

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

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 separate law, if this is necessary for proceeding in individual administrative areas and is not in violation of the basic provisions and the purpose of this Act.

(2) This Act shall apply *mutatis mutandis* 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 the parties, unless provided otherwise by law.

(3) This Act shall apply *mutatis mutandis* to proceedings for the protection of the rights or legal interests of the parties in cases where legal persons who perform public services (hereinafter: public service providers) decide on their rights, obligations or legal interests, unless the law prescribes judicial or other legal protection.

[...]

Content of decisions

Article 98

(1) Decisions shall consist of a letterhead, introduction, operative part, explanatory statement, instructions on legal remedies, the signature of the official person and the official seal of the competent public law authority.

(2) The introduction shall contain the title of the public law authority which handed down the decision, 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 of whether the decision was handed down by two or more public law authorities, in repeat proceedings or following a judgment by the competent administrative court, or with a consent, certificate or opinion obtained from another body. If 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 operative part shall contain a decision on the administrative matter concerned. The operative part shall be brief and specific. If the decision contains a time limit, condition, charge, withholding of repeal or the obligation to conclude an administrative agreement, this shall be included in the operative part.

(4) The operative part may be divided into several points. The costs of the proceedings shall be determined in a separate point of the operative part as well as a statement to the effect that an appeal shall not have suspensive effect on the decision.

(5) The explanatory statement shall contain a brief statement of the party's request, the facts of the case established, the reasons which were decisive in assessing particular evidence, the reasons why any of the party's requests were not accepted, the reasons for reaching conclusions in the course of the proceedings, and the regulations on the basis of which the administrative matter was resolved. If an appeal has no suspensive effect on the decision, the explanatory statement 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, within what time limit and in which manner.

[...]

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 within the set time limit.

(2) If 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) If 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.