a decision on the administrative matter, when the entry into such agreements has been laid down by law.

(2) An administrative agreement may not be contrary to the disposition of the decision, mandatory regulations or the public interest nor at the detriment of third persons.

(3) An administrative agreement which produces a legal effect on the rights of third persons shall be legally valid only upon written consent of these persons.

(4) An administrative agreement shall be concluded in writing.

Invalidity of administrative agreements

Article 151
(1) An administrative agreement shall not be valid when it is contrary to the decision for the enforcement of which it was entered into.

(2) An administrative agreement shall also be invalid due to reasons of invalidity laid down by the law regulating civil obligations.

(3) An administrative agreement shall not be valid if part of that agreement is invalid, save when the agreement would produce legal consequences without the part concerned.

(4) The invalidity of an administrative agreement may be established by the court competent for administrative disputes pursuant to a complaint by a public law authority or a party.

(5) An invalid administrative agreement shall not produce any legal consequences.

Amendments to the administrative agreement due to altered circumstances

Article 152

(1) If due to circumstances arising after an agreement is concluded, which could not have been foreseen at the time the agreement was concluded, the fulfilment of obligations becomes extremely difficult for one of the contracting parties, that party may request the amendment of the agreement according to the new circumstances.

(2) Parties must agree on amendments to the agreement.

Cancellation of administrative agreements

Article 153

(1) When the public law authority and the party do not reach an agreement on the amendments to the agreement or when the public law authority or third persons included in the administrative agreement do not consent to those amendments, the public law authority may unilaterally cancel the administrative agreement.

(2) When a party fails to meet the obligations arising under the administrative agreement, the public law authority shall unilaterally cancel the administrative agreement. When the public law authority has sustained damages from the failure of meeting the contractual obligations, it has the right to claim damages from the party.

(3) A public law authority may also unilaterally cancel an administrative agreement when this is necessary to prevent a serious and immediate threat to the life and health of people and the public safety, when it can not be prevented by other means which would have a smaller interference in the obtained rights.

(4) The public law authority shall cancel the administrative agreement by a decision which must include an explanation of the reasons for cancellation and the amount of damages awarded provided the public law authority incurred damages.

(5) An administrative dispute may be instituted against a decision on the cancellation of an administrative agreement.

Objections to the administrative agreement

Article 154

(1) A party may file a complaint in order to ensure the fulfilment of an administrative agreement by the public law authority. The complaint may request the award of damages incurred from the failure to fulfil contractual obligations.

(2) Complaints shall be filed with the body responsible for supervision of the work of the public law authority with which the party entered into an administrative agreement.

(3) The complaint shall be deliberated on by a decision against which an administrative

dispute may be instituted.

PART SEVEN
LEGAL PROTECTION FROM THE ACTIONS OF PUBLIC LAW AUTHORITIES AND PUBLIC SERVICE PROVIDERS

Title I.

LEGAL PROTECTION FROM THE ACTIONS OF PUBLIC LAW AUTHORITIES

Notifications on the conditions for exercising and protecting rights

Article 155
(1) A public law authority is under obligation to notify an interested party at its request of the conditions, manner and procedure for exercising or protecting its rights or legal interest in a specific administrative matter.
(2) Upon request of a party, the public law authority shall, within 15 days from receipt of the request, issue a notice in writing.
(3) When the public law authority refuses to issue a notice in writing, the interested party has the right to file an objection within eight days.
(4) When the public law authority fails to issue the notice within the set time limit, the interested party has the right to file an objection.

Protection from other actions of public law authorities

Article 156
A person who considers that another action of the public law authority in the field of administrative law, on which the decision is not reached, violates its rights, obligations or legal interests may file an objection as long as this action or its consequences last.

Title II

PROTECTION FROM THE ACTIONS OF PUBLIC SERVICE PROVIDERS

Protection of the rights of pubic service users

Article 157

(1) The actions of public service providers entail the actions or omissions of public service providers which affect the rights, obligations or legal interests of natural and legal persons and which are not resolved in administrative proceedings.

(2) When a beneficiary of public services considers that his/her rights or legal interests have been violated by the actions of a provider of public services, he/she may file a complaint for the protection of his/her rights or legal interests with the body responsible for conducting supervision of those activities.

(3) The complaint may be filed as long as the action or omission of public service providers lasts.

Actions upon objections of public service beneficiaries

Article 158

(1) The competent public law authority shall examine the allegations of the public service beneficiary and take measures within its jurisdiction according to the rights of supervision.

(2) The public law authority shall inform the beneficiary of the public service without delay, and in any case no longer than within 30 days following the filing of the objection, of the actions taken upon the objection. When the beneficiary of services is not satisfied with the actions taken or when the beneficiary has not been informed within the set time limit on the actions taken, he7she may institute an administrative dispute.

PART EIGHT

ISSUE OF CERTIFICATES

Certificates of facts of which official records are kept

Article 159

(1) Public law authorities issue certificates. Certificates include credentials, excerpts and other public documents on facts of which public law authorities keep official records.

(2) Certificates of facts of which official records are kept shall be issued in accordance with the data in the official records. These certificates are public documents.

(3) Official records are taken to be records established pursuant to regulations or a general act of a legal entity vested with public law authority.

(4) Certificates of facts of which official records are kept are issued to the party its request, as a rule on the same day when the party requests the issue of the certificate, and no later than 15 days following the date of an orderly application, save when the regulations establishing the official records prescribe otherwise. A certificate may also be issued in electronic form.

(5) When the public law authority rejects an application for the issue of a certificate, it is obliged to reach a decision on this. When within 15 days from the day the application was filed it does not issue the certificate or does not render and send to the party a decision rejecting the application, the party may file an appeal.

(6) When a party, on the basis of the evidence he/she disposes of, considers that the certificate has not been issued in line with the data from the official records, he/she may request amendments to the certificate. When the public law authority fails to issue an amended certificate, it shall reach a decision on the rejection of the party's request for amendments to the certificate within 15 days of the date when the application was filed. When an amended certificate or the decision on the rejection of the party's request is not reached within the set time limit, the party may file an appeal.

Certificates of facts of which official records are not kept

Article 160
(1) Public law authorities issue certificates of facts of which no official records are kept when this is provided for by law. In this case the facts shall be established in accordance

with the procedures on presentation of evidence laid down hereunder.
(2) Credentials issued of facts about which no official records are kept are not binding on the public law authority to which they are presented as evidence. The public law authority competent for deciding on an administrative matter may re-establish the facts stated in the certificate.
(3) Credentials shall be issued to the party within 30 days of the day the application is filed. When the public law authority rejects the application to issue a certificate, it shall reach a decision on this. When it does not issue the certificate within 30 days following the day the application was filed or does not reach and send to the party a decision rejecting the application, the party may file an appeal

PART NINE
COSTS OF PROCEEDINGS

Costs of proceedings and parties

Article 161

(1) The public law authority shall bear the regular costs of proceedings save for the costs of administrative taxes and other expenses which the parties pay pursuant to special regulations.

(2) In proceedings instituted at the request of a party or in administrative matters in which two or more parties are involved with opposing interests, the costs of the proceedings shall be borne by the party at whose request the proceedings were instituted or against whom the proceedings were conducted and for whom they concluded unfavourably, save as otherwise provided by law.

(3) When the proceedings were instituted at the request of a party and with certainty it may be predicted that they will cause special expenditure, the official person may order the party by a conclusion to make a deposit of the necessary amount to cover those costs. When the party fails to deposit the given amount within the set time limit, the official person may call off the presentation of evidence or terminate the proceedings, save when the continuation of the proceedings is in the public interest.

(4) A decision on the costs of the proceedings shall be taken in the decision on the administrative matter. By way of exception, when at the moment of reaching the decision in the administrative matter all the costs of the proceedings are not known, a supplementary decision shall be rendered on the costs of the proceedings.

(5) When proceedings which were instituted ex officio are concluded favourably for the party, the costs of the proceedings shall be borne by the public law authority which instituted the proceedings, save as otherwise provided by law.

(6) When the administrative proceedings are concluded by a settlement each party shall bear his/her own costs, save when determined otherwise under the settlement.

Fees and compensation of costs to other persons who participate in proceedings

Article 162

(1) Attorneys, expert witnesses, translators and temporary representatives have the right to

payment of a fee or compensation for the actual costs incurred in relation to the proceedings. The opposing party in two-party or multi-party administrative matters has the right to payment of travel expenses and lost earnings, when the proceedings are concluded favourably for that party.

(2) The official person shall caution persons who have the right to compensation of costs thereof. A decision shall be rendered on the amount of fee or compensation of costs, in line with regulations, and if there are none, according to the actual costs incurred and documented.

(3) When a person participating in proceedings causes costs for certain actions taken in the proceedings by their own fault or frivolity, he/she shall bear those costs.

(4) Expert witnesses, translators and interpreters shall file an application for the compensation of costs or their fee within 30 days following the day the requested action was taken, with a statement of costs enclosed. When the application has not been filed within the prescribed time limit or has not been documented, and the official person has cautioned the applicant of the consequences of such an omission, the applicant shall forfeit that right.

(5) The costs of proceedings, such as travel expenses of official persons, expenditure for witnesses, expert witnesses, interpreters, on-site inspection, notices and the like which were incurred in proceedings, shall be borne by the party who instituted the whole proceedings.

Exemption from costs

Article 163

A party may be partially or completely exempted from payment of costs of proceedings when this is prescribed by law.

PART TEN
IMPLEMENTATION OF THE ACT

Article 164

In the implementation of this Act public law authorities shall when handling submissions and the issuance, the processing of, the delivery and the extraction of rendered documents, act in line with the provisions on office operations.

Article 165

(1) Supervision over the implementation of this Act shall be carried out by the central body of state administration competent for general administrative affairs.

(2) Supervision by inspection over the implementation of this Act shall be carried out by the administrative inspectorate.

Article 166

Within their scope of activities the ministries shall supervise decision-making in

administrative matters and ensure the lawfulness, effectiveness and purposefulness of the implementation of administrative procedure by bodies of state administration and units of local and regional self-government and legal entities vested with public law authority.

Article 167

The central body of state administration competent for general administrative affairs shall inform the Government of the Republic of Croatia of the management of administrative matters and of the undertaken protection from the actions of public law authorities and public service providers.

PART ELEVEN

TRANSITIONAL AND FINAL PROVISIONS

Article 168

Proceedings initiated before the entry into force of this Act shall be continued and completed in line with the provisions on the General Administrative Procedure Act (Official Gazette No. 53/91 and 103/96).

Article 169

On the day this Act enters into force the Instructions on drawing up reports on the status of resolution of administrative matters in the bodies of state administration and the administrative bodies of the City of Zagreb, and the time limits for filing those reports (Official Gazette No. 86/08) shall cease to apply.

Article 170

On the day this Act enters into force the General Administrative Procedure Act (Official Gazette No. 53/91 and 103/96) shall cease to apply.

Article 171

This Act shall enter into force on 1 January 2010 and it shall be published in the “Official Gazette”.

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Zagreb, 27 March 2009