TRANSLATION FROM THE CROATIAN LANGUAGE

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GENERAL ADMINISTRATIVE PROCEDURE ACT

(Editorial Final Text)

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(Editorial Final Text)

The Act was published in the Official Gazette of SFRY - final text, and was taken over and amended by the Act on the Take-over of the General Administrative Procedure Act in the Republic of Croatia (Official Gazette No. 53/91). By the decision of the Constitutional Court of the Republic of Croatia no. U-I-248/94 (Official Gazette No. 103/96), the provision of § (3), second sentence, and the provision of § (4) of Art. 209 were revoked.

PART I

GENERAL PROVISIONS

Chapter I

BASIC PRINCIPLES

Validity of the Act

Article 1

(1) State administrative agencies and other state agencies are obligated to observe this Act when in administrative matters, by directly applying regulations, they adjudicate the rights, obligations or legal interests of citizens; that is, legal persons or other parties.
(2) Other legal persons are also obligated to abide by this Act when adjudicating administrative matters in the performance of public powers.

Special Procedure

Article 2

Particular procedural issues for a specific administrative field may be regulated differently than in this Act by a special law if that is necessary for administrative process in that field and is not contrary to the principles of this Act.

Subsidiary Application of the Act

Article 3

Administrative fields for which a special procedure is anticipated by a law are governed by the provisions of that law. The provisions of this Act shall apply to all issues not regulated by a special law.

Principle of Lawfulness

Article 4

(1) Agencies, **institutions and other legal persons** adjudicate administrative matters on the basis of laws, other regulations of state agencies and on the basis of **by-laws of institutions and other legal persons** adopted by them on the basis of public **powers**.
(2) If an agency is authorised by law or by a regulation based on law to adjudicate administrative matters according to its own discretion, an order has to be adopted within the framework of the authorisation and in accordance with the purpose for which the authorisation was provided.
(3) The provisions of this Act shall also apply to cases in which an agency is authorised to adjudicate administrative matters according to its own discretion.

Protection of Civil Rights and Public Interest

Article 5

(1) In conducting procedures and adjudicating administrative matters, agencies are obligated to procure that parties realise the protection and acquisition of their rights in the easiest possible way, taking care that the realisation of their rights is not at the expense of other persons or contrary to public interests provided by law.
(2) When in reviewing the existing state of facts an official becomes aware or evaluates that a citizen or organisation has ground for the realisation of a specific right, the official shall inform such citizen or organisation thereof.
(3) If parties have certain obligations under law, measures provided by regulations, which are more advantageous for such parties, shall be applied to them, if by such measures the purpose of law may be achieved.

Principle of Efficiency

Article 6

In adjudicating administrative matters, agencies, **institutions and other legal persons** are obligated to ensure an efficient realisation of the rights and interests of working people, citizens, enterprises, institutions and other legal persons.

Principle of Material Truth

Article 7

In a procedure, a true state of affairs has to be determined, and for that purpose all facts important for making a lawful and correct solution have to be determined.

Principle of the Party's Right to be Heard

Article 8

(1) Before an order is passed, a party has to be provided with an opportunity to express his opinion about facts and circumstances important for adopting the order.
(2) An order may be adopted if a party has not expressed his opinion first only if so expressly permitted by law.

Evaluation of Evidence

Article 9

An authorised official shall decide, according to his own discretion, which facts to take as proven after a due and careful evaluation of each piece of evidence separately and all evidence as a whole, as well as on the basis of the results of the overall procedure.

Independence in Adjudicating Administrative Matters

Article 10

(1) An agency conducts administrative procedures and passes orders independently, within the framework of its authorisations provided by law, other regulations and by-laws.
(2) An authorised official of an agency in charge of a procedure adjudicates facts and circumstances independently, and on the basis of adjudicated facts and circumstances applies regulations or by-laws to the matter in controversy.

Right to Appeal

Article 11

(1) A party has the right to appeal against a first-instance order. Only laws may provide that in specific administrative matters an appeal is not allowed, provided that the protection of rights and lawfulness is ensured in some other way.
(2) If a second-instance administrative agency does not exist, an appeal against a first-instance order may be filed only if provided by law. Such law shall also specify which agency shall decide about the appeal.

(3) Under the conditions from this Act, a party is also entitled to appeal when a first-instance agency has not passed an order about his application within a specific term.
(4) An appeal is not allowed against a second-instance order.

Order without Recourse to Ordinary Legal Remedies (hereinafter the "non-remedial order")[1]

Article 11a

An order against which there is no ordinary legal remedy in the administrative procedure (non-remedial in the administrative procedure), and by which a party acquired a right or by which a party was obligated to perform certain obligations, may be annulled, revoked or changed only in the cases provided by law.

Final Order[2]

Article 12

An order against which an appeal may not be filed or dispute initiated (final order), and by which a party acquired certain rights or by which a party was obligated to perform certain obligations, may be annulled, revoked or changed only in the cases provided by law.

Cost-efficiency of the Procedure

Article 13

The procedure has to be conducted expeditiously and with as few expenses and loss of time as possible for the party and other persons participating in the procedure, but so as to gather everything necessary to correctly adjudicate the state of facts and adopt a lawful and proper order.

Assistance to an Ignorant Party

Article 14

An agency conducting a procedure shall take care that the lack of knowledge and ignorance of a party and other persons participating in the procedure are not at the expense of the rights to which they are entitled under law.

[1] In Croatian, *konaËno rjeπenje*.
[2] In Croatian, *pravomoÊno rjeπenje*.

Use of Language and Alphabet

Article 15

(1) An administrative procedure is conducted in the language and alphabet officially used by the agency conducting the procedure.
(2) Members of all nations and minorities are guaranteed the freedom to use their language and alphabet in the administrative procedure under the conditions provided by a special law.

Use of the Term "Agency"

Article 16

An agency conducting a procedure or adjudicating administrative matters means state agencies and **institutions and other legal persons**, unless provided otherwise in this Act.

Chapter II

COMPETENCE

1. Real and Territorial Competence[3]

Article 17

(1) Real competence for passing orders in administrative procedures shall be determined according to regulations regulating specific administrative domains or determining the competence of specific agencies
(2) Territorial competence shall be determined according to regulations about political-territorial division and according to regulations on the organisation of specific agencies.

Article 18

(1) Agencies that have real competence for adjudicating administrative matters in the first-instance shall be agencies determined in regulations on the organisation of state administrative agencies, regulations regulating specific administrative domains or other special regulations.
(2) If real competence is not determined in regulations, competent agencies shall be agencies of state administration in charge of general administrative affairs.

Article 19 **shall be deleted**

[3] The correct terminology of Anglo-Saxon law would be jurisdiction (of the subject matter) and venue.

Article 20 **shall be deleted**

Article 21

(1) An agency cannot take over a specific administrative matter for which another agency is competent and adjudicate the matter by itself, unless provided by law and under the conditions provided by law.
(2) An agency competent to adjudicate a specific administrative matter may delegate the adjudication of such matter to another agency only by virtue of an express legal authorisation.
(3) Real and territorial competence may not be changed by agreement of parties, by agreement between agencies and parties or by agreement between agencies, unless provided otherwise by law.

Article 22

(1) Within the framework of the regulations anticipated in Art. 17, § (2) of this Act, territorial competence shall be determined:

1) in matters relating to real property - according to the place of its location;
2) in matters relating to the activity of a state agency, **institution or other legal person** - according to the location of their seat. In matters relating to the activity of business units of **institutions and other legal persons**, the competence shall be determined according to the seat of a business unit;
3) in matters relating to the performance of an action or professional activity of individual persons performed or to be performed at a specific location - according to the seat of action or according to the place where the activity is performed;
4) in other matters - according to the place of permanent residence[4] of a party. In the case of several parties, the competence shall be determined according to the party at whom the application is directed. If the party does not have permanent residence in the **Republic of Croatia**, the competence shall be determined according to the place of his temporary residence[5], and if he does not have temporary residence - according to the place of his last permanent or temporary residence in the **Republic of Croatia**;
5) if territorial competence cannot be determined under items 1) through 4) of this Article, then it shall be determined according to the place where the reason for the procedure occurred.

(2) In matters relating to ships or air-craft or in which the reason for conducting the procedure occurred on a ship or air-craft, territorial competence shall be determined according to the mother port of the ship or mother port of the air-craft.
(3) The provisions of the preceding paragraphs shall be applied unless stated otherwise in special regulations.

[4] In Croatian, *prebivalištе*.
[5] In Croatian, *boravištе*.

Article 23

(1) Should under the provisions of the preceding Articles two or several agencies be territorially competent at the same time, an agency that has first initiated the procedure shall be competent, but territorially competent agencies may agree on which one of them shall conduct the procedure.
(2) Each territorially competent agency shall perform in its area procedural actions that may not be postponed.

Article 24

An agency that initiated a procedure as territorially competent remains competent even when circumstances occur during the procedure that would make another agency territorially competent. An agency that initiated a procedure may give the matter over to an agency that became territorially competent on the basis of new circumstances if that would facilitate the procedure to a great extent, particularly for the party.

Article 25

(1) Each agency takes care in the line of duty, throughout the procedure, of its real and territorial competence.
(2) If an agency finds that it is not competent for a specific administrative matter, it shall comply with Art. 66, § (3) and (4) of this Act.
(3) If a non-competent agency should perform a procedural action, the competent agency to which the matter was entrusted shall evaluate whether to repeat any of the actions.

2. Parties with Diplomatic Immunity

Article 26

(1) The position of a foreign state, international organisation or persons with the right of immunity in administrative procedures is regulated by international law or international treaties, recognised by competent state agencies.
(2) In the event of doubt as to the existence of immunity, an explanation shall be provided by an agency of state administration competent for foreign affairs.

3. Territorial Division of Competence

Article 27

(1) Each agency performs official work within the limits of its area.
(2) If there is danger of postponement, and an official action should be performed outside the limits of the area of an agency, the agency may perform the action even if outside the borders of its area. It is obligated to inform, without any delay, the agency in the area of which the action was performed.

Article 28 **shall be deleted**

Article 29 **shall be deleted**

4. Conflict of Competence

Article 30

(1) A conflict of competence between state administrative agencies shall be resolved by the Government of the Republic of Croatia if the conflict of interest occurred at the level of the Republic or by competent executive agencies of the units of local self-administration if a conflict of competence occurred between the agencies of state administration in their area.
(2) A conflict of competence between state administrative agencies from the same administrative domain at different levels shall be resolved by a competent ministry or other competent republican agency of state administration.
(3) A conflict of competence between state administrative agencies and executive agencies shall be resolved by the Government of the Republic of Croatia. A conflict of competence between the Republic of Croatia and ministries and other republican administrative agencies shall be resolved by the Croatian Parliament.
(4) A conflict of competence between state administrative agencies and other legal persons vested with public powers shall be resolved by the Government of the Republic of Croatia.
(5) A conflict of competence not included in §§ (1) through (4) of this Article shall be resolved by a republican court competent for administrative matters.

Article 31 **shall be deleted**

Article 32 **shall be deleted**

Article 33

(1) When two agencies declare themselves competent or non-competent to adjudicate a specific administrative matter, a petition for resolving such conflict of competence shall be submitted by an agency that was the last to decide about its competence, and may also be submitted by a party.
(2) An agency resolving a conflict of competence shall simultaneously annul an order passed by a non-competent agency in an administrative matter or annul a conclusion by which a competent agency declared itself non-competent, and deliver the files to a competent agency.
(3) A party may not file a special appeal or conduct a special administrative dispute against an order resolving a conflict of competence.
(4) The provision of Art. 23, § (2) of this Act shall be also adequately applied in the event of a conflict of competence.

Article 34

(1) If an agency in conflict deems that any of its rights were violated by an order resolving the conflict of interest, it may file an appeal. If the conflict was resolved by court, an appeal is not allowed.
(2) If an agency competent to adjudicate an appeal from the preceding paragraph adjudicates that an order on conflict is not based on regulations, it shall review the resulting relations between the complaining agency and the agency that was declared non-competent by the order on conflict of competence, taking into account the rights of the complaining agency under the relevant regulations. An order on the appeal shall be regarded as a first-instance order about the relations adjudicated by the order.
(3) An appeal under § (1) of this Article and an order about the appeal shall have no impact on the administrative procedure about the matter in controversy.

5. Official Authorised to Conduct and Adjudicate the Procedure

Article 35

(1) In an administrative matter that has to be adjudicated by a competent state agency, an order in the administrative procedure shall be adopted by the **head** of that agency, unless regulated otherwise by regulations on the organisation of the agency or other special regulations.
(2) The **head** may authorise another official from the same agency to adjudicate administrative matters from a specific group of tasks.
(3) An authorisation to adjudicate includes the conduct of the procedure preceding the adjudication.

Article 36

(1) In board agencies, an order in administrative matters shall be adopted by a board agency, unless provided otherwise by regulations.
(2) A board agency may by virtue of law, regulation based on law or other special regulation of an agency of local self-administration authorise an official within that agency to adjudicate administrative matters.

Article 37

(1) If a board agency is competent to adjudicate an administrative matter, the procedure shall be conducted by a competent administrative agency, within the scope of competence of which the administrative matter belongs, unless provided otherwise by regulations.
(2) In the event from § (1) of this Article, an agency or person authorised to conduct the procedure shall submit a written report to the board agency from § (1) of this Article, unless special regulations provide that the report shall be submitted by a commission or other agency, that is, other legal person.

Article 38

In administrative matters adjudicated by a legal person vested with public powers, an order shall be adopted by the head of such legal person, unless provided otherwise by regulations. The head may authorise another expert official to take actions in the procedure until the adoption of an order or to adjudicate administrative matters within the competence of that legal person.

Article 39

(1) The **head** of an agency may authorise another expert official of that agency to take actions in a procedure before the adoption of an order.
(2) If an authorisation does not include any limitations, the designated official shall be authorised to perform any and all actions in the procedure, except the adoption of an order and conclusions preventing further conduct of the procedure.

6. Legal Assistance

Article 40

(1) For the performance of certain procedural actions that have to be taken outside the area of the competent agency, such agency shall request an administrative agency in the area of which such action has to be performed.
(2) An agency competent to adjudicate a particular administrative matter may entrust the performance of a specific action in the procedure to an appropriate agency authorised for the performance of such action in order to make the performance of the action easier or quicker or to avoid unnecessary expenses.

Article 41

(1) State agencies, as well as **institutions and other legal persons with public powers** adjudicating administrative matters, shall be obligated to provide legal assistance in the administrative procedure to each other. Such assistance is requested by a special application.
(2) A requested agency, as well as an organisation from § (1) of this Article, are obligated to act further to the application within the limits of their area and scope of competence, without any delay, at the latest within 30 days from the date of receipt of the application.
(3) Legal assistance for the performance of specific procedural actions may be requested from courts only within the framework of special regulations. Exceptionally, a state agency, as well as an organisation vested with public powers to adjudicate administrative matters, may request courts to deliver files necessary to conduct an administrative procedure. Courts are obligated to comply with such request if that would not disturb a court procedure. The court may set a term within which the files have to be returned.
(4) To legal assistance in relations with foreign agencies are applied the provisions of international agreements, and if there are not any, the principle of reciprocity is

applied. If there is a doubt as to the existence of reciprocity, an explanation is to be provided by an agency of state administration competent for foreign affairs.
(5) Domestic agencies provide legal assistance to foreign agencies in the manner anticipated by domestic law. An agency shall deny legal assistance if the requested action is contrary to public order. An action requested by a foreign agency may be performed in the manner requested by that foreign agency if such procedure would not be contrary to public order.
(6) If international agreements do not anticipate a possibility of direct communication with foreign agencies, agencies communicate with abroad through agencies of state administration competent for foreign affairs.

7. Disqualification

Article 42

An official authorised to adjudicate or perform specific actions in a procedure shall be disqualified if:

1) he is a party, co-authorised person or co-obligor, witness, expert witness, plenipotentiary or legal representative of a party;
2) with a party, representative or plenipotentiary of a party he is lineally related by blood, and collaterally, to a fourth degree conclusively, the spouse, or kin by in-laws to a second degree conclusively, even when the marriage was dissolved;
3) he has the relationship of a guardian, adopted parent, adopted child or foster parent of a party, representative or plenipotentiary of a party;
4) in the first-instance procedure, he participated in the conduct of the procedure or in the adoption of an order.

Article 43

An official that would have to adjudicate a specific administrative matter or perform an action in a procedure, as soon as he learns about any of the reasons for disqualification from Art. 42 of this Act, is obligated to terminate any further work on the matter and inform thereof the agency competent for disqualification. If an official deems that other circumstances that might justify disqualification exist, he shall inform the said agency thereof, without interrupting his work.

Article 44

(1) A party may request disqualification of an official under any of the reasons mentioned in Art. 42 of this Act, and also in the event of other circumstances that make his impartiality questionable. In the request, the party has to state circumstances, because of which he believes in the existence of reasons for disqualification.
(2) An official with respect to whom a party requested disqualification under any of the reasons mentioned in Art. 42 of this Act may not perform any actions in the

procedure, except those that may not be postponed, until the adoption of a conclusion about the request.

Article 45

(1) The head of an agency decides about the disqualification of an official of that agency, the competent executive agency about the disqualification of a head, except in the event of disqualification of the head of an agency within an agency of state administration, which issue is decided upon by the head of the administrative agency to which that agency belongs.
(2) The president of a board agency decides about the disqualification of a member of the board agency, and about his disqualification an appropriate executive agency.
(3) The head of a legal person vested with public powers decides about the disqualification of an official of that legal person, and about the disqualification of the head the agency designated by the articles of association or other general by-law, unless provided otherwise by law or regulation based on law or some other special regulation.
(4) The disqualification has to be decided upon in a conclusion.

Article 46

(1) In the conclusion on disqualification shall be designated an official to adjudicate or perform specific actions in the procedure regarding the matter in which the disqualification was adjudicated.
(2) An appeal is not allowed against the conclusion adjudicating disqualification.

Article 47 **shall be deleted**

Article 48

(1) The provisions of this Act on disqualification shall be also adequately applied to the keeper of the minutes.
(2) An official in charge of a procedure shall adopt a conclusion about the disqualification of the keeper of the minutes.

Chapter III

PARTY AND REPRESENTATION

1. Party

Article 49

The party means a person at whose request the procedure was initiated, against whom the procedure is conducted or who is entitled to participate in the procedure in order to protect his rights or legal interests.

Article 50

(1) A party in an administrative procedure may be any natural person or legal person.
(2) State agencies, the business unit of an **institution and other legal person**, settlement, group of persons and others who do not have the capacity of a legal person may be parties if they can be holders of the rights and obligations that are the subject matter of an administrative dispute.
(3) The party may also be a trade union organisation if the administrative procedure relates to a right or legal interest of the employees of **enterprises** and the employees of **institutions and other legal persons**.

Article 51

(1) An **institution and other legal person**, social organisation and an association of citizens that under a general by-law have the task of protecting certain rights and interests of their members may file, on consent of their member, a request on his behalf relating to such rights and interests, and intervene in an already initiated procedure with all the rights pertaining to a party.
(2) If so anticipated by a general by-law of an **institution and other legal person**, the **institution** or **other legal person** may represent an employee at his request.

Article 52

(1) If the **state attorney**, public attorney, other state agencies and the **ombudsman** are authorised by law to represent social interests in administrative procedures, they have the rights and duties of a party within the framework of their authorisations.
(2) The agencies from § (1) of this Article may not have wider authorisations in administrative procedures than those of a party, unless such authorisations are provided by law.

2. Procedural Capacity and Legal Representative

Article 53

(1) A party with full business capacity may perform actions in the procedure on his own (procedural capacity).
(2) In the case of a person without procedural capacity, procedural actions are performed by his legal representative.
(3) A legal person performs actions in the procedure through its representative or legal representative. The representative or legal representative of a legal person is designated in a general by-law, unless designated by law or deed of a competent state agency adopted on the basis of law.
(4) A state agency performs actions in the procedure through a representative designated by law, the business unit of an **institution or other legal person** through

a person heading the work of the business unit, and settlements or groups of persons without the capacity of a legal person through a person they designated, unless provided otherwise by special regulations.
(5) When an agency conducting a procedure establishes that the legal representative of a person with guardian does not act with due diligence in representation, it shall inform thereof the agency of guardianship.

Article 54

(1) Throughout the procedure, the agency shall take care in the line of duty whether the person acting as party may be a party in the procedure and whether the party is represented by his legal representative.
(2) Should a party die during the procedure, the procedure may be either discontinued or continued, depending on the nature of the administrative matter in controversy. If the procedure cannot continue in view of the nature of the administrative matter, the agency shall discontinue the procedure by a conclusion, against which a special appeal is allowed.

3. Temporary Representative

Article 55

(1) If a party without procedural capacity has no legal representative or if an action should be taken against a person whose temporary residence is unknown, and who does not have a plenipotentiary, the agency conducting the procedure shall appoint a temporary representative of such party if the matter is urgent and the procedure has to be conducted. That agency shall immediately inform the agency of guardianship, and if the temporary representative was appointed for a person whose temporary residence is unknown, it shall make the conclusion public in the usual manner.
(2) If an **institution or other legal person** does not have a legal representative, representative or plenipotentiary, the agency conducting the procedure shall appoint to such party a temporary representative under the conditions from § (1) of this Article, as a rule, from amongst the ranks of officials of the **institution or other legal person**, and inform the **institution or legal person** thereof without any delay.
(3) The temporary representative shall also be appointed in the manner anticipated by §§ (1) and (2) of this Article when an action that may not be postponed has to be executed and it is not possible to timely serve a subpoena to a party or his plenipotentiary or representative. The party, plenipotentiary or representative shall be immediately informed.
(4) The appointed person is obligated to accept the representation, which may be refused only, because of reasons provided by special regulations. The temporary representative acts only in the procedure for which he was expressly appointed until the legal representative, representative or the party himself or his plenipotentiary appears.

4. Joint Representative

Article 56

(1) Two or more parties may act jointly in the same matter, unless provided otherwise in a special regulation. In that case, they are obligated to designate who of them will act as their joint representative or appoint a joint plenipotentiary.
(2) An agency conducting a procedure may adjudicate in a conclusion, unless prohibited by a special legal regulation, that the parties participating in the procedure with the same claims should designate, within a specified term, who of them shall represent them or appoint a joint representative. If the parties fail to comply with the said conclusion, the agency conducting the procedure may designate such person by itself, in which case the joint representative or plenipotentiary retains that capacity until the parties appoint another one. The parties have the right to a special appeal against such conclusion, but the appeal does not postpone its enforcement.
(3) In the event that a joint representative or plenipotentiary is appointed, each party retains the right to act as party in the procedure, to give statements and to independently submit appeals and use other legal remedies.

5. Plenipotentiary

Article 57

(1) A party or his legal representative may designate a plenipotentiary to represent him in the procedure, except whenever necessary that a party should give statements by himself.
(2) Actions in a procedure taken by a plenipotentiary within the framework of the power of attorney have the same legal effect as if taken by the party himself.
(3) Next to the plenipotentiary, the party himself may also give statements, and they may also be requested directly from the party.
(4) A party present when his plenipotentiary gives an oral statement may immediately after the statement change or recall the statement of his plenipotentiary. Should the facts in either written or oral statements of the party and his plenipotentiary be different, the agency conducting the procedure shall evaluate both statements within the meaning of Art. 9 of this Act.

Article 58

(1) The plenipotentiary may be any person with full business capacity, except the person illegally practicing law.
(2) Should the plenipotentiary be a person illegally practicing law, the agency shall prohibit any further representation by such person and immediately inform the party thereof.
(3) A special appeal may be filed against the conclusion on denial of representation, but such appeal does not postpone the enforcement of the conclusion.

Article 59

(1) A power of attorney may be granted either in writing or stated in the record. A note shall be entered in the case file about an oral power of attorney.
(2) An illiterate party or a party not able to sign his name shall place on the written power of attorney a finger-print of his index, instead of his signature. If a power of attorney is to be granted to a person who is not a lawyer, two witnesses, who will sign the power of attorney, have to be present.
(3) Exceptionally, an official conducting a procedure or performing certain actions in a procedure may allow a person who has not submitted a power of attorney to perform a specific action on behalf of the party, as his plenipotentiary, but he shall at the same time instruct that person to submit an appropriate power of attorney or a more general power of attorney issued by the party for that action within a specific term.

Article 60

(1) If a power of attorney was submitted in the form of a private deed, and its authenticity is questioned, a legalised power of attorney may be requested.
(2) The correctness of a power of attorney is examined in the line of duty, and any deficiencies in the written power of attorney are remedied in accordance with the provision of Art. 68 of this Act, and an official conducting the procedure may allow the plenipotentiary with an improper power of attorney to perform urgent actions in the procedure.

Article 61

(1) The content and scope of a power of attorney are governed by the provisions on the power of attorney. A power of attorney may be granted for the entire procedure or only for specific actions, and may be also restricted to a specific time-period.
(2) A power of attorney does not terminate by death of the party, by loss of his procedural capacity or change of his legal representative, but the legal successor of a party or his new legal representative may recall the preceding power of attorney.
(3) Issues regarding the power of attorney not regulated by the provisions of this Act shall be governed in an appropriate manner by the provisions of the Civil Procedure Act.

Article 62

The provisions of this Act relating to parties also apply in an appropriate manner to their legal representatives, plenipotentiaries, temporary representatives and joint representatives.

Article 63

(1) In matters requiring professional knowledge of issues relating to the subject matter of a procedure, the party shall be allowed to call a professional to provide to

him notices and advice (professional assistant). Such person does not represent the party.
(2) A party may not call as his professional assistant a person without business capacity or a person illegally practising law.

Chapter IV

COMMUNICATION BETWEEN AGENCIES AND PARTIES

1. Submissions

Article 64

(1) Submissions means requests, forms used for automatic data processing, motions, registrations, applications, appeals, objections and other announcements by which individuals or legal persons or organisations address agencies.
(2) Submissions are as a rule submitted by hand or sent by mail in writing or stated in the record, and, unless regulated otherwise, may be also filed by telegraph. Brief and urgent announcements may be given by telephone, if possible.

Article 65

A submission has to be submitted to an agency competent for receiving submissions, and may be submitted on any business day within the working hours. Oral submissions, which do not have to be submitted within a specific term or which are not undeferrable, if so decided, may be submitted only at a specified time during the working hours. The time for submitting such submissions is announced by the relevant agency at a visible place on its premises.

Article 66

(1) An agency competent for receiving submissions or oral statements is obligated to accept the submission that is submitted or register the statement in the record.
(2) An official receiving a submission is obligated to confirm the receipt of the submission if so requested by the submitter. No fee has to be paid for the confirmation.
(3) If an agency is not competent to receive a written submission or statement in the record, the official of that agency shall inform the submitter thereof and inform him about the agency competent to receive such submission or announcement. If the submitter nevertheless insists that his submission should be accepted, the official is obligated to accept the submission or oral announcement. If the agency finds that it is not competent to work on such submission, it shall pass a conclusion dismissing the submission by reason of non-competence.
(4) When an agency receives by mail a submission that it is not competent to receive, and it is indisputable which agency is competent to receive it, it shall forward the submission to the competent agency or court without any delay and inform the party

thereof. If the agency that received the submission cannot establish which agency is competent to process the submission, it shall pass a conclusion, without any delay, dismissing the submission by reason of non-competence, and forward the conclusion to the party.
(5) A special appeal is allowed against the conclusion adopted under §§ (3) and (4) of this Article.
(6) If an agency receives by mail a complaint for the initiation of an administrative dispute, the complaint shall be forwarded to the competent court without any delay, and the agency shall inform the complainant thereof.

Article 67

(1) The submission has to be comprehensible and include everything necessary to enable processing. It should particularly include: the name of the agency to which it is addressed, the case to which it relates, the request or motion, the identity of the representative or plenipotentiary, if any, and the name and surname, as well as the temporary residence (address) of the submitter or representative or plenipotentiary.
(2) The submitter is obligated to personally sign the submission. Exceptionally, the submission may be signed, in place of the submitter, by his spouse, one of his parents, son or daughter, or the attorney who made the submission at the authorisation of the party. The person who signed a submission instead of the submitter is obligated to include his own name and address in the submission.
(3) If the submitter is illiterate or not able to sign his name, his name shall be signed by a literate person, who shall also provide his own name and address.

Article 68

(1) A submission may not be dismissed only on account of having a formal deficiency that prevents the processing of the submission or on account of being incomprehensible or incomplete. An agency that received such a submission shall do what is necessary to remedy the deficiencies and shall set a term within which the submitter is obligated to do so. The submitter may be informed of the above by telephone, and also orally if the submitter happens to be at the agency making the announcement. The agency shall make a note about the performed announcement in the file.
(2) If the submitter remedies the deficiencies within the set term, the submission shall be regarded as duly submitted from the beginning. If the submitter does not remedy the deficiencies within the set term, and consequently the submission may not be processed, the submission shall not be regarded as submitted. The agency shall pass a conclusion about the above, against which a special appeal may be filed. The submitter shall be particularly cautioned about the said consequence in the notice to remedy the submission.
(3) When a submission was sent by telegraph or when an announcement was received by telephone, and it is suspected that the submission was not submitted by the person whose name is written in the telegraph submission, that is, from the person who gave his name during the announcement by phone, the competent

agency shall execute a procedure to establish the said facts, and if the deficiencies are not remedied, the agency shall comply with § (2) of this Article.

Article 69

If a submission includes several demands that have to be processed separately, the agency that received the submission shall process the demands for which it is competent, and with respect to other demands, comply with Article 66, § (4) of this Act.

2. Subpoenas

Article 70

(1) An agency conducting a procedure is authorised to summon a person whose presence is required in the procedure and who is staying within its area. As a rule, subpoenas may not be issued for the purpose of delivering written orders and conclusions or announcements that may be performed by mail or in some other way more convenient for the person to whom the announcement is to be made.
(2) Exceptionally, a person staying outside the area of the agency conducting the procedure may be summoned to an oral hearing if that would accelerate or facilitate the procedure, provided that the summoned person would not incur material expenses or waste too much time as a consequence.
(3) The subpoena has to be in writing, unless a different subpoena is anticipated by special regulations.

Article 71

(1) A written subpoena shall include the name of the agency doing the summoning, the name and surname, as well as the address of the person being summoned, place, date and, if possible, the hour of arrival of the summoned person, the case with respect to which the person is summoned and in what capacity (as party, witness, expert witness, etc.), and what auxiliary means and evidence the summoned person has to bring with himself. The subpoena has to state whether the summoned person is obligated to appear personally or whether he may engage a plenipotentiary to represent him, and the summoned person has to be warned that in the case he is prevented from appearing he is obligated to inform the agency that issued the subpoena. The summoned person shall also be cautioned about the consequences of not complying with the subpoena or not informing the agency that he is prevented from appearing.
(2) In the subpoena to an oral hearing, the party may be called on to submit written and other evidence, and may also be warned that he may take along witnesses to whom he intends to refer.
(3) When possible, if the summoned person wishes so, he may be allowed, instead of appearing by himself, to submit by a certain date the required written statement.

Article 72

(1) When doing the summoning, the agency shall bear in mind that the person whose presence is required should be summoned to appear at a time that will disturb him as least as possible in the performance of his regular work.
(2) Nobody may be summoned to appear during the night, except in the case of urgent and undeferrable measures.

Article 73

(1) The summoned person is obligated to comply with the subpoena.
(2) If the summoned person is prevented from appearing, because of illness or some other justified reason, he is obligated to inform thereof the agency that issued the subpoena immediately after receiving the subpoena, and if the reason, because of which he is prevented occurred at a later date, as soon as he learnt about it.
(3) If the person to whom the subpoena was delivered by hand (Article 87) fails to comply with the subpoena and justify the absence, he may be taken in and fined by an amount up to **Dinar 5,000.00**.* The measures shall be applied only if the subpoena read that they would be applied. If expenses were incurred in the procedure as the result of an unjustified absence of the summoned person, the person who did not appear at the hearing may be ordered to bear the expenses. The conclusion on bringing in, sentencing or payment of expenses shall be passed by the official conducting the procedure in agreement with the official authorised to adjudicate the matter, and in the case of the requested agency - in agreement with the **head** of that agency or the official authorised to adjudicate similar matters. A special appeal is allowed against the conclusion.
(4) If the person who did not comply with the subpoena is a military person or police official, the agency shall address the commanding agency of such person, requesting that the person should be brought in, and he may also be fined under § (3) of this Article or ordered to bear the expenses.

3. Minutes

Article 74

(1) Minutes shall be kept about oral hearings or other important actions in the procedure, as well as about important oral statements of parties or third parties in the procedure.
(2) Minutes shall as a rule not be kept about less important actions and statements of parties and third parties, without major impact on the adjudication of the matter, about the progress of the procedure, about announcements, official notes, oral

* ***See:***
- Decision on Introduction of Croatian Dinar as Means of Payment in the Territory of the Republic of Croatia (Official Gazette No. 71/91).
- Decision on Termination of Validity of Croatian Dinar as Means of Payment in the Territory of the Republic of Croatia, and on the Manner and Time for Re-calculation of Amounts in Croatian Dinars to Kuna and Lipa (Official Gazette No. 37/94).

instructions and findings, and about the circumstances regarding only the internal operation of the agency conducting the procedure, but a note shall be entered in the file itself and confirmed by the official who had put it there, with a date. Minutes need not be made about oral requests of the party being decided upon in an abridged procedure, and which were accepted, but such requests need only be documented in the anticipated manner (Article 298, § (3)).

Article 75

(1) Minutes have to include: the name of the agency performing the action, the place where the action is performed, the date and hour when it is performed, and the case in which it is performed, the names of officials, attending parties and their representative or plenipotentiaries.
(2) Minutes also have to accurately and briefly describe the progress and content of the actions performed and statements given in the procedure. Minutes have to be limited to the subject matter of the procedure. Minutes have to state all documents used for any purpose at the oral hearing. If necessary, the documents are enclosed to the minutes.
(3) The statements of parties, witnesses, expert witnesses and other persons participating in the procedure, important for the adoption of an order, are entered in the minutes as accurately as possible, and if necessary verbatim. Minutes also have to include all conclusions passed during a specific action.
(4) If an interview was performed with the assistance of an interpreter, it shall be noted in the minutes in which language the interviewed person spoke and the identity of the interpreter.
(5) Minutes shall be kept during the performance of an official action. If the action cannot be completed on the same day, it shall be stated in the record what was performed on each day, and the minutes shall be duly signed.
(6) If an action about which minutes are kept could not be performed without interruptions, the minutes shall note that there were interruptions.
(7) If plans, sketches, drawings, photographs and other were prepared or obtained during an action, they shall be certified and enclosed to the minutes.
(8) Regulations may state that minutes on specific matters may be kept in the form of a book or other type of records.

Article 76

(1) Minutes have to be kept neatly, and nothing may be deleted from the minutes. Crossed-out places have to remain legible until the closing of the minutes, and they have to be certified by the signature of the official in charge of the procedural action.
(2) Nothing may be added or changed in the already signed minutes. Any additions to the already closed minutes are entered in an addendum to the minutes.

Article 77

(1) Before their conclusion, minutes are read to the interviewed persons and other persons participating in the procedural action. Such persons have the right to review the minutes themselves and to make comments. At the end of the minutes, it shall be noted that the minutes were read and that no comments were made, or, if there were comments, the content of the comments shall be briefly entered. The minutes shall then be signed by the person who participated in the action, and finally certified by the official in charge of the action, and also by the taker of the minutes, if there was one.
(2) If minutes include interviews with several persons, each of them shall sign the minutes below his statement in the minutes.
(3) If confrontations were performed, the confronted persons shall sign the part of the minutes describing the confrontation.
(4) If the minutes have several pages, they shall be marked by ordinal numbers, each page shall be certified by the signature of the official in charge of the procedural action and the person whose statement is entered at the end of the page.
(5) Additions to already concluded minutes shall be once again signed and certified.
(6) If a person who has to sign minutes is illiterate or is not able to write, his signature shall be written by a literate person, who also has to sign his own name. The official in charge of the procedural action or the taker of the minutes cannot be that person.
(7) If a person does not want to sign the minutes or leaves before the minutes are concluded, that shall be entered in the minutes and the reason for the absence of the signature shall be stated, as well.

Article 78

(1) Minutes drawn in accordance with the provisions of Article 77 of this Act are an official document. Minutes are a proof of the progress and content of a procedural action and given statements, except those parts of the minutes against which an interviewed person objected that they had not been properly drawn.
(2) It is permissible to supply evidence that minutes are inaccurate.

Article 79

(1) When a board agency adjudicates an administrative matter, special minutes are taken about the deliberation and voting. When an unanimous decision was adopted in the procedure about an appeal, the minutes about deliberation and voting need not be taken, but only a note may be made in the file.
(2) Minutes about deliberation and voting, apart from data on persons making the board agency, have to include the mark of the case in controversy, a brief description of what was adjudicated, as well as separate opinions, if any. Minutes have to be signed by the chairman and the taker of the minutes.

(3) When the **Croatian State Parliament and agencies of local self-administration** or their board executive agency adjudicate administrative matters, no special minutes shall be kept about deliberation and voting, but conclusions passed in the administrative matters shall be entered in the minutes, just as other conclusions of the agencies.

4. Review of the File and Notices of the Progress of the Procedure

Article 80

(1) Parties are entitled to review the file of their case and at their expense copy the necessary documents. The review and copying of the files is performed under the supervision of a designated official.
(2) Any other person who provides just legal cause to do so, as well as social organisations and professional associations, if just cause to do so exists, also have the right to review the file and at their expense copy certain documents.
(3) A request for reviewing and copying a file may be also submitted orally. An agency may request the person from the preceding paragraph to explain the existence of his legal interest in writing or to state it orally in the record.
(4) The following may not be reviewed or copied: minutes about deliberation and voting, official reports and drafts of orders, as well as other documents classified as confidential, if that might disturb the purpose of the procedure or if that would be contrary to public interest or justified interest of one of the parties or third parties.
(5) A special appeal is allowed against the refusal of the request from the preceding paragraphs even when the conclusion was not issued in writing. An appeal may be filed immediately.

Chapter V

SERVICE

1. Manner of Service

Article 81

(1) The service of writs (subpoenas, orders, conclusions and other official documents) is performed, as a rule, by delivering a writ to the person to whom it is intended.
(2) The service is performed either by mail or by an official of the agency. The person to whom a writ has to be served may be summoned to receive the writ only exceptionally, when required by the nature or significance of the writ that needs to be served.
(3) The manner of service is adjudicated by the agency issuing a writ.

Article 82

(1) The service may be performed only on business days, during daytime.

(2) An agency issuing a writ may in the case of particularly important reasons order that the service should be performed on a Sunday or on a state holiday, even during night time, if undeferrable.
(3) The service by mail may be performed also on a Sunday or on a state holiday.

Article 83

(1) As a rule, the service is performed at the apartment, office or workshop where the person in controversy is employed, and in the case of an attorney - in his law office.
(2) The service may be performed outside the premises mentioned in § (1) of this Article if the person in controversy accepts to receive the writ, and if the said premises do not exist, the person may be served with such a writ wherever such person is found.

2. Indirect Service

Article 84

(1) When the person to whom a writ has to be served is not found at his apartment, the service is performed by delivery of the writ to any of the adult members of his household, and if they are not found either, to the house supervisor or neighbour, if they accept to receive the writ.
(2) If service is performed at the place of work of a person to whom a writ has to be served, and the person is not found at his place of work, the writ may be served to a person employed at the same place if he accepts to receive the writ. Service to an attorney may be performed by delivery of the writ to a person employed in the law office.
(3) Service under §§ (1) and (2) of this Article may not be performed to a person participating in the same procedure with opposing interests.

Article 85

(1) If established that the person to whom a writ has to be served is absent and that persons mentioned in Article 84 of this Act cannot deliver to him the writ on time, the writ shall be returned to the agency that issued it, with a note of the location of the absent person.
(2) If the temporary residence of the person to whom a writ has to be served remains unknown despite an investigation, the agency that issued the writ shall appoint a temporary representative from Art. 55 of this Act and hand over the writ to him.

Article 86

(1) If service cannot be performed in the manner described in Article 84 of this Act either, and it was not established that the person to whom a writ has to be served is absent, the courier shall hand over the writ to the competent agency of the **unit of local self-administration**, in the territory of which the person to whom the writ has

to be served has temporary residence or at the post office of his temporary residence if the service is performed by mail. At the door to the apartment, office or workshop of the person to whom a writ has to be served, the courier shall place a written announcement of the whereabouts of the writ. The courier shall note the reason for such service on the announcement and the writ that had to be served, as well as the date on which the announcement was placed on the door, and sign the announcement.
(2) Service is deemed completed when the announcement was placed on the door. Any subsequent damage or destruction of the announcement does not have any bearing on the validity of service.
(3) An agency that ordered service shall be informed of the service performed in the manner anticipated by § (1) of this Article.

3. Mandatory Personal Service

Article 87

(1) A writ has to be served personally to the person to whom it is intended when such service is anticipated by this Act or other regulation, when a term that may not be extended begins as of the date of service, or when specifically ordered by the agency that ordered the service. An attorney is deemed served with a writ even when the writ was handed over to a person employed in the law office.
(2) When the person to whom a writ has to be served is not found in the apartment, office, workshop or if a person employed in the law office is not found on the premises, the courier shall be informed when and where such person may be found, so he shall leave with one of the persons mentioned in Article 84 of this Act a written notice that on a specific day and hour the person to whom the writ has to be served should be in his apartment or office in order to receive the writ. If the courier nonetheless does not find the person to whom the writ has to be served, the courier shall comply with Article 86 of this Act and service shall then be deemed performed.
(3) When a legal representative, plenipotentiary or service agent (Article 89) are served with a writ, the writ is deemed served to the party himself.

4. Special Cases of Service

a) Service to Legal Representative and Plenipotentiary

Article 88

(1) Service to a legal representative or plenipotentiary, if a party has one, is performed in the manner anticipated in Articles 81 through 87 of this Act.
(2) If several parties have one joint legal representative or plenipotentiary in the same matter, service for all of them is performed to that legal representative or plenipotentiary. If the party has several plenipotentiaries, service to one of them shall suffice.

b) Service to the Service Agent

Article 89

(1) A party may authorise a specific person to receive all writs intended for him. When such party informs the agency conducting the procedure about the authorisation, the agency shall serve such plenipotentiary (service agent) with all writs.
(2) The service agent is obligated to forward, without any delay, all deeds to the party.
(3) Should direct service to the party, plenipotentiary or legal representative significantly stall the procedure, the official conducting the procedure may order the party to appoint a service agent from the seat of the agency in the specific matter and within a specific term. Should the party fail to comply with the order, the agency may act in accordance with Article 55 of this Act.
(4) When a party or his legal representative are abroad, without a plenipotentiary in the **Republic of Croatia**, they shall be called on at the service of the first writ to appoint a plenipotentiary or service agent within a specific term and shall be cautioned that the service agent or temporary representative shall be appointed in the line of duty if they do not appoint a plenipotentiary within a specific term.
(5) When a writ was served to the service agent, the writ is deemed served to the party to whom the writ had to be served.

Article 90

(1) When several parties participating together in a procedure with identical demands do not have a joint plenipotentiary, they are obligated during the first action in the procedure to inform the agency about the identity of the joint service agent, if possible living in the seat of the agency. Until a joint service agent is registered, the party first signed or marked in the first joint submission shall be regarded as such service agent. If the service agent cannot be determined in the said manner, the official conducting the procedure may designate any of the parties as service agent. If there are many parties or if they are coming from different places, the parties and the official himself may designate several service agents and decide which of the parties shall be represented by which service agent.
(2) The joint service agent is obligated to inform all parties without any delay about a writ received on their behalf and enable them to review, copy and certify the writ, which as a rule he should keep.
(3) A writ served to the service agent has to include all persons for whom the service is made.

c) Service to State Agencies, ***Institutions and Other Legal Persons***

Article 91

(1) Service to state agencies, **institutions and other legal persons** is performed by delivery of a writ to the official or person designated as service agent, unless regulated otherwise for individual cases.
(2) If business units, settlements, groups of persons, etc. (Article 50, § (2)) participate in a procedure, service shall be performed by delivery of a writ to the person they designated (Article 53, § (4)).
(3) If the courier fails to find a person designated as service agent within the specified working hours, the writ may be delivered to any person employed with that agency or organisation found on their premises.

d) Service to Other Persons

Article 92

(1) To persons and legal persons abroad, as well as foreign states, international organisations and persons with diplomatic immunity, service is performed through state administrative agencies competent for foreign affairs, unless regulated otherwise by international treaties.
(2) Service of excerpts from registers, diplomas, certificates and other writs issued at request may be performed directly. Service of other writs is performed through appropriate diplomatic and consular missions abroad.
(3) To officials and persons in transport by ground, river, sea and air, service may be also performed through official agencies or agencies of other legal persons in which they are employed.

Article 93

To persons deprived of liberty, service is performed through the institution in which they are located.

e) Service by Public Announcement

Article 94

In the case of a large number of persons not known to the agency or who may not be determined, service shall be performed by public announcement on a bulletin board of the agency that issued the writ. Service is deemed performed on expiration of 15 days of the date when an announcement was placed on the bulletin board, if the agency that issued the writ does not set a longer term. Apart from being placed on the bulletin board, an agency may publish the announcement in newspapers or in other public media or in some other usual manner.

f) Refusal to Receive

Article 95

(1) If a person to whom a writ was sent or an adult member of his household refuses to receive the writ without legal grounds or if that is done by a person employed with a state agency, **institution or other legal person** or in a law office or if that is done by a person designated as service agent by a settlement, group of persons, etc. (Article 50, § (2)), the courier shall leave the writ in the apartment or premises in which the person lives or works or shall place the writ on the door of the apartment or premises.
(2) When service was performed in the manner anticipated in § (1) of this Article, the courier shall note on the service receipt the date, hour and reason for refusal to receive, as well as the place where he left the writ, and service is then deemed completed.

g) Change of Apartment

Article 96

(1) When during a procedure the party or his legal representative changes his permanent residence or apartment, he is obligated to inform thereof, without any delay, the agency conducting the procedure.
(2) If he fails to do so, and the courier cannot find out where he moved despite using his best efforts, the agency shall order that all further services to the party in the procedure should be performed by placing the writ on the bulletin board of the agency conducting the procedure.
(3) Service is deemed performed on expiration of eight days of the date of placing a writ on the bulletin board of the agency conducting the procedure.
(4) When a plenipotentiary or service agent changes his permanent residence or apartment during the procedure, and fails to inform thereof the agency conducting the procedure, service shall be performed as if the plenipotentiary was not appointed.

5. Service Receipt

Article 97

(1) A certificate of performed service (service receipt) has to be signed by both the receiver and the courier. On the service receipt, the receiver shall put the date of receipt in words.
(2) If a receiver is illiterate or is not able to sign his name, the courier shall put the receiver's name and date of receipt on the service receipt, as well as a note why the receiver did not sign it himself.
(3) If a receiver refuses to sign the service receipt, the courier shall put that in the service receipt, as well as the date of receipt in words, and service is then deemed performed.

(4) If service was performed in accordance with Article 86 of this Act, the service receipt should read the date of performed announcement and the date of delivery of the writ to the **unit of local self-administration** or at the post office.

6. Errors in Service

Article 98

(1) If an error is committed in service, it shall be deemed that service was performed on the date established to be the date on which the person, to whom the writ was intended, actually received the writ.
(2) If a service receipt is missing, service may be proven by other means, as well.

Chapter VI

TERMS

Article 99

(1) For taking individual actions in a procedure, specific terms may be set.
(2) If terms are not provided by law or other regulation, they are set, in view of the circumstances of the case, by the official conducting a procedure.
(3) A term set by an official conducting the procedure, as well as an extendable term provided by regulations, may be extended at the request of an interested person, submitted prior to the expiration of the term, if justified reasons for extension exist.

Article 100

(1) Terms are calculated in days, months and years.
(2) When a term is set in days, the day on which a service or announcement was performed or on which occurred an event as of which the duration of the term should be calculated, is not included in the term, but the beginning of the term is the first following day. A term set in months or years ends on the expiration of the day, month or year that corresponds to the day when a service or announcement was performed or the day on which the event as of which the duration of the term is calculated occurred. If such day of the month does not exist, the term ends on the last day of that month.
(3) The end of a term may be marked by a specific calendar day.

Article 101

(1) The beginning and flow of terms are not interrupted by Sundays and state holidays.
(2) If the last day of a term falls on a Sunday or a state holiday or on some other day when the agency that has to take the action does not work, the term expires on expiration of the first following business day.

Article 102

(1) A submission is regarded as submitted within term if received by the relevant agency before the expiration of a term.
(2) When a submission was sent by registered mail or telegraph, the day it was submitted at the post office is regarded as the day of submission to the relevant agency.
(3) **With respect to persons in the armed forces, the day of submission at the appropriate commanding agency is regarded as the day of submission to the relevant agency.**
(4) With respect to persons deprived of liberty, the day of submission to the administration of the institution in which the person is located is regarded as the day of submission to the relevant agency.
(5) If the competent agency set a day on which a submission that the party is obligated to submit shall be deliberated, and then called on the party to deliver the submission by a specific date, the agency is obligated to take into deliberation a submission received before the beginning of deliberation.

Chapter VIII

RESTITUTION TO THE PREVIOUS CONDITION

Article 103

(1) A party who for justified reasons failed to perform a procedural action within term, and was consequently excluded from the performance of that action, shall be granted, at his motion, restitution to the previous condition.
(2) At the motion of a party who failed to submit a submission within term, he shall be granted restitution to the previous condition also when out of ignorance or by obvious error a submission was timely sent by mail or submitted by hand to the non-competent agency.
(3) Restitution to the previous condition shall be also granted when a party exceeded the term by obvious error, but the submission was still received by the competent agency at the latest three days after the expiration of the term, if the party would lose one of his rights, because of being late.

Article 104

(1) In a motion for restitution to the previous condition, the party is obligated to express the circumstances, because of which he was prevented to perform an action within term and to provide just cause (Article 162).
(2) A motion for restitution to the previous condition cannot be based on circumstances already evaluated by the agency as insufficient to extend a term or postpone a hearing.
(3) If restitution to the previous condition is requested, because a submission was not submitted, the submission has to be enclosed to the motion.

Article 105

(1) A motion for restitution to the previous condition has to be submitted within eight days, counting from the day when the reason that caused the omission ceased to exist, and if the party learnt about the omission only later on, as of the day when he learnt about it.
(2) On expiration of three months from the date of omission, restitution to the previous condition cannot be demanded.
(3) If a term for requesting restitution to the previous condition expires, one cannot request restitution, on the grounds because that term was omitted.
(4) If a term for requesting a renewal of the procedure expires, one cannot request restitution to the previous condition, on the grounds because that term was omitted.

Article 106

(1) A motion for restitution to the previous condition has to be submitted to an agency that had to perform the omitted action.
(2) An agency that had to perform the omitted action decides about the motion in a conclusion.
(3) A motion submitted untimely shall be dismissed without further procedure.
(4) If the facts on which a motion is based are generally known, the competent agency may decide about the motion without hearing a statement from the counter party.

Article 107

(1) No appeal is allowed against a conclusion allowing restitution to the previous condition, except if the restitution was allowed further to an untimely submitted or impermissible motion (Article 105, § (3)).
(2) A special appeal is allowed against a conclusion rejecting a motion for restitution to the previous condition only if the conclusion was adopted by a first-instance agency.
(3) No appeal is allowed against a conclusion on a motion for restitution to the previous condition adopted by an agency competent to adjudicate in the second-instance about the main matter.
(4) A special appeal is allowed against the conclusion dismissing as untimely a motion for restitution to the previous condition only if the conclusion was adopted by the first-instance agency.

Article 108

(1) A motion for restitution to the previous condition does not interrupt the progress of the procedure, but the agency competent to adjudicate the motion may temporarily interrupt the procedure until the conclusion on the motion becomes non-remedial.

(2) When restitution to the previous condition is allowed, the procedure is restored to the condition that existed before the omission, and all orders and conclusions adopted by the agency regarding the omission are **annulled**.

Chapter VIII

MAINTAINING ORDER

Article 109

(1) The official in charge of a procedural action is obligated to take care that order is maintained during work.
(2) For that purpose, the official is authorised to warn persons disturbing the work and to adjudicate measures necessary to maintain order.
(3) Persons participating in a procedural action may not carry weapons or dangerous tools.

Article 110

(1) A person who despite a warning disturbs the work or acts improperly in the execution of a procedural action, may be obligated to leave. The person participating in a procedural action may be obligated to leave only after being warned that he may be obligated to leave and after being informed about the legal consequences of such measure. The obligation to leave, because of disturbing order or for rudeness is voiced by the official in charge of the procedural action.
(2) If pursuant to the provision of § (1) of this Article, a party who does not have a plenipotentiary is obligated to leave or if a plenipotentiary is obligated to leave, whose grantor of the power of attorney is not present, the official conducting the procedural action shall instruct the person obligated to leave to appoint his plenipotentiary. If the requested person fails to do so, the official may postpone the action at the expense of the person who has refused to appoint a plenipotentiary and may appoint a plenipotentiary himself, if necessary. Such plenipotentiary may do the representation only in the procedural action from which the party was removed.

Article 111

(1) The person who disturbs order or acts improperly in a major way in a procedural action, apart from being obligated to leave, may be fined in an amount up to **Dinar 5,000.00.**[*]
(2) The fine does not exclude criminal or disciplinary liability.
(3) By the fine from § (1) of this Article may also be fined a person who by his submission grossly violates customary behaviour towards the agency or official conducting the procedure.

[*] ***See*** *note on Article 73 of this Act.*

Article 112

(1) A fine for the actions anticipated in Article 111, § (1) of this Act shall be issued by the official in charge of the procedural action, and for the actions anticipated in Article 111, § (3) - the agency conducting the procedure.
(2) A special appeal may be filed against the conclusion on a fine. An appeal against the conclusion, because of disturbance of order does not postpone enforcement of the fine.

Chapter IX

PROCEDURAL EXPENSES

1. Expenses of Agencies and Parties

Article 113

(1) Special expenses in cash of the agency conducting the procedure, such as travel expenses of officials, cost of witnesses, expert witnesses, interpreters, inspections, announcements, etc., incurred in the implementation of the procedure regarding an administrative matter, are borne, as a rule, by the person who caused the procedure.
(2) When a person participating in a procedure causes by his fault or whim the expenses of individual actions in the procedure, such person is obligated to bear the expenses.
(3) When a procedure, initiated in the line of duty, is terminated favourably for the party, the expenses of the procedure are borne by the state agency that has initiated the procedure.

Article 114

(1) Every party as a rule bears his own expenses incurred by the procedure, such as the expenses of appearing, wasting time, fee costs, legal representation and professional assistance costs.
(2) When two or more parties with opposing interests participate in a procedure, the party that caused the procedure, and at whose detriment the procedure was concluded, is obligated to compensate to the counter party justified expenses incurred by participation in the procedure. If in such case one of the parties was partially successful with his claim, he is obligated to compensate expenses to the counter party proportionate to the part of his claim that was not successful. The party, because of whom the counter party incurred procedural expenses, is obligated to compensate such expenses to that party.
(3) Legal representation expenses are compensated only in the cases when such representation was essential and justified.
(4) A request for compensation of expenses under the provisions of §§ (2) and (3) of this Article has to be submitted timely, so that the agency conducting the procedure may adopt a conclusion about the request. To the contrary, the party loses the right

to the compensation of expenses. The official conducting the procedure is obligated to inform the party thereof.
(5) Every party bears his own expenses of the procedure concluded by settlement, unless provided otherwise by settlement.
(6) The expenses of the party and of the other person in the procedure, caused by a procedure initiated in the line of duty or in general interest, and which the party or the other person in the procedure did not cause by his behaviour, are borne by the agency that initiated the procedure.

Article 115

The expenses of a procedure related to enforcement are borne by the obligor. If the expenses cannot be settled by him, they are borne by the party at whose motion the enforcement was implemented.

Article 116

If the procedure was initiated at the motion of a party, and it may be foreseen with certainty that it shall cause additional expenses in cash (regarding inspections, expertise, appearance of witnesses and other), the agency conducting the procedure may state in a conclusion that the party should deposit in advance the amount necessary to cover such expenses. If the party does not deposit that amount within the specified term, the agency may decide not to pursue the evidence or to terminate the procedure, unless the continuation of the procedure is in public interest.

Article 117

(1) In the order concluding a procedure, the agency adopting the order establishes who shall bear the expenses of the procedure, their amount and to whom and by when they have to be paid.
(2) The order has to specifically state whether the person obligated to bear the expenses shall have to compensate the expenses of the other party (Article 114, §§ (2) and (3)).
(3) If the expenses of the procedure have to be borne by several persons, the expenses shall be distributed into equal parts or proportionately.
(4) If in the order the agency does not rule on expenses, the order shall read that a special conclusion shall be adopted about the expenses.

Article 118

(1) Witnesses, expert witnesses, interpreters and officials are entitled to receive compensation of travel expenses, costs related to practice in the place, and if they are not entitled to profit for that time, they are entitled to receive compensation of lost profit. Apart from compensation, expert witnesses and interpreters are also entitled to a special award.

(2) Witnesses, expert witnesses and interpreters are obligated to request compensation or award on the occasion of their testimony, interpretation or expert opinion. To the contrary, they shall lose that right. The official conducting the procedure is obligated to caution the witness, expert witness or interpreter about that.
(3) The amount of compensation is established in a special conclusion by the agency conducting the procedure, stating who is obligated to pay the compensation and within what term. Against that conclusion, a special appeal is allowed. The conclusion represents the basis for enforcement.

Article 119

(1) The compensation of expenses, costs and lost profit to witnesses, expert witnesses and interpreters or special awards to expert witnesses and interpreters, the manner of settlement and payment of the compensation and awards, as well as the exemption from the payment of the expenses shall be regulated by **special regulations.**
(2) With respect to compensation to officials, regulations relating to such persons apply.

2. Exemption from the Payment of Fees

Article 120

(1) The agency conducting a procedure may exempt a party from bearing expenses fully or partially if the agency considers that the party may not bear the expenses without detriment to the basic support of his family. The agency adopts a conclusion about that issue at the request of the party, on the basis of a certificate of his proprietary state issued by the competent agency of the **unit of local self-administration.**
(2) An exemption from the payment of expenses includes the exemption of fees, costs of the agency conducting the procedure, such as travel expenses of officials, cost of witnesses, expert witnesses, interpreters, inspections, announcements and other, and the exemption from depositing security for expenses.
(3) Foreign citizens shall be exempted from bearing expenses only under the condition of reciprocity. In the event of any doubt as to the existence of reciprocity, the explanation is provided by the **agency of administration competent for foreign affairs**. The provision of Article. 41, § (4) of this Act applies to the request for a conclusion.

Article 121

The agency conducting a procedure may in the course of the procedure revoke the conclusion on the exemption from the payment of expenses if established that reasons, because of which the party was exempted from the payment of expenses, no longer exist.

Article 122

A party may file a special appeal against the conclusion rejecting the request of the party for exemption from the payment of expenses and against the conclusion from Article 121 of this Act.

PART II

FIRST-INSTANCE PROCEDURE

Chapter X

INITIATION OF THE PROCEDURE AND MOTIONS OF THE PARTIES

1. Initiation of the Procedure

Article 123

(1) An administrative dispute is initiated by the competent agency in the line of duty or further to the motion of a party.

Article 124

(1) The competent agency shall initiate a procedure in the line of duty when provided by law or a regulation based on law and when established or learnt that in view of the existing state of facts an administrative procedure has to be initiated in order to protect public interests.
(2) When initiating an administrative procedure in the line of duty, the competent agency has to take into account written submissions of citizens and organisations and warnings of agencies, if any.

Article 125

(1) An administrative procedure is initiated as soon as the competent agency performs any action for the purpose of conducting the procedure.
(2) If the competent agency establishes that further to a submitted motion of a party no conditions exist for the initiation of a procedure under the valid regulations, it shall adopt a conclusion, against which a special appeal is allowed.

Article 126

In matters in which under law or by nature of things a special motion of a party is necessary to initiate and conduct an administrative dispute, the competent agency may initiate and conduct the procedure only if such motion exists.

2. Merging Matters into One Procedure

Article 127

(1) If the rights or obligations of parties are based on the same or similar state of facts and on the same administrative basis, and if the agency conducting a procedure is really competent with respect to all such cases, one procedure may be initiated and conducted, even when the rights and obligations of several parties are concerned.
(2) Under the same conditions, one or several parties may in one procedure be realising several different motions.
(3) The competent agency shall adopt a special conclusion about the conduct of one procedure in such cases, against which an appeal may be filed, unless the conclusion was adopted by a second-instance agency.

Article 128

By public announcement, the competent agency may initiate an administrative dispute towards a large number of persons not known to the agency or whose identity may not be established, and who may have the position of party in the procedure, if the motion is materially the same towards all of them.

Article 129

(1) When within the meaning of Article 127 of this Act one procedure is conducted or when the procedure was initiated by public announcement within the meaning of Article 128, in the procedure each party acts independently.
(2) Conclusions, in which in such procedures certain measures are taken towards the parties, have to establish which measure refers to what party, except if the parties participate in the procedure jointly with identical motions or unless regulated otherwise by law.

3. Changing the Motion

Article 130

(1) Once the procedure is initiated, until the adoption of a first-instance order, the party may expand the submitted motion or instead of the former motion submit a new one, irrespective of whether the expanded or changed motion is based on the same legal grounds, provided that such motion is based on materially the same state of facts.
(2) If the agency conducting the procedure does not allow the expansion or change of the motion, it shall adopt a conclusion about its decision. Against such conclusion, a special appeal is allowed.

4. Withdrawing the Motion

Article 131

(1) A party may withdraw his claim throughout the duration of the procedure.
(2) When a procedure was initiated further to the motion of a party, and the party withdraws his motion, the agency conducting the procedure shall adopt a conclusion discontinuing the procedure. The counter party, if any, shall be informed.
(3) If further conduct of the procedure is necessary in public interest or if required by the counter party, the competent agency shall extend the conduct of the procedure.
(4) When the procedure was initiated in the line of duty, the agency may discontinue the procedure. If the procedure in the same matter could have been initiated further to the motion of a party, the procedure shall be continued if so requested by the party.
(5) A special appeal is allowed against the conclusion discontinuing the procedure.

Article 132

(1) The party withdraws his motion by a statement submitted to the agency conducting the procedure. Until the agency conducting the procedure adopts a conclusion on the discontinuation of the procedure and delivers it to the party, the party may revoke his withdrawal of the motion.
(2) A specific action or omission of the party may be regarded as his withdrawal of the motion only when so regulated by law.
(3) If a party withdrew his motion after the adoption of a first-instance order, but before the expiration of the term for appeal, by the conclusion on discontinuation of the procedure the first-instance order is annulled, if the motion of a party was affirmatively or partially affirmatively resolved by such order. If the party withdrew his motion after an appeal had been filed, and before he received an order regarding the appeal, by the conclusion on discontinuation of the procedure the first-instance order, by which the motion of a party was adopted, either fully or partially, is annulled, if the party decided to fully withdraw his motion.

Article 133

A party who withdrew his motion is obligated to bear all expenses incurred until the discontinuation of the procedure, unless regulated otherwise by special regulations.

5. Settlement

Article 134

(1) If two or more parties participate in the procedure with opposing motions, the official conducting the procedure shall endeavour throughout the duration of the procedure to achieve settlement between the parties, fully or at least in certain disputable issues.

(2) A settlement always has to be clear and specified and may not be at the detriment of public interest, public morals or legal interest of third parties. The official conducting the procedure has to take care of the above in the line of duty. If established that a settlement is at the detriment of public interest, public morals or legal interest of third parties, the agency conducting the procedure shall not accept the conclusion of the settlement and shall adopt a special conclusion about that issue.
(3) Minutes are taken about the settlement. The settlement is regarded as reached when parties, having read the minutes on settlement, sign the minutes. A certified copy of the minutes shall be handed over to the parties if they request the minutes.
(4) A settlement has the force of an enforceable order adopted in the administrative procedure.
(5) An agency before which a settlement was reached shall adopt a conclusion fully or partially discontinuing the procedure, if necessary.
(6) If a conclusion on discontinuation or continuation of the procedure is not in accordance with the reached settlement, a special appeal is allowed against the conclusion.

Chapter XI

PROCEDURE UNTIL THE ADOPTION OF AN ORDER

A. General Principles

1. Common Provisions

Article 135

(1) Before the adoption of an order, all facts and circumstances important for the order have to be established and the parties have to be enabled to realise and protect their rights and legal interests.
(2) The above may be established in an abridged or in a special investigatory procedure.

Article 136

(1) The official conducting the procedure, throughout the duration of the procedure, may establish additional facts and take evidence about facts not presented or established previously in the procedure.
(2) The official conducting the procedure shall order the taking of each piece of evidence in the line of duty if established that would be necessary to clarify things.
(3) The official conducting the procedure shall obtain in the line of duty information about facts of which official records are kept by the agency competent to adjudicate the matter. The official shall act in the same manner with respect to facts of which official records are kept by another state agency or **institution and other legal person.**

Article 137

(1) A party has to present the state of facts on which he bases his motion accurately, truthfully and specifically.
(2) If facts are not well known, the party is obligated to offer and if possible present evidence about his claims. If the party does not do that by himself, the official conducting the procedure shall instruct him to do that. The party shall not be required to obtain and present evidence that may be obtained more quickly and easily by the agency conducting the procedure or submit certificates that agencies are not obligated to issue under Article 171 or 172 of this Act.
(3) If a party did not present evidence within the additional term, because of such failure the agency may not dismiss the motion as if not submitted (Article 68, § (2)), but is obligated to continue the procedure and, in accordance with the rules of procedure and substantive regulations, adjudicate the administrative matter.

Article 138

(1) As a rule, the party gives his statement orally, but may also give it in writing.
(2) When a matter is complex or when more elaborate professional opinions are required, the official conducting the procedure may instruct the party to submit a written statement, providing a reasonable term. In such case, the party is also entitled to request an opportunity to provide a written statement.
(3) If the party was instructed or allowed to provide a written statement, he may not for that reason be denied the right to give his statement orally, as well.

Article 139

If in the course of a procedure a person appears who did not until that time participate in the procedure and demands to participate in the procedure as party, the official conducting the procedure shall evaluate that person's right to be party and adopt a conclusion about the issue. A special appeal is allowed against the conclusion not recognising the capacity.

Article 140

When necessary, the official conducting the procedure is obligated to warn the party of his rights in the procedure and point to the legal consequences of his actions or omissions in the procedure.

2. Abridged Procedure

Article 141

(1) The agency may adjudicate a matter in the abridged procedure directly:
1) if the party stated facts or submitted evidence in his motion on the basis of which the state of facts may be established or if the state of facts may be established on the basis of well-known facts or facts known to the agency;
2) if the state of facts may be established on the basis of official information available to the agency and if it is not necessary to hear the party in order to protect his rights or legal interests;
3) if a regulation anticipates that the matter may be adjudicated on the basis of facts or circumstances that have not been fully corroborated or that are only indirectly established by evidence, so the facts or circumstances were made probable, and all circumstances point to the conclusion that the motion of a party should be accepted;
4) in the case when urgent measures are taken in public interest and that may not be postponed, and the facts on which the order should be based were established or at least made probable.

(2) The order from items 1) and 2) of § (1) of this Article may be drawn by the use of a computer.

3. Special Investigatory Procedure

Article 142

(1) A special investigatory procedure is carried out when necessary to establish facts and circumstances important for clarifying things or to enable the parties to clarify things or to enable the parties to realise and protect their rights and legal interests.
(2) The progress of an investigatory procedure is determined by the official conducting the procedure according to the circumstances of each specific case, in line with the provisions of this Act and the regulations relating to the subject matter.
(3) Within such framework, the official conducting the procedure particularly: determines which actions in the procedure have to be performed and issues orders for their performance, determines the order of performance of specific actions and terms within which they have to be performed, if such terms are not provided by law, schedules oral hearings and testimonies, as well as everything necessary for them to be held, decides which evidence has to be presented and by which means, and decides on all motions and statements.
(4) The official conducting the procedure decides whether the deliberation and presentation of evidence shall be performed separately for individual contraversial issues or all together.

Article 143

(1) The party is entitled to participate in the investigatory procedure and, for the purpose of achieving the aim of the procedure, to provide necessary information and defend his rights and interests protected by law.
(2) The party may express facts that might have impact on the adjudication of the matter and dispute the accuracy of claims not in line with his claims. He has the right to supplement and explain his allegations until the adoption of an order, and if he does that after an oral hearing, he is obligated to explain why he did not do that at the hearing.
(3) The official conducting the procedure is obligated to enable the party: to express his standpoint about all circumstances and facts expressed in the investigatory procedure, about motions and offered evidence, to participate in the performance of evidence and to ask questions to other parties, witnesses and expert witnesses through the official conducting the procedure, and with his permission personally, as well, and to become acquainted with the result of the performance of evidence and to express his standpoint about the matter. The competent agency shall not pass an order before enabling the party to express his standpoint about facts and circumstances on which the order is based, and about which the party was not provided an opportunity to express his standpoint.

4. Preliminary Question

Article 144

(1) If the agency conducting a procedure encounters a question that has to be answered in order to enable the adjudication of the matter, and the question is an independent legal whole that may be answered by the competent court or some other agency (preliminary question), he may deliberate on that question itself under the conditions from this Act or discontinue the procedure until the competent agency resolves the question. A conclusion is adopted about the discontinuation of the procedure, against which a special appeal is allowed, unless the conclusion was adopted by a second-instance agency.
(2) If the agency deliberated on the preliminary question, the solving of such question has legal effect only in the matter in which the question was resolved.
(3) With respect to the existence of a criminal act and criminal liability of the perpetrator, the agency conducting the procedure is bound by the final judgement of the criminal court, declaring the accused guilty.

Article 145

(1) The agency conducting a procedure has to discontinue the procedure when the preliminary question relates to the existence of a criminal act, marriage, the establishment of paternity or when regulated by law.

(2) When the preliminary question relates to a criminal act, and there is no opportunity for criminal prosecution, the agency conducting the procedure shall deliberate that question, as well.

Article 146

When the procedure does not have to be discontinued by virtue of Article 145 of this Act, because of a preliminary question, the agency conducting the procedure may take the preliminary question into deliberation and deliberate on it as a component part of the matter, and on that basis resolve the matter itself.

Article 147

(1) If the agency conducting an administrative procedure does not take the preliminary question into deliberation within the meaning of Article 146 of this Act, and the procedure for resolving the preliminary question that may be conducted only in the line of duty has still not been initiated by the competent agency, it shall request the competent agency to initiate a procedure about that question.
(2) In a matter in which the procedure for resolving a preliminary question is initiated further to the motion of a party, the agency conducting the administrative procedure may instruct one of the parties by a conclusion to request the competent agency to initiate a procedure for resolving the preliminary question, setting a term within which the party is obligated to perform, and to submit evidence about the request. The agency conducting the administrative procedure shall warn the party about the consequences of non-performance. The term for requesting the initiation of a procedure for resolving the preliminary question begins on the date the conclusion becomes non-remedial.
(3) If the party does not present evidence within the specified term that he requested the competent agency to initiate a procedure about the preliminary question, it shall be deemed that the party who had filed the motion withdrew it, and the agency conducting the administrative procedure shall discontinue the procedure. If not performed by the counter party, the agency shall continue the procedure and deliberate on the preliminary question itself.
(4) A special appeal is allowed against the conclusion adopted under § (2) of this Article.

Article 148

(1) A procedure discontinued, because a preliminary question is being resolved by the competent agency shall be continued after the order about that question becomes non-remedial.
(2) A procedure may be also continued in the line of duty when evaluated that there is no more reason to wait for a non-remedial order on the preliminary question by the competent agency, except in the event from § (1) of Article 145 of this Act.

5. Oral Hearing

Article 149

The official conducting the procedure sets an oral hearing according to his own discretion or at the motion of a party whenever beneficial to resolve the matter, and is obligated to set a date for the oral hearing:

1) in matters involving two or more parties with opposing interests, or
2) when an inspection has to be performed or witnesses or expert witnesses heard.

Article 150

(1) The oral hearing is open to the public.
(2) The official conducting the procedure may close either entire or a part of the oral hearing to the public:

1) if required by reason of morals or public safety;
2) if there is a serious and immediate danger of any disturbances at the oral hearing;
3) if relations within a family have to be discussed;
4) if circumstances representing an official, business, professional, scientific or artistic secret have to be discussed.

(3) Any interested party may file a motion for the exclusion of the public.
(4) About the exclusion of the public, a conclusion has to be adopted, which has to be explained and publicly announced.
(5) The public may not be excluded at the moment of announcing the order.

Article 151

(1) The exclusion of the public does not relate to parties, their plenipotentiaries and professional assistants.
(2) The official conducting the procedure may allow certain officials, scientists or public workers to be present at a hearing closed to the public if that would be of interest for their service or scientific work. The official conducting the procedure shall warn such persons that whatever they learn at the hearing they are obligated to keep as secret.

Article 152

(1) The agency conducting the procedure is obligated to take whatever necessary to perform the oral hearing without any delays and if possible without interruptions and postponements.
(2) Persons summoned to an oral hearing have to be provided enough time to prepare for the hearing and to appear at the hearing on time and without extraordinary expenses. As a rule, the summoned persons shall have eight days from the moment of service of the subpoena to the hearing.

Article 153

When knowledge of plans, files or other cases is required for a discussion at the oral hearing, the files have to be made available to the summoned persons at the moment when the hearing is set, and the subpoena has to designate the time and place when and where they may be reviewed.

Article 154

(1) The agency conducting the procedure is obligated to announce publicly that an oral hearing was set: when there is danger that it will not be possible to service individual subpoenas on time, when there is a possibility that there are interested persons who have still not appeared as parties, or whenever necessary, because of other similar reasons.
(2) The public announcement of an oral hearing has to include all data that have to be stated in the individual subpoena and a notification that anybody who believes that the matter relates to his legally protected interests should attend the hearing. The announcement has to be made public in the manner anticipated in Article 94 of this Act.

Article 155

As a rule, the oral hearing shall be held at the seat of the agency conducting the procedure. If an inspection is necessary outside the seat of the agency, the oral hearing may be held at the location of the inspection. The agency conducting the procedure may determine another location for the oral hearing whenever necessary to significantly decrease expenses and to adjudicate on the matter more thoroughly, quickly or easily

Article 156

(1) At the beginning of an oral hearing, the official conducting the procedure is obligated to adjudicate who is present of the summoned persons, and check whether the subpoenas to the absent persons were duly served.
(2) If one of the parties that has still not been heard is not present at the hearing and it has not been established whether the subpoena was duly served, the official conducting the procedure shall postpone the hearing, except when the oral haring was timely published by public announcement.
(3) If a party at whose motion the procedure was initiated does not appear at the oral hearing, although duly served, and it may be presumed from the state of facts that the party withdrew the motion, the agency conducting the procedure shall discontinue the procedure. A special appeal is not allowed against that conclusion. If it may not be presumed that the party withdrew the motion or if the procedure should be continued in the line of duty by reason of public interest, the official shall

conduct the hearing without that person or postpone the hearing, depending on the circumstances of the case.
(4) If the party against whom the procedure was initiated does not appear at the hearing without having provided just cause, although duly served, the official conducting the procedure may conduct the hearing without him and at his expense may also postpone the oral hearing, if necessary to adjudicate the matter properly.

Article 157

(1) If the attending party, irrespective of the warning about the consequences, during the hearing does not voice a comment on the work performed at the hearing, it shall be deemed that such party has no comments. If the party does voice a comment on the work performed at the hearing after the hearing, the agency adjudicating the matter shall evaluate that comment, as well, if it may have bearing on the adjudication of the matter, provided that it was not voiced after the hearing in order to stall the procedure.
(2) If the party summoned by public announcement of the subpoena does not appear at the hearing, and he voices comments on the work at the hearing after the hearing, the comments shall be taken into account under the condition from § (1) of this Article.

Article 158

(1) At the oral hearing, the subject matter of the investigatory procedure has to be deliberated and established.
(2) If the subject matter may not be deliberated at one hearing, the official conducting the procedure shall terminate that hearing and set a term for its continuation as soon as possible. With respect to such continuation, the official shall take all measures anticipated for setting an oral hearing, and the measures, as well as the time and place for continuation of the hearing may be announced to the attending persons orally. When continuing the oral hearing, the official conducting the procedure shall briefly describe the progress of the hearing to such date.
(3) An oral hearing need not be set for presentation of subsequently submitted written evidence, but the party has to be provided an opportunity to express his standpoint about the presented evidence.

B. Evidence

1. General Provisions

Article 159

(1) Facts on the basis of which an order is adopted are established on the basis of evidence.
(2) Everything suitable to adjudicate the state of facts and everything that relates to a specific case shall be used as evidence, such as documents, that is, microfilmed

copies of documents or reproductions of such copies, witnesses, statements of parties, expert witnesses, and inspection.

Article 160

(1) The official conducting the procedure decides whether evidence has to be presented or not with respect to a specific fact, depending on whether the fact may have bearing on the adjudication of the matter. As a rule, evidence is presented once established what is disputable or what needs to be proven with respect to the facts.
(2) Well-known facts need not be proven.
(3) Facts presumed to exist by law need not be proven, but it is allowed to prove non-existence of such facts, unless regulated otherwise by law.

Article 161

If it is not possible to present evidence before the agency conducting the procedure, because of unproportionate expenses or extensive loss of time, the presentation of evidence or specific evidence may be performed before a requested agency.

Article 162

When a specific regulation anticipates that a matter may be adjudicated on the basis of facts or circumstances not fully proven or only circumstantially established by evidence (facts and circumstances made probable), the presentation of evidence with that aim is not connected to the provisions of this Act on the presentation of evidence.

Article 163

(1) If the agency adjudicating a matter does not know which law is valid in a foreign state, it may request information about that issue at the agency of administration competent for justice issues.
(2) The agency adjudicating a matter may request the party to submit an official document issued by the competent foreign agency, establishing which law is valid in that foreign state. It is allowed to present evidence of foreign law contrary to such official document, unless anticipated otherwise by an international treaty.

2. Documents

Article 164

(1) A document issued in the prescribed form by a state agency within the framework of its competence, and which may be adjusted to electronic data processing, as well as a document issued in such form by an **institution or other legal person** in affairs performed on the basis of public **powers** (official document), proves whatever is confirmed or adjudicated in such document.

(2) In the procedure of presentation of evidence, the microfilmed copy of a document or reproduction of that copy has the same force as the document from § (1) of this Article if such microfilmed copy or reproduction of that copy was issued by a state agency within the framework of its competence or by an **institution or other legal person** in affairs performed on the basis of public **powers**.
(3) It is allowed to present evidence that the facts in such document or in a microfilmed copy of the document or in a reproduction of such copy were untruthfully confirmed or that the document itself or the microfilmed copy of the document or the reproduction of that copy was improperly drawn.
(4) It is allowed to present evidence that the microfilmed copy or the reproduction of the copy is not identical to the original.

Article 165

If anything was crossed out, scraped off or in some other way deleted, inserted in the document or if the document has any other external defects, the official conducting the procedure shall evaluate, taking into account all circumstances, whether and to what extent the value of the document as evidence was decreased or whether the document has fully lost its value as evidence for adjudicating the matter in controversy.

Article 166

(1) Documents serving as evidence are submitted by parties or are obtained by the agency conducting the procedure. The party may submit the original of a document, a microfilmed copy of the document or the reproduction of a copy or a legalised copy, and it may also be submitted as a simple copy. When the party submits the document as a legalised copy, the official conducting the procedure may request the party to show the original document, and when the party submits the document in a simple copy, the official shall establish whether the simple copy is identical to the original. A microfilmed copy of the document or the reproduction of such copy, duly issued by the state agency within the framework of its competence or an **institution or other legal person** in affairs performed on the basis of **public powers**, in the administrative procedure has the force of an original document, within the meaning of Article 164, § (1) of this Act, for adjudicating the matter in controversy.
(2) If certain facts or circumstances have already been established by the competent agency or confirmed in the official document (such as personal identity card, excerpt from the register), the agency conducting the procedure shall consider the facts and circumstances proven. In the event of acquisition or loss of rights, with the possibility that the facts and circumstances might have subsequently changed or that they have to be separately proven pursuant to special regulations, the official shall request the party to submit special evidence about the facts and circumstances or the agency shall obtain them itself.

Article 167

(1) The official conducting the procedure may request the party referring to a document to submit it if it is available to him or if he may obtain it.
(2) If the document is kept by the counter party and such counter party does not want to submit or show it voluntarily, the official conducting the procedure shall request that party to submit or show the document at the hearing, so that other parties can express their standpoint about it.
(3) If the party requested to submit or show a document does not comply with the request, the agency conducting the procedure shall evaluate, taking into account all circumstances of the case, the impact on the adjudication of the matter.

Article 168

If the document to be used as evidence in a procedure is kept with the state agency, **institution or other legal person** with public powers to adjudicate administrative matters, and the party who referred to such a document did not manage to obtain it, the agency conducting the procedure shall obtain that document in the line of duty.

Article 169

(1) If the document is kept by a third party, and he does not want to show it voluntarily, the agency conducting the procedure shall request that person in the conclusion to show the document at the hearing, so that the parties could express their standpoint about it.
(2) The third party may deny to show the document, because of the same reasons why he may refuse to testify.
(3) The same procedure shall be applied to the third party refusing to show the document without a justified reason as to the person refusing to testify.
(4) A third party has the right to appeal against the conclusion requesting him to show the document, as well as against the conclusion about the punishment for failure to show the document, and such appeal postpones the enforcement of the conclusion.
(5) The party referring to a document kept by a third party is obligated to compensate the expenses incurred by such third party by showing the document.

Article 170

(1) In accordance with the Constitution, laws and other regulations, the party is entitled to submit documents in the language of the people or minority to which he belongs.
(2) Documents issued in a foreign language are submitted in the certified translation, if necessary.
(3) Documents issued by foreign agencies regarded as official documents in the place of issuance, under the condition of reciprocity have the same force as evidence as domestic official documents, if duly certified.

Certificates

Article 171

(1) State agencies issue certificates or other documents (affirmations, attestations and other) about facts on which they keep official records.
(2) Under the conditions from § (1) of this Article, **institutions and other legal persons** issue certificates or other documents about facts regarding the affairs they perform on the basis of **public powers**.
(3) Certificates and other documents about facts on which official records are kept have to be issued in accordance with the data from the official records. Such certificates or other documents have the meaning of an official document.
(4) Official records means records established by a regulation or **general deed of an institution or other legal person** entrusted with **public powers**.
(5) Certificates and other documents about facts on which official records are kept are issued to the party at an oral request, as a rule, on the same day that the party requested the issuance of such certificate or other document, and at the latest within 15 days, unless regulated otherwise by a regulation establishing the official records.
(6) If the agencies from §§ (1) and (2) of this Article reject the request for the issuance of a certificate or other document, they are obligated to adopt a special order about that. If within 15 days of the day of submission of the request they neither issue the certificate or other document nor adopt and deliver to the party an order on the rejection of the request, the request is deemed rejected.
(7) If the party, based on available evidence, believes that the certificate or other document has not been issued in accordance with the data from the official records, he may demand the certificate or other document to be amended. The agency is obligated to adopt a special order if it refuses the request of the party for the amendment or issuance of a new certificate or other document. The term of 15 days of the day of submission of the request for the issuance of a new certificate or other document applies in that case, as well, and if the duty is not performed within that term, the request is deemed rejected.

Article 172

(1) State agencies or **institutions and other legal persons** also issue certificates or other documents about facts on which they do not keep official records if so laid down by law. In that case, facts are established in a procedure regulated by the provisions under this heading.
(2) A certificate or other document issued in the manner anticipated in § (1) of this Article does not bind the agency to which it was submitted as evidence and which has to adjudicate the matter. The agency may re-establish the facts stated in the certificate or other document.
(3) A certificate or other document is issued to the party, that is, an order on the rejection of a request is adopted and delivered to the party within the term of thirty days from the day of submission of the request, and if not performed in such manner, the request of the party is deemed rejected.

3. Witnesses

Article 173

(1) The witness may be any person able to notice a fact about which he has to testify and who is able to express what he saw.
(2) Any person participating in the procedure in the capacity of official may not be a witness.

Article 174

Any person served with a subpoena to appear as witness is required to appear as a witness and testify unless laid down differently by this Act.

Article 175

Any person who by giving testimony would violate his duty of keeping an official, state or military secret may not be interviewed as witness until the competent agency releases him from such duty.

Article 176

(1) The witness may refuse to testify regarding:
1. certain questions which if answered would expose him, his kin by blood, lineally, and collaterally to the third degree conclusively, his spouse or kin by in-laws to the second degree conclusively, even when the marriage was dissolved, as well as his guardian or ward, adopted parent or adopted child to serious shame, significant material damages or criminal prosecution;
2. certain questions which he cannot answer without violating the obligation or right to keep a business, professional, artistic or scientific secret;
3. whatever the party told the witness as his plenipotentiary;
4. whatever the party or any other person confessed to the witness as his religious confessor;

(2) A witness may be released from his duty to testify about certain other facts, as well, provided that he gives important reasons for his refusal to testify. If necessary, he has to provide just cause.
(3) A witness may not refuse to testify, because of danger of any material damages, about legal transactions in which he participated as witness, clerk or mediator, about actions he took in relation to the disputable relationship as legal predecessor or representative of one of the parties and about any action of which he is obligated to submit a report or give a statement pursuant to special regulations.

Article 177

(1) Testimonies are taken from witnesses one by one, without the presence of witnesses whose testimonies shall be taken later on.
(2) A witness whose testimony was taken may not leave without the permission of the official conducting the procedure.
(3) The official conducting the procedure may take the testimony of a witness who was already heard and may confront witnesses whose testimonies do not match.
(4) The testimony of a person who cannot appear at the hearing, because of illness or physical inability, shall be taken in his residence.

Article 178

(1) The witness shall be cautioned in advance that he is obligated to tell the truth, that he may not suppress anything and that he has to be sworn in, so he shall be informed about the consequences of giving a false testimony.
(2) The witness shall then provide general personal data, as follows: name and surname, occupation, permanent residence, place of birth, years of age and marital status. If necessary, the witness shall be interviewed about the circumstances regarding his credibility as a witness in the matter in controversy, and particularly about his relationship to the parties.
(3) The official conducting the procedure shall inform the witness about questions he may refuse to answer.
(4) Afterwards, the witness shall be asked questions about the matter in controversy and requested to say everything he knows about it.
(5) The witness shall always be asked how he came to know whatever he is testifying about.

Article 179

(1) If the witness does not know the language of the procedure, he shall be interviewed through an interpreter.
(2) If the witness is hearing impaired , questions may be asked in written form, and if he is speech impaired, he shall be requested to give answers in writing. If the interview cannot be performed in such manner, a person who can communicate with the witness shall be summoned in the capacity of interpreter.

Article 180 **shall be deleted**

Article 181

(1) If a duly summoned witness does not appear, failing to provide just cause, or if he leaves the location at which he is to be interviewed without permission or just cause, the agency conducting the procedure may order that he should be brought in and

that he should bear the expenses of such bringing in, and he may also be fined by an amount up to **Dinar 5,000.00**.*
(2) If a witness does appear and then without just cause refuses to testify, although cautioned about the consequences of such refusal, he may be fined by an amount up to **Dinar 5,000.00**,* and if he refuses to testify even after being cautioned, he may once again be fined by an amount up to **Dinar 5,000.00**.* A conclusion about the fine is adopted by the official conducting the procedure in agreement with the official authorised for adjudicating the matter, and in the case of a requested agency - in agreement with the **head** of that agency or the official authorised to adjudicate similar matters.
(3) If a witness subsequently provides just cause for his absence, the official conducting the procedure shall annul the conclusion about the fine or expenses. If the witness subsequently agrees to testify, the official may annul the conclusion on the fine.
(4) The official conducting the procedure may decide that the witness should compensate the expenses incurred by his absence or refusal to testify.
(5) A special appeal is permitted against a conclusion on expenses or fine adopted on the basis of this Article.

4. Statements of the Party

Article 182

(1) If there is no immediate evidence that would serve to establish a specific fact or if such fact may not be established based on other evidence, an oral statement of the party may also be taken as evidence to establish such fact. The statement of a party may be taken as evidence also in matters of small significance if a specific fact would have to be established by interviewing a witness living in a place far away from the seat of the agency or if it would otherwise be more difficult to realise the rights of the party, because of obtaining other evidence.
(2) The law may lay down that, except in the cases from § (1) of this Article, certain facts may be proven by the statement of a party.
(4) Before taking the statement of a party, the official conducting the procedure is obligated to caution the party about criminal and material liability for giving a false statement.

5. Expert witnesses

Article 183

When professional knowledge is required to establish or evaluate a fact important to adjudicate a matter, and the official conducting the procedure does not have such knowledge, the evidence shall be presented by expertise.

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* ***See*** *note on Article 73 of the Act.*
* ***See*** *note on Article 73 of the Act.*
* ***See*** *note on Article 73 of the Act.*

Article 184

(1) If an expertise would be too expensive in relation to the significance or value of the matter, the matter shall be resolved based on other evidence.
(2) In the event from § (1) of this Article, the expertise shall be performed if the party insists and accepts to bear the expenses.

Article 185

(1) In order to present evidence by expertise, the official conducting the procedure appoints an expert witness in the line of duty or at the motion of a party, and when evaluated that the expertise is complex, he may appoint two or more expert witnesses.
(2) Expert witnesses shall be professionals, primarily those with special authorisations to give opinions about issues relating to their profession.
(3) As a rule, a party shall first be heard about the person of the expert witness.
(4) The person who cannot be a witness shall not be appointed expert witness.

Article 186

(1) Any person with required professional qualifications has to accept the duty of expert witness, unless the official conducting the procedure releases him from such duty, because of justified reasons, such as too many other expert analyses, too many other jobs and other.
(2) The release from the duty of expertise may be requested by the head of an agency or organisation in which the expert witness is employed.

Article 187

(1) The expert witness may deny to give the expertise, because of the same reasons as the witness may refuse to testify.
(2) The person employed in a state agency shall be released from the duty to give the expertise when he is released from such duty under special regulations.

Article 188

(1) With respect to the disqualification of an expert witness, the provisions on the disqualification of officials shall be applied accordingly.
(2) The party may also request that an expert witness should be disqualified if he makes probable the circumstances questioning his professional knowledge.
(3) The official conducting the procedure decides about the disqualification of an expert witness in a conclusion.

Article 189

(1) Before the beginning of expertise, the expert witness has to be cautioned that he is obligated to carefully evaluate the subject matter of expertise and in his results precisely state whatever he notices and finds, and express his opinion impartially and in accordance with the rules of science and skill.
(2) The official conducting the procedure then shows matters that need to be evaluated to the expert witness.
(3) When the expert witness presents his results and opinion, the official conducting the procedure, as well as the parties, may ask any questions and request explanations regarding the presented results and opinion.
(4) The provisions of Article 178 of this Act shall apply accordingly to the hearing of the expert witness.

Article 190

(1) The expert witness may be instructed to perform an expert analysis outside an oral hearing. In that case, the expert witness may be requested to explain his written results and opinion at the oral hearing.
(2) If several expert witnesses were appointed, they may present their results and opinions jointly. If they do not agree, each of them shall present his own results and opinion.

Article 191

(1) If the results and opinion of an expert witness are not clear or complete, or if the results and opinions of expert witnesses are materially different, or if an opinion was not sufficiently explained, or if a justified doubt appears as to the accuracy of the presented opinion, and the defects may not be remedied by a repeated hearing of the expert witness, the expertise shall be repeated with the same or other expert witness, and a scientific or professional institution may also be requested to provide its opinion.
(2) The opinion of a scientific or professional institution may also be requested when because of the complexity of the case or because of the need to perform an analysis it may be justifiably presumed that a more correct opinion shall be obtained in that way.

Article 192

(1) If a duly summoned expert witness does not appear at the hearing and fails to justify his absence or if he appears, but refuses to present his expertise, or when in the set term he does not submit his written results and opinion, he may be fined by an amount up to **Dinar 5,000.00**.* If expenses were incurred in the procedure, because of the unjustified absence of the expert witness, because of his refusal to give the

* ***See*** *note on Article 73 of the Act.*

expertise or because of his failure to submit written results and opinion, it may be ordered that the expenses should be borne by the expert witness.
(2) The conclusion on a fine or payment of expenses is adopted by the official conducting the procedure in agreement with the official authorised to adjudicate the matter, and in the case of a requested agency - in agreement with the **head** of that agency or the official authorised to adjudicate similar matters.
(3) If the expert witness subsequently provides an excuse for his absence, or if he subsequently provides a justification why he has not submitted his written results and opinion on time, the official conducting the procedure shall annul the conclusion about the fine or expenses, and if the expert witness subsequently agrees to provide his expertise, the official may annul the conclusion on the fine.
(4) A special appeal is allowed against the conclusion on expenses or fine adopted on the basis of §§ (1) and (2) of this Article.

6. Interpreters

Article 193

The provisions of this Act relating to expert witnesses shall be applied to interpreters in an appropriate manner.

7. Inspection

Article 194

The inspection is performed when for the establishment of a fact or for clarification of material circumstances it is necessary that the official conducting the procedure makes direct insight into the matter.

Article 195

(1) Parties are entitled to participate in the inspection. The official conducting the procedure decides who shall attend the inspection apart from the parties.
(2) The inspection may also be performed with the participation of expert witnesses.

Article 196

The inspection of an item that may easily be brought to the location where the procedure is being conducted shall be performed at such location, and to the contrary at the location where the item is located.

Article 197

(1) The owner or person in possession of an item, premises or land that have to be inspected or where the items that have to be inspected are located or through or over which one has to pass to get to the items, is obligated to allow the inspection.

(2) If the owner or person in possession does not allow the inspection, the provisions of this Act about the refusal to testify shall be adequately applied.
(3) The same measures applied to the witness refusing to testify (Article 181, §§ (2), (3) and (4)) may be applied to the owner or person in possession who without a justified reason does not allow an inspection to be performed.
(4) Any damage caused during the inspection forms part of the procedural expenses (Article 113, § (1) and shall be compensated to the owner or person in possession.

Article 198

The official in charge of the inspection shall take care that the inspection is not abused and that no business, professional, scientific or artistic secret is violated.

8. Securing Evidence

Article 199

(1) If there is a just concern that evidence shall not be presentable at a later stage or that its presentation shall be more difficult, in order to secure such evidence, the evidence may be presented at any stage of the procedure, even before the initiation of the procedure.
(2) The securing of evidence is performed in the line of duty or at the motion of a party or person with legal interest.

Article 200

(1) The agency conducting the procedure is competent to secure evidence in the course of a procedure.
(2) Before the initiation of a procedure, the agency competent to secure evidence is the agency in the area of which items that have to be reviewed are located or in the area of which persons who have to be heard are located.

Article 201

(1) A special conclusion is adopted about the securing of evidence.
(2) A special appeal is allowed against the conclusion rejecting a motion for the securing of evidence, but it does not interrupt the progress of the procedure.

Chapter XII

ORDER

1. Agency Adopting the Order

Article 202

(1) Based on the facts established in the procedure, an agency competent for adjudication adopts an order on the matter that is the subject matter of the procedure.
(2) When a board agency decides on a matter, it may adjudicate the matter when more than half of its members are present, and the order is adopted by a majority vote of the attending members, unless a different majority is provided by law or other regulations. Special regulations apply to adjudication by executive agencies.

Article 203

When a law or other regulations based on law anticipate that two or more agencies decide about a single matter, each of them is obligated to adjudicate the matter. The agencies shall agree which one of them shall issue the order, and the order has to mention the deed of the other agency.

Article 204

(1) When a law or other regulations based on law anticipate that the order is adopted by one agency on prior consent of the other agency, the order is adopted after the other agency gives its consent. The agency adopting the order is obligated to state in its order the deed by which the other agency gave or denied its consent or state that the other agency neither gave nor denied the consent within the prescribed term.
(2) When a law or other regulations based on law anticipate that the order is adopted by one agency in agreement with the other agency, the agency adopting the order prepares it and sends it together with the file to the other agency for consent, which may give its consent by confirmation in the order or in a special deed. In such case, the order is regarded as adopted when the other agency gives its consent, and is deemed as the deed of the agency who adopted it.
(3) The provision from the above paragraph is also valid in the case when a law states that the order is adopted by one agency with confirmation or approval of the other agency.
(4) When a law or other regulations based on law anticipate that the competent agency is obligated to obtain an opinion of the other agency before adopting the order, the order may be adopted only after the opinion was obtained.
(5) An agency the consent or opinion of which is necessary for the adoption of an order is obligated to give the consent or opinion within the term of one month from the day when such consent or opinion was requested, unless a different term is anticipated by special regulations. If within that term the agency does not inform the agency adopting the order that it shall give or reject the consent, the consent shall be deemed given, and if no opinion is given, the competent agency may adopt an order without the obtained opinion, unless regulated otherwise by special regulations.

Article 205

If the official who conducted the procedure is not authorised to adopt an order, he is obligated to submit a draft of the order to the agency authorised to adopt the order. Such official has to sign the draft of the order.

2. Form and Elements of the Order

Article 206

(1) Every order has to be marked as such. Exceptionally, special regulations may anticipate that the order may also be given a different name.
(2) The order has to be adopted in writing. Exceptionally, in cases anticipated by this Act or regulations based on law, the order may also be adopted orally.
(3) A written order has to include: introduction, disposition, explanation, instruction about the **legal remedy**, name of the agency with the number and date of the order, signature of the official and seal of the agency. In the cases provided by law or regulations adopted on the basis of law, the order does not have to include some of the above elements. If an order is processed mechanographically, it may include signature stamp instead of the signature and seal.
(4) Even when the order is oral, it has to be issued in writing, unless anticipated otherwise by law or regulations based on law.
(5) The party has to receive either the original or a certified copy of the order.

Article 207

(1) The introduction of the order includes: name of the agency adopting the order, regulation about the competence of that agency, name of the party and his legal representative or plenipotentiary, if he has one, and a brief denotation of the subject matter of the procedure.
(2) If the order was adopted by two or more agencies, or if it was adopted with the consent, confirmation or on obtained opinion of another agency, that shall be stated in the introduction, and if the matter was adjudicated by a board agency, the introduction has to include the date of the session at which the matter was adjudicated.

Article 208

(1) The disposition adjudicates the matter of the procedure in its entirety and all demands of the parties not separately adjudicated in the course of the procedure.
(2) The disposition has to be brief and specific, and when necessary may be divided into several items.
(3) The disposition may also provide a determination of procedural expenses, if any, by establishing their amount, who is obligated to pay them and within what term. If the disposition does not provide a determination of the expenses, it shall be stated that a separate conclusion shall be adopted about them.

(4) If the order orders the performance of a specific action, the disposition shall set a term within which the action has to be performed.
(5) Whenever anticipated that an appeal does not postpone the enforcement of an order, the disposition has to state that.

Article 209*

(1) In simple matters involving only one party, as well as simple matters involving two or more parties in the procedure, but none of whom objects to the submitted request, and the request is acknowledged, the explanation of the order has to include only a brief exposition of the requests of the party and references to the legal regulations on the basis of which the matter was resolved. In such matters, the order has to be issued on a prescribed form.
(2) In other matters, the explanation of the order includes: a brief exposition of the requests of the parties, the established state of facts, reasons decisive for the evaluation of evidence, if necessary, reasons why any of the requests of the parties have not been acknowledged, legal regulations and reasons, which considering the established state of facts led to the order as given in the disposition. If the appeal does not postpone the enforcement of the order, the explanation has to include reference to the regulation anticipating that. The explanation of the order has to also explain those conclusions against which no special appeal is allowed.
(3) When the competent agency is authorised by law or other regulation based on law to adjudicate a matter according to its own discretion, apart from the information from § (2) of this Article, it is obligated to mention the regulation and expose reasons taken into account when adopting the order.

Article 210

(1) By an instruction about the **legal remedy**, the party is informed whether he may file an appeal against the order or initiate an administrative dispute or other court procedure.
(2) When an appeal may be filed against the order, the instruction has to mention to whom it has to be addressed, to whom, by when and with what duty stamp it has to be submitted, and that it may be stated in the record.
(3) When an administrative dispute may be initiated against the order, the instruction has to mention to which court the complaint has to be submitted and by when, and when some other court procedure may be initiated, it has to be stated which court and by when.
(4) When the order includes a wrong instruction, the party may comply with the valid regulations or with the instruction. The party who complies with the wrong instruction may not suffer damaging consequences as a result.
(5) When no instruction is included in the order or when the instruction is incomplete, the party may either comply with the valid regulations or, within **three**

* By the Decision of the Constitutional Court of the Republic of Croatia, No. U-I-248/94 of 13 November 1996, the provision of § (3), second sentence, and the provision of § (4) of Article 209 of this Act were revoked.

months, request the agency who adopted the order to supplement the order. In such case, the term for appeal or court complaint begins on the date of service of the supplemented order.
(6) When an appeal may be filed against the order, and the party was incorrectly instructed that an appeal against the order is not possible or that an administrative dispute may be initiated against it, the term for appeal begins on the date of service of the order of the court by which the complaint was dismissed as impermissible, unless the party already submitted the appeal to the competent agency.
(7) When an appeal may not be filed against the order, and the party was incorrectly instructed that he may appeal against the order, so he filed an appeal and thus missed the term for the initiation of an administrative dispute, the term begins on the date of service of the order dismissing the appeal, unless the party already initiated an administrative dispute.
(8) The instruction about the legal remedy, as a separate component part of the order (Article 206, § (3)), is placed after the explanation.

Article 211

(1) The order has to be signed by the official who adopted it.
(2) The order adopted by a board agency is signed by the chairman, unless anticipated otherwise by this Act or a special regulation.
(3) When a board agency adopts a complete order, a certified copy of the order is issued to the parties, and when the matter was adjudicated by a conclusion, the order is drawn in accordance with that conclusion, and a certified copy of such order is issued to the parties.

Article 212

(1) When a matter concerns a larger number of specified persons, one order may be adopted for all such persons, but they have to be named in the disposition, and the explanation of the order has to state reasons relating to each one of them. Such order has to be delivered to each of the persons, except in the case anticipated in Article 90 of this Act.
(2) If a matter concerns a larger number of persons not known to the agency, one order may be adopted for all of them, but it has to include information enabling easy reference to such persons (for example, tenants or owners of property in a specified street and other).

Article 213

(1) In matters of little significance regarding the request of a party, but not interfering with public interests or interests of other persons, the order may consist only of the disposition in the form of a note in the file, if the reasons for such order are evident and unless regulated otherwise.
(2) As a rule, the party is informed about such order orally, and a written order has to be issued at his request.

(3) As a rule, such order does not include an explanation, except if it is necessary by nature of things. Such order may be issued on a prescribed form.

Article 214

(1) In the case of exceptionally urgent matters with the aim of ensuring public peace and safety or removing immediate danger to life and health of people or property, the competent agency or the authorised official of the competent agency (Article 35) may adopt an order orally.
(2) The agency who adopted an oral order under § (1) of this Article may order its enforcement without delay.
(3) At the request of a party, the agency who adopted an oral order is obligated to issue the order to the party in writing at the latest within eight days from the day of submission of the request. The request may be submitted within two months from the day of adoption of the oral order.

3. Partial, Supplemental and Interlocutory Order

Article 215

(1) When a particular matter has to be adjudicated in several items, and only some of them are ready to be adjudicated, and when it would be useful to adopt a separate order about such items, the competent agency may adopt an order only about such items (partial order).
(2) With respect to legal remedies and enforcement, the partial order is regarded as an independent order.

Article 216

(1) If the competent agency in an order did not adjudicate on all issues that were the subject matter of the procedure, at the motion of a party or in the line of duty it may adopt a separate order about the issues not included in the already adopted order (supplemental order). If the motion of a party for the adoption of a supplemental order is rejected, a special appeal is allowed against the conclusion.
(2) If the matter was sufficiently discussed, the supplemental order may be adopted without repeating the investigatory procedure.
(3) With respect to legal remedies and enforcement, the supplemental order is regarded as an independent order.

Article 217

(1) If it is necessary, based on the circumstances of the case, to adopt an order before the finalisation of the procedure that temporarily regulates issues or relations, such order is adopted on the basis of information existent at the moment of its adoption. Such order has to expressly state that it is interlocutory.

(2) The competent agency may condition the adoption of an interlocutory order at the motion of a party on the procurement of security for damages that might be incurred by the counter party as a result of the enforcement of the order in the event that the main request of the person who made the request is not acknowledged.
(3) By the order about the main matter adopted after the finalisation of the procedure is revoked the interlocutory order adopted in the course of the procedure.
(4) With respect to legal remedies and enforcement, an interlocutory order is regarded as an independent order.

4. Term for Issuing an Order

Article 218

(1) When a procedure is initiated at the request of a party or in the line of duty if that is in the interest of the party, and before the adoption of an order it is not necessary to perform a special investigatory procedure, and there are no other reasons, because of which an order cannot be adopted without delay (adjudicating a preliminary question and other), the competent agency is obligated to adopt an order and deliver it to the party as soon as possible, at the latest within the term of one month, counting from the date of a duly performed submission of the request or from the day of initiation of the procedure in the line of duty, unless a shorter term is anticipated by a special regulation. In other cases when the procedure is initiated at the request of a party or in the line of duty if that is in the interest of the party, the competent agency is obligated to adopt an order and deliver it to the party at the latest within two months, unless a shorter term is anticipated by a special regulation.
(2) If the competent agency against whose order an appeal is allowed does not adopt an order and deliver it to the party within the set term, the party is entitled to appeal, as if his request was rejected.

5. Correcting Errors in the Order

Article 219

(1) An agency that adopted the an order or the an who signed or issued the order may at any time correct errors in the names or numbers, spelling or calculation, and other obvious inaccuracies in the order or its certified copies. The correction of an error has legal effect from the date on which the corrected order has legal effect, as well.
(2) A special conclusion has to be adopted about the correction. A note about the correction is entered in the original of the order and, if possible, in all certified copies delivered to the parties, as well. The note has to be signed by the official who signed the conclusion on the correction.
(3) A special appeal is allowed against the conclusion correcting the already adopted order or rejecting the motion for a correction.

Chapter XIII

CONCLUSION

Article 220

(1) The conclusion determines issues regarding the procedure.
(2) The conclusion also determines those issues that occur during the course of the procedure, and which are not determined by an order.

Article 221

(1) The conclusion is adopted by the official performing a procedural action in which the issue that is the subject matter of the conclusion occurred, unless regulated otherwise by this Act or other regulations.
(2) If the conclusion orders the performance of an action, a term shall be set within which the action has to be performed.
(3) The conclusion has to be announced to all interested persons orally, and it is issued in writing at the request of the person who may file a special appeal against the conclusion or when the enforcement of the conclusion may be requested immediately.

Article 222

(1) A special appeal may be filed against the conclusion only when expressly provided by law. Such conclusion has to include an explanation and instruction about the appeal.
(2) An appeal has to be submitted within the same term, in the same manner and to the same agency as an appeal against the order.
(3) Interested persons may refute conclusions against which no special appeal is allowed by an appeal against such conclusions, unless the appeal against the conclusion is excluded by this Act.
(4) An appeal does not postpone the enforcement of a conclusion, unless anticipated otherwise by the Act or the conclusion itself.

PART III

LEGAL REMEDIES

CHAPTER XIV

APPEAL

1. Right to Appeal

Article 223

(1) The party has the right to appeal against a first-instance order.
(2) The state attorney, attorney general and other state agencies, when authorised by law, may file an appeal against the order by which a law was violated in favour of an individual or legal person at the disadvantage of the community.

Article 224

(1) An appeal may be filed against first-instance orders of ministries and other republican agencies of state administration only when provided by law.
(2) An appeal may not be filed against an order of the Croatian State Parliament and the Government of the Republic of Croatia.
(3) If an appeal is not allowed, an administrative dispute may be directly initiated.

2. Competence of Agencies for Adjudicating Appeals

Article 225

(1) Against first-instance orders of lower-ranking state administrative agencies, an appeal may be filed to the competent ministries or other competent republican agencies of state administration, unless anticipated otherwise by a special law.
(2) In issues within the competence of narrow territorial units, appeals against first-instance orders are adjudicated upon by the agencies provided by law or other regulations on the organisation and scope of work of such units.

Article 226 **shall be deleted**

Article 227 **shall be deleted**

Article 228

(1) The agency competent to adjudicate an appeal against the order of the agency who issued (Article 203) or adopted (Article 204) the contested order adjudicates about an appeal against the order adopted pursuant to Article 203 or 204 of this Act, unless regulated by a special regulation that the appeal shall be adjudicated by another agency. The second-instance agency may only annul the contested order, but cannot change it.
(2) If the agency competent to adjudicate an appeal under § (1) of this Article gave its consent, approval or confirmation of the first-instance order, the appeal is adjudicated by the agency designated by law, and if such agency was not designated, an administrative dispute may be directly initiated against such order.

Article 229

(1) An appeal against the first-instance order of an **institution or other legal person** is adjudicated by the agency designated by the articles of association of the institution or legal person, unless provided by law that the appeal is to be adjudicated by another agency.
(2) An appeal against the first-instance order of an **institution and other legal person**, adopted in the performance of public powers, is adjudicated by the administrative agency, if so established by law.
(3) If an agency was not designated to adjudicate an appeal within the meaning of the provisions of §§ (1) and (2) of this Article, the appeal is adjudicated on by the administrative agency competent for the relevant administrative field.

3. Term for Appeal

Article 230

(1) The appeal has to be submitted within 15 days, unless provided otherwise by law.
(2) The term for appeal for each person and for each agency to whom or which the order has to be served is counted from the date of service of the order.

Article 231

(1) An order may not be enforced during the term for appeal. When an appeal was duly voiced, the order may not be enforced until the order about the appeal is served to the party.
(2) Without prejudice to the foregoing, an order may be enforced during the term for appeal, and even after an appeal was voiced, if so provided by law, in the case urgent measures are required (Article 141, Item 4)) or if any of the parties would suffer irreparable damages should enforcement be postponed. In the last case, the party in whose favour the enforcement shall be performed may be required to provide adequate security and the enforcement may be conditioned on such security.

4. Content of the Appeal

Article 232

(1) The appeal has to mention the contested order, the name of the agency who adopted the order, and the number and date of the order. It is sufficient that the party submitting an appeal states in the appeal why he is dissatisfied with the order, but the appeal does not have to be additionally explained.
(2) An appeal may mention new facts and new evidence, but the party submitting the appeal is obligated to explain why he has not presented them in the first-instance procedure.
(3) If the appeal includes new facts and new evidence, and two or more parties with opposing interests participate in the procedure, to the appeal has to be enclosed the number of copies corresponding to the number of such parties. In that case, the

agency delivers to each such party a copy of the appeal and allows a term for such parties to express themselves about the new facts and evidence. The term may not be shorter than eight or longer than fifteen days.

5. Submitting the Appeal

Article 233

(1) The appeal is submitted by hand or by mail to the agency who adopted the first-instance order.
(2) If the appeal was submitted or sent directly to the second-instance agency, it immediately forwards it to the first-instance agency.
(3) With respect to the term, the appeal submitted or sent directly to the second-instance agency is regarded as submitted to the first-instance agency.

6. Work of the First-instance Agency on the Appeal

Article 234

(1) The first-instance agency evaluates whether the appeal is permissible, timely and voiced by the authorised person.
(2) The first-instance agency shall dismiss the impermissible, untimely appeal or the one submitted by an unauthorised person in an order.
(3) The second-instance agency evaluates the timeliness of an appeal submitted or sent directly to the second-instance agency according to the day on which it was submitted or sent to the second-instance agency.
(4) The party has the right to appeal against the order by which the appeal was dismissed under § (2) of this Article. If the agency deciding on the appeal finds that the appeal is justified, it shall simultaneously decide about the appeal that was dismissed.

Article 235

(1) If the agency that has adopted the order finds that the appeal is justified, but that a new investigatory procedure need not be performed, it may adjudicate the matter differently and by a new order replace the order contested by the appeal.
(2) The party has the right to appeal against the new order.

Article 236

(1) If an agency that has adopted an order finds with respect to an appeal that the performed procedure was incomplete and that the incompleteness could have influenced the adjudication of the matter, it may supplement the procedure in accordance with the provisions of this Act.
(2) An agency that has adopted an order shall supplement the procedure when the appellant states in the appeal such facts and evidence that might have influence on a different adjudication of the matter, if the appellant should were provided an

opportunity to participate in the procedure that preceded the adoption of the order, and he was not provided such an opportunity, or if he was provided such an opportunity, but he failed to take advantage of it, but in the appeal he provided just cause for such an omission.
(3) According to the results of the supplemented procedure, an agency that has adopted an order may within the framework of the request of the party adjudicate the matter differently, and by a new order replace the order contested in the appeal.
(4) A party has the right to appeal against a new order.

Article 237

When an order is adopted without a prior special investigatory procedure, which was mandatory, or when adopted under Article 141, Items 1), 2) and 3) of this Act, provided that the party was not provided an opportunity to express himself about the facts and circumstances important for the adoption of an order, and the party in the appeal requests that an investigatory procedure should be performed, that is, that he should be provided an opportunity to express himself about such facts and circumstances, the first-instance agency is obligated to perform such procedure. After the procedure is performed, the first-instance agency may acknowledge the claims from the appeal and adopt a new order.

Article 238

(1) When an agency that adopted an order finds that the submitted appeal is permissible, timely and filed by an authorised person, and it did not replace the order contested in the appeal by a new order, it is obligated to send the appeal without any delay, at the latest within fifteen days of the date of receipt of the appeal, to an agency having jurisdiction to adjudicate the appeal.
(2) To the appeal, it is obligated to enclose all files relating to the matter.

7. Second-instance Adjudicatory Process about the Appeal

Article 239

(1) If the appeal is impermissible, untimely or voiced by an unauthorised person, and the first-instance agency has failed to dismiss it on such grounds, the agency competent to adjudicate the appeal shall dismiss it.
(2) If the appeal is not dismissed, the second-instance agency shall adjudicate the matter.
(3) The second-instance agency may reject the appeal, annul the entire or part of the order, or change it.

Article 240

(1) The second-instance agency shall reject the appeal when established that the procedure preceding the order was performed correctly and that the order is correct and based on law, while the appeal is ungrounded.
(2) The second-instance agency shall also reject the appeal when it finds that there were deficiencies in the first-instance procedure, but that they could not influence the adjudication of the matter.
(3) When the second-instance agency finds that the first-instance order is based on law, but because of other reasons, and not those mentioned in the order, it shall present the reasons in its order and reject the appeal.

Article 241

(1) If the second-instance agency establishes that a deficiency was performed in the first-instance procedure that makes the order null and void (Article 267), it shall declare such order null and void, as well as the part of the procedure performed after the occurrence of the deficiency.
(2) If the second-instance agency establishes that the first-instance order was adopted by the non-competent agency, it shall annul the order in the line of duty and deliver the matter to the competent agency for adjudication.

Article 242

(1) When the second-instance agency establishes that facts were incompletely or erroneously established in the first-instance procedure, that the rules of the procedure that might have had impact on the adjudication of the matter have not been taken into account in the procedure or that the disposition of the contested order is unclear or in contradiction to the explanation, it shall supplement the procedure and remedy the observed deficiencies either by itself or through the first-instance agency or any requested agency. If the second-instance agency finds that based on the facts established in the supplemented procedure the matter has to be adjudicated differently than in the first-instance order, it shall annul the first-instance order and adjudicate the matter by itself.
(2) If the second-instance agency finds that the deficiencies of the first-instance procedure would be remedied faster and more efficiently by the first-instance agency, it shall by its order annul the first-instance order and return the matter to the first-instance agency for a repeated procedure. In that case, the second-instance agency is obligated to show to the first-instance agency in its order in which way the procedure has to be supplemented, and the first-instance agency is obligated to observe the second-instance order in all respects and without delay, at the latest within the term of 30 days from the date of receipt of the matter, adopt a new order. The party is entitled to appeal against the new order.

Article 243

(1) If the second-instance agency establishes that in the first-instance procedure evidence was incorrectly established, that a wrong conclusion was drawn from the established facts with respect to the state of facts, that a legal regulation on the basis of which the matter is being adjudicated was erroneously applied, or if it finds that on the basis of discretion a different order should were adopted, it shall annul the first-instance order and adjudicate the matter by itself.
(2) If the second-instance court establishes that the order is correct with respect to the established facts and with respect to the application of law, but that the purpose, because of which the order was adopted may be achieved by other means that are more advantageous for the party, it shall change the first-instance order in that respect.

Article 244

(1) With the purpose of an equitable adjudication of the matter, a second-instance agency may change the first-instance order further to an appeal to make it affirmative for the appellant and differently from the claim in the appeal, but within the framework of the claim from the first-instance procedure, unless that would violate a right of any other person.
(2) With the same purpose, the second-instance agency may change the first-instance order to make it negative in form for the appellant, but only under one of the reasons anticipated in Articles 263, 266 and 267 of this Act.

Article 245

(1) The provisions of this Act relating to the order are applied also in an adequate manner to the order about the appeal.
(2) In the explanation of the second-instance order, all claims from the appeal have to be evaluated. If the first-instance agency has correctly evaluated the claims from the appeal in the explanation of its order, the second-instance agency may refer to the reasons from the first-instance order.

8. Appeal when the First-instance Order was not Adopted

Article 246

(1) If the appeal was voiced by a party about whose application the first-instance agency has not adopted an order (Article 218, § (2)), the second-instance agency shall request the first-instance agency to inform it about reasons why the order has not been adopted within term. If it finds that the order has not been adopted within term, because of justified reasons or because of a fault of the party, it shall set a term for the first-instance agency to adopt the order, but the term may not be longer than one month. If the reasons, because of which the order has not been adopted within

term are not justified, the second-instance agency shall request the first-instance agency to send to it the files of the matter.
(2) If the second-instance agency may adjudicate the matter based on case files, it shall adopt its order, and if not, it shall conduct a procedure itself and adjudicate the matter by its order. Without prejudice to the foregoing, if the second-instance agency finds that the procedure would be performed faster and more effectively by the first-instance agency, it shall instruct the first-instance agency to do so and to deliver the gathered information within a specific term, after which it shall adjudicate the matter itself. Such order is non-remedial.

9. Term for Adopting an Order about the Appeal

Article 247

(1) The order about the appeal has to be adopted and delivered to the party as soon as possible, and at the latest within the term of two months counting from the date of submission of the appeal, unless a shorter term is set by a special regulation.
(2) If the party withdraws the appeal, the procedure about the appeal shall be discontinued by virtue of a conclusion.

10. Service of the Second-instance Order

Article 248

As a rule, the agency that has adjudicated the matter in the second instance sends its order together with case files to the first-instance agency, which is obligated to serve it to the parties within the term of eight days from the date of receipt of the file.

Chapter XV

RENEWAL OF THE PROCEDURE

1. Initiation of the Renewal of the Procedure

Article 249

The procedure concluded by an order or conclusion against which no ordinary legal remedy is anticipated in the administrative procedure shall be renewed:

1) if new facts are discovered or if an opportunity arises to use new evidence that either by itself or in connection with the already presented and used evidence could have led to a different adjudication if the facts or evidence had been presented or used in the preceding procedure;
2) if the order was adopted on the basis of a fake document or false testimony of a witness or expert witness or if it is a consequence of an act punishable by the criminal law;

3) if the order is based on a judgment adopted in the criminal procedure or in the procedure about an economic transgression, and the judgement was revoked by a final order;
4) if the order advantageous for the party was adopted on the basis of untrue claims of the party that misled the agency conducting the procedure;
5) if the order of the agency that conducted the procedure is based on a preliminary question, and the competent agency has adjudicated major issues of that question differently later on;
6) if an official who had to be exempted under law participated in the adoption of the order;
7) if the order was adopted by an official of the competent agency who was not authorised for its adoption;
8) if the board body who adopted the order did not adjudicate the matter in the composition anticipated by the valid regulations or if a required majority did not vote for the order;
9) if the person who should have participated in the capacity of a party was not provided an opportunity to participate in the procedure;
10) if the party was not represented by the legal representative who should have represented him under law;
11) if the parson who participated in the procedure was not provided an opportunity to use his language in accordance with the conditions from Article 15 of this Act.

Article 250

(1) The renewal of the procedure may be requested by the party, and the agency that adopted the order by which the procedure was concluded may initiate the renewal of the procedure in the line of duty.
(2) Because of the circumstances from Article 249, Items 1), 6), 7), 8) and 11) of this Act, the party may request the renewal of the procedure only if he was not able, through no fault of his own, to express the circumstances, because of which he is requesting the renewal in the preceding procedure.
(3) For the reasons mentioned in Article 249, Items 6) through 11) of this Act, the party may not request the renewal of the procedure if that reason was unsuccessfully expressed in the preceding procedure.
(4) **The state attorney** may request the renewal of the procedure under the same conditions as the party.

Article 251

If the order, because of which the renewal of the administrative procedure is requested was the subject matter of an administrative dispute, the renewal may be allowed only for those facts that the agency established in the preceding administrative procedure, but not for those established by the court in its procedure.

Article 252

(1) The party may request the renewal of the procedure within the term of one month, specifically:

1) in the event from Article 249, Item 1) - from the date when the party could express new facts or use new evidence;
2) in the event from Article 249, Items 2) and 3) - from the date when the party found out about a final judgement in the criminal procedure or in the procedure about an economic transgression, and if the procedure cannot be conducted, from the date when he found out about the discontinuation of the procedure or about the circumstances, because of which the procedure cannot be initiated, or about the circumstances, because of which it is not possible to initiate criminal prosecution or prosecution for an economic transgression;
3) in the event from Article 249, Item 5) - from the date when the party could use the new deed (judgement, order);
4) in the event from Article 249, Items 4), 6), 7) and 8) - from the date when the party found out about the reason for the renewal;
5) in the event from Article 249, Items 9), 10) and 11) - from the date when the order was served to the party.

(2) If the term set in § (1) of this Article begins before the order has become non-remedial in the administrative procedure, the term shall be counted from the date when the order becomes non-remedial or from the service of the non-remedial order of the competent body.
(3) After the expiration of the term of five years from the service of the order to the party, the renewal may not be requested or initiated in the line of duty.
(4) Without prejudice to the foregoing, the renewal may be requested or initiated even after the term of five years only for the reasons mentioned in Article 249, Items 2), 3) and 5) of this Act.

Article 253

(1) The administrative procedure may be renewed for the reasons mentioned in Article 249, Item 2) of this Act even if the criminal procedure cannot be conducted or if there are circumstances, because of which the procedure cannot be initiated.
(2) Before the adoption of a conclusion about the renewal of the administrative procedure, because of the reasons mentioned in Article 249, Item 2) of this Act, the official shall request a notification from the body competent for criminal prosecution whether the criminal procedure was discontinued or whether there are circumstances, because of which the procedure cannot be initiated. The official does not have to request the notification if the limitation period for criminal prosecution has begun or if the person whose criminal liability is claimed in the application for the renewal of the administration procedure has died or if only the official may establish with certainty the circumstances, because of which the procedure cannot be initiated.

Article 254

In the motion for the renewal of the procedure, the party is obligated to corroborate the circumstances on which he is basing his motion, as well as the circumstance that the motion was submitted within legal term.

2. Adjudication about the Renewal of the Procedure

Article 255

(1) The party submits or sends the motion for the renewal of the procedure to the agency that has adjudicated about the matter in the first instance or to the agency that has adopted the order by which the procedure was concluded.
(2) The agency that has adopted the order by which the procedure was concluded adjudicates about the motion for the renewal.
(3) When the renewal is requested by virtue of an order adopted in the second instance, the first-instance agency that receives the motion for the renewal shall attach the case files to the motion and send them to the agency that has adjudicated in the second instance.

Article 256

(1) When the agency competent to adjudicate about the motion for the renewal receives a motion, it is obligated to evaluate whether the motion is timely and voiced by the authorised person and whether the circumstance on which the motion is based was corroborated.
(2) If the conditions from the preceding paragraph have not been met, the competent agency shall dismiss the motion by its conclusion.
(3) If the conditions from § (1) of this Article were met, the competent agency shall evaluate whether the circumstances or evidence stated as the reason for the renewal could engender a different order, and if not, the motion shall be dismissed by its order.

Article 257

(1) If the competent agency does not dismiss or reject the motion for the renewal pursuant to Article 256 of this Act, it shall adopt a conclusion that the renewal of the procedure should be allowed and it shall determine in what scope the procedure has to be renewed. In the renewal of the procedure in the line of duty, the competent agency shall adopt a conclusion by which the renewal is allowed if it establishes that the legal requirements for the renewal were met. Preceding actions in the procedure not influenced by the reasons of the renewal shall not be repeated.
(2) When allowed by the circumstances of the case, and for the purpose of accelerating the procedure, the competent agency, as soon as it is confirmed that the conditions for the renewal exist, may commence with those procedural actions that have to be renewed, without adopting a special conclusion allowing the renewal.

(3) When the second-instance agency decides about the motion for the renewal, it shall perform the necessary actions in the repeated procedure by itself, and exceptionally, if it finds that the actions would be performed faster and more efficiently by the first-instance agency, it shall instruct the first-instance agency to perform them and to deliver the materials about them within a specific term.

Article 258

Based on the information obtained in the preceding and renewed procedure, the competent body adopts the order about the matter that was the subject matter of the procedure, and by such order it may leave the former order, which was the cause for the renewal, in force or replace it by a new one. In the latter case, and in view of all circumstances of the case, the body may annul or revoke the former order.

Article 259

An appeal may be filed against the conclusion adopted about the motion for the renewal of the procedure, as well as against the order adopted in the renewed procedure, only when the conclusion or order was adopted by the first-instance agency. If the conclusion or order was adopted by the second-instance agency, an administrative dispute may be initiated directly.

Article 260

(1) As a rule, the motion for the renewal of the procedure does not postpone the enforcement of the order further to which the renewal was requested, but the agency competent to decide about the motion, if it believes that the motion for the renewal shall be acknowledged, may adjudicate to postpone the enforcement until the issue of renewal of the procedure is resolved.
(2) The conclusion by which the renewal of the procedure is allowed postpones the enforcement of the order against which the renewal is allowed.

Chapter XVI

SPECIAL CASES OF ANNULMENT, REVOCATION AND CHANGES TO THE ORDER

1. Changing and Annulling the Order regarding an Administrative Dispute

Article 261

The agency against whose order an administrative dispute was timely initiated, until the conclusion of the dispute, if it acknowledges all claims from the complaint, may annul or change its order for the reasons, because of which the court could annul such order, provided that by such action the right of the party in the administrative procedure or that of a third party would not violated.

2. Application for the Protection of Legality

Article 262

(1) **The state attorney** is entitled to file an application for the protection of legality against a final order adopted in a matter in which an administrative dispute is not possible, and in which court protection is not procured outside the administrative dispute either, if he believes that the order has violated a law.
(2) The application for the protection of legality under the provision of § (1) of this Article may be filed within one month from the date when the order was delivered to the **state attorney**, and if it has not been delivered - within six months from the date of service to the party.
(3) The application for the protection of legality is filed by the **state attorney of the Republic of Croatia**.
(4) The application for the protection of legality is **adjudicated by the competent second-instance agency, and if such agency does not exist, by the Government of the Republic of Croatia**.
(5) With respect to the application for the protection of legality, the competent agency may revoke the contested order or reject the application. An appeal is not allowed against the order adopted about the application for the protection of legality.

3. Annulment and Revocation by Virtue of the Right of Supervision

Article 263

(1) The competent agency shall annul the non-remedial order in an administrative procedure if:
1) the order was adopted by an agency without real competence, and the matter in controversy is not anticipated in Article 267, Item 1) of this Act;
2) a final order was adopted about the same matter, by which the administrative matter was adjudicated differently;
3) the order was adopted by an agency without the consent, confirmation, approval or opinion of another agency if so provided by law or other regulation based on law;
4) the order was adopted by an agency without territorial competence;
5) the order was adopted as a result of coercion, extortion, blackmail, pressure or other impermissible action.

(2) The non-remedial order in an administrative procedure may be revoked by virtue of the right of supervision if it has evidently violated a substantive law. In matters involving two or more parties with opposing interests, the order may be revoked only on consent of the interested parties.
(3) If an administrative agency is competent to adopt an order, and the order was adopted by the **Croatian State Parliament or a body of local self-administration** or their board agency, such order may not be annulled pursuant to the provisions of Item 1), § (1) of this Article on the grounds of not having been adopted by the competent body.

Article 264

(1) The first-instance order may be annulled or revoked by virtue of the right of supervision by the second-instance agency. If the second-instance agency does not exist or if the order is of a second-instance agency, the order may be annulled or revoked by virtue of the right of supervision by the agency designated by law. If no such agency is designated by law, the order may be annulled or revoked by virtue of the right of supervision by the ministry or other republican state administrative agency, competent for the administrative matter in controversy. If the agency competent for a specific administrative matter cannot be determined or if the second-instance order was adopted by the ministry or any other republican state administrative agency, the Government of the Republic of Croatia is competent to annul or revoke the order.
(2) The competent agency adopts the order on annulment of the order in the line of duty, at the request of the party, **state attorney or ombudsman**, and the order on revocation, in the line of duty or at the request of the **state attorney or ombudsman**.
(3) The order on annulment pursuant to Items 1), 2) and 3), § (1) of Article 263 of this Act may be adopted within the term of five years, and pursuant to Item 4, § (1) of that Article - within one year from the date that the order became non-remedial in the administrative procedure. The order on revocation pursuant to § (2) of Article 263 of this Act may be adopted within the term of one year from the date that the order became non-remedial in the administrative procedure.
(4) An order on the annulment of an order pursuant to Article 263, § (1), Item 5) of this Act may be submitted regardless of the terms set in § (3) of this Article.
(5) No appeal is allowed against the order adopted pursuant to Article 263 of this Act, but an administrative dispute may be directly initiated against it.

4. Revocation and Changes to a Non-appealable Order with the Consent or at the Request of the Party

Article 265

(1) If the party was granted a right by a final order, and the agency that has adopted the order deems that substantive law was erroneously applied in that order, it may revoke or change the order to make it in compliance with such law only if the party who has acquired the right pursuant to the order agrees and if that would not violate the right of any third party. The consent of the party is also mandatory in the case of any changes at the detriment of the party in the final order, by which the party received an obligation.
(2) Under the conditions from § (1) of this Article, and at the request of a party, a final order that is disadvantageous for the party may be revoked or changed. If the agency finds that it is not necessary to revoke or change the order, it is obligated to inform the party thereof.
(3) Any changes to the order under this Article have effect only in the future.
(4) An order pursuant to §§ (1) and (2) of this Article is adopted by the first-instance agency that adopted the order, and the second-instance agency only when it

adjudicated the matter in its order. If the agency was dissolved or ceased to have jurisdiction with respect to the matter in controversy, the order shall be adopted by the agency having jurisdiction with respect to such matter at the time of adoption of the order.
(5) An appeal against a new order adopted pursuant to this Article is allowed only if the order was adopted by the first-instance agency. If the order was adopted by the second-instance agency, that is, if the order of the first-instance agency is non-remedial, an administrative dispute may be initiated against the order.

5. Extraordinary Revocation

Article 266

(1) An enforceable order may be revoked if necessary to avert any serious and immediate danger to the life and health of people, public safety, public peace and order or public morals, or to eliminate any economic disturbances, if the said cannot be successfully averted or eliminated by other means that would impinge upon the acquired rights to a lesser extent. An order may be partially revoked, to the extent necessary to avert danger or protect the said general public interests.
(2) If an order was adopted by a first-instance agency, the order may be revoked by the first-instance agency itself, within the meaning of § (1) of this Article, and if such agency does not do that, by a second-instance agency. If the second-instance agency does not exist, the order shall be revoked by the ministry or other republican administrative agency having jurisdiction over the administrative matter in controversy. If a second-instance agency with jurisdiction cannot be determined, Article 264, § (1) of this Act shall be applied.
(3) An appeal against an order revoking a former order is allowed only when the order was adopted by the first-instance agency. To the contrary, an administrative dispute may be directly initiated against such order.
(4) A party suffering damages as a result of the revocation is entitled to receive compensation of only actual damages. In the first instance, a court that would have jurisdiction under the Administrative Dispute Act for adjudication of an administrative dispute against an order adopted pursuant to this Article has jurisdiction to adjudicate the claim for compensation of damages. The court adjudicates about the amount of compensation according to its own discretion, taking into consideration all circumstances of the case.

6. Declaring an Order Null and Void

Article 267

The following orders may be declared null and void:

1) an order adopted in an administrative procedure although courts would have jurisdiction to adjudicate the matter or an order regarding a matter that may not be adjudicated in an administrative procedure;
2) an order, the enforcement of which might cause an act punishable under the criminal law;

3) an order, the enforcement of which is not possible;
4) an order adopted by the agency without a prior request of the party (Article 126), to which the party has not provided an express or tacit consent subsequently;
5) an order with an irregularity that is anticipated under a specific statutory provision as a reason for nullity and voidness;
6) an order, the enforcement of which would be contrary to the basic principles of legal order.

Article 268

(1) An order may be declared null and void at any time in the line of duty or at the request of a party or **state attorney**.
(2) An order may be declared null and void either partially or fully.
(3) An order is declared null and void by the agency that adopted the order or by the second-instance agency, and if such second-instance agency does not exist - by the body authorised by law to supervise the work of the agency that adopted the order.
(4) An appeal is allowed against an order declaring an order null and void or dismissing the request of a party or **state attorney** for the declaration of an order null and void. If there is no agency that would adjudicate the appeal, an administrative dispute may be directly initiated against such order.

7. Legal Consequences of Annulment and Revocation

Article 269

(1) The annulment of an order or declaring an order null and void also annul the legal consequences engendered by such order.
(2) The revocation of an order does not annul the legal consequences already engendered by such order, but it does prevent further legal consequences of the revoked order.
(3) If an agency finds out that a law was violated by an order, and the violation may be a reason for the renewal of a procedure or for annulment, revocation or changing of an order, it is obligated to inform thereof, without any delay, an agency having jurisdiction to initiate the relevant procedure and adopt an order.

PART IV

ENFORCEMENT

Chapter XVII

1. General Provisions

Article 270

(1) An order adopted in the administrative procedure is enforced once it becomes enforceable.

(2) A first-instance order becomes enforceable:
1) on expiration of the term for appeal if the appeal was not voiced;
2) once served to the party if an appeal is not permissible;
3) once served to the party if an appeal does not postpone enforcement;
4) once the order dismissing or rejecting an appeal is served to the party.

(3) A second-instance order changing a first-instance order becomes enforceable when served to the party.
(4) If an order provides that an action that has to be enforced may be enforced within a set term, **the enforcement of such order may begin on expiration of the term.** If an order does not set a term for the enforcement of an action, the order becomes enforceable within the term of fifteen days from the date of adoption of the order. The term set by an order for the enforcement of such order or the term of fifteen days provided for enforcement begin on the date when the order, within the meaning of §§ (2) and (3) of this Article, becomes enforceable.
(5) Enforcement may be also performed by virtue of settlement, but only against a person who participated in the settlement.
(6) If an order refers to two or more parties participating in a procedure with identical claims, an appeal by any of the parties prevents the enforcement of the order.
(7) After the expiration of a term of five years from the date when an order became enforceable, its enforcement may no longer be requested.

Article 271

(1) A conclusion adopted in an administrative procedure is enforced once it becomes enforceable.
(2) A conclusion against which a special appeal may not be filed, and the one against which a special appeal that does not postpone the enforcement of a conclusion may be filed, becomes enforceable by announcement or service to the party.
(3) When provided by law or by a conclusion that an appeal postpones the enforcement of the conclusion, the conclusion becomes enforceable on expiration of the term for appeal if an appeal has not been filed, and if filed - when the party is served with an order dismissing or rejecting the appeal.
(4) In other cases, a conclusion becomes enforceable under the conditions provided for the enforceability of an order in Article 270, § (3), (4) and (6) of this Act.
(5) The provisions of this Act on the enforcement of an order also apply to the enforcement of a conclusion.

Article 272

The enforcement of an order adopted in an administrative procedure is performed for the realisation of monetary claims or non-monetary obligations.

Article 273

(1) When it is possible to perform the enforcement in several ways or by application of various means, the enforcement shall be performed in a manner and by the

application of such means that shall lead to the goal, but which shall be easiest for the obligor.
(2) On Sundays, state holidays and at night, enforcement may be performed only if there is danger of postponement and if an agency performing the enforcement issued a written injunction in that respect.

Article 274

(1) Enforcement is performed against the person who is obligated to perform an obligation (obligor) **or against his legal successors.**
(2) Enforcement is performed in the line of duty or at the request of a party.
(3) Enforcement is performed in the line of duty when so required in public interest. Enforcement that is in the interest of a party is performed at the request of the party (obligee).

Article 275

(1) The enforcement of an order is performed administratively (administrative enforcement), and in the cases provided by this Act - in court (court enforcement).
(2) Administrative enforcement is performed by administrative agencies according to the provisions of this or of a special law, and court enforcement - by a court having jurisdiction according to the regulations applicable to court enforcement.

Article 276

(1) The enforcement for the purpose of fulfilment of non-monetary obligations of an obligor is performed administratively.
(2) The enforcement for the purpose of fulfilment of monetary obligations is performed in court. Without prejudice to the foregoing, the enforcement for the purpose of fulfilment of monetary obligations from the proceeds arising out of employment may be performed administratively on consent of the obligor.

Article 277

(1) Administrative enforcement is performed by an agency that adjudicated the matter in the first instance, unless another agency is designated by a special regulation.
(2) If it is provided that administrative enforcement may not be performed by an agency that adjudicated the matter in the first instance, and special regulations do not designate an agency authorised to do so, the enforcement is performed by a body of local self-administration competent for general administrative matters in the area of which the obligor has his permanent or temporary residence, unless the jurisdiction of another agency is provided by law.
(3) Administrative enforcement of orders issued by **institutions and other legal persons** not authorised by law to enforce their orders on their own is permitted and implemented by an administrative agency competent for general administrative

matter of the unit of local self-administration in the territory of which the permanent or temporary residence of the obligor is located, unless the competence of another body is provided by law.
(4) Internal affairs agencies are obligated to provide assistance in the implementation of enforcement to an agency competent for the implementation of enforcement, at its petition.

Article 278

(1) In the line of duty or at the petition of an obligee, an agency competent to implement administrative enforcement adopts a conclusion about the permission of enforcement. The conclusion determines whether an order that has to be enforced became enforceable and determines the manner of enforcement. An appeal against the conclusion to a competent second-instance agency is permissible.
(2) An agency competent for the implementation of administrative enforcement is obligated to adopt in the line of duty a conclusion about the permission of enforcement of an order adopted in an administrative matter when such order becomes enforceable, without any delay, at the latest within thirty days from the date of enforceability of the order, unless provided otherwise by special regulations. A failure to adopt a conclusion by that term does not release from the obligation of its adoption.
(3) When administrative enforcement is not performed by an agency that adjudicated in the first instance, the obligee has to submit a motion for enforcement to an agency, **institution and other legal person** that adopted the order that has to be enforced. If the order is enforceable, the agency, **institution and other legal person** puts on the order a confirmation that it became enforceable (confirmation of enforceability) and delivers it to the agency competent for its enforcement to be enforced.
(4) When enforcement of an order of an agency, **institution and other legal person** not authorised for enforcement has to be performed in the line of duty, for the purposes of enforcement they have to contact an agency competent for enforcement as provided in § (3) of this Article.

Article 279

(1) Administrative enforcement performed by an agency that adjudicated a matter in the first instance is performed on the basis of an enforceable order and conclusion on the permission of enforcement.
(2) Administrative enforcement performed by some other agency is performed on the basis of an order with a confirmation of enforceability and conclusion on the permission of enforcement.

Article 280

(1) In the procedure of administrative enforcement, an appeal that relates only to enforcement may be filed, and such appeal may not contest the regularity of an order being enforced.

(2) An appeal has to be filed with a competent second-instance agency. The appeal does not postpone an ongoing enforcement. With respect to the term for appeal and the agency competent for adjudication of the appeal, the provisions of Articles 225 through 231 of this Act are applicable.

Article 281

(1) Administrative enforcement shall be discontinued in the line of duty and performed actions revoked if established that an obligation was enforced, that enforcement was not permitted, that it was performed towards a person who is not in obligation, or if the obligee decides to withdraw his petition, that is, if the enforcing body was annulled or dissolved.
(2) Administrative enforcement shall be postponed if established that with respect to the enforcement of an obligation a grace period is permitted or if established that an order about the main matter was adopted in place of an interlocutory order that is being enforced, which is different from the interlocutory order. An agency that adopted a conclusion about the permission of enforcement approves the postponement of enforcement.

Article 282

(1) Fines issued under this Act are enforced by agencies competent for enforcement of fines issued for misdemeanours.
(2) Fines are collected in favour of the Republic.

Article 283

(1) When an order adopted in an administrative procedure has to be enforced in court, an agency whose order has to be enforced puts on the order a confirmation of enforceability (Article 278, § (3)) and delivers it for enforcement to the court competent for enforcement.
(2) An order adopted in an administrative procedure that includes a confirmation of enforceability is the basis for court enforcement. Such enforcement is performed according to regulations governing court enforcement.
(3) An ungrounded confirmation of enforceability shall be revoked by an order of an agency that put the confirmation on the order, and the order shall immediately be delivered to the court competent for enforcement.

2. Enforcement of Non-monetary Obligations

Article 284

Enforcement for the purpose of realisation of non-monetary obligations of an obligor is performed by other persons or by coercive methods.

a) Enforcement by Other Persons

Article 285

(1) If an obligor's obligation consists in the performance of an action that may be performed by some other person, and the obligor does not perform his obligation either fully or partially, the action shall be performed by such other person, at the expense of the obligor. The obligor has to be cautioned thereof in advance.
(2) In such case, an agency performing the enforcement may instruct the obligor in a conclusion that he shall deposit in advance an amount necessary for the settlement of enforcement costs, and that an itemised statement shall be prepared subsequently. A conclusion on the deposition of an amount is enforceable.

b) Enforcement by Constraint

Article 286

(1) If an obligor is obligated to allow or suffer something, and in such case acts contrary to his obligation, or if the object of enforcement is an action by the obligor that may not be performed by any other person, the obligor shall be constrained by fines of an agency performing the enforcement to fulfil his obligation.
(2) An agency performing enforcement shall firstly threaten an obligor with the application of means of constraint if he fails to fulfil his obligation within term. If the obligor takes an action within such term contrary to his obligation or if the term expires, the said means of constraint shall be immediately enforced, and the agency shall set a new term for the enforcement of the action and threaten with new, more severe means of contraint.
(3) A fine issued for the first time under § (2) of this Article may not exceed **Dinar 5,000.00**.* Any further fine may be re-issued in the same amount.
(4) Once collected, a fine is not refunded.

Article 287

If a non-monetary obligation cannot be either fully or timely enforced by the application of the means from Article 285 and 286 of this Act, the enforcement, according to the nature of an obligation, may be performed by immediate constraint, unless provided otherwise by regulations.

Article 288

(1) When enforcement has been performed pursuant to an order, and the order is subsequently annulled or changed, the obligor is entitled to demand the return of whatever has been taken from him, that is, to demand restitution to the condition arising out of the new order.

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* **See** note on Article 73 of this Act.

(2) The petition of an obligor is adjudicated by an agency that adopted a conclusion on the permission of enforcement.

Chapter XVIII

ENFORCEMENT FOR SECURITY AND INTERLOCUTORY CONCLUSION

1. Enforcement for Security

Article 289

(1) For the purpose of ensuring enforcement, enforcement of an order may be allowed by a conclusion even before it becomes enforceable if to the contrary enforcement after the order becomes enforceable would be prevented or significantly more difficult.
(2) In the case of obligations enforced by constraint only at the petition of a party, the petitioner has to provide just cause that enforcement shall be prevented or more difficult, and an agency may condition the enforcement from § (1) of this Article upon security under Article 217, § (2) of this Act.
(3) A special appeal is permitted against a conclusion adopted at the petition of a party by reason of enforcement for security, as well as against a conclusion adopted in the line of duty. An appeal against a conclusion adjudicating enforcement for security does not postpone the implementation of enforcement.

Article 290

(1) Enforcement for security may be performed administratively or through court.
(2) When enforcement for security is performed through court, the court observes regulations applicable to court enforcement.

Article 291

(1) Enforcement of an interlocutory order (Article 217) may be performed only to the extent and in the cases in which enforcement for security is permitted (Article 289 and 290).

2. Interlocutory Conclusion on Enforcement

Article 292

(1) If an obligation of a party exists or is at least made probable, and there is danger that the obligor, by disposing with property, by agreement with third parties or in some other way shall prevent or make enforcement of the said obligation more difficult, an agency competent to adopt an order about the obligation of the party may adopt an interlocutory conclusion for the purpose of ensuring enforcement of the obligation before the adoption of an order about that obligation. On adopting

such interlocutory conclusion, the competent agency is obligated to take into account the provision of Article 273 of this Act and provide an explanation of the conclusion.
(2) The adoption of an interlocutory conclusion may be conditioned on the provision of security anticipated in Article 217, § (2) of this Act.
(3) With respect to an interlocutory conclusion adopted pursuant to § (1) of this Article, the provisions of Article 289, § (3) and Article 290 of this Act shall apply.

Article 293

(1) If established by a non-remedial order that a party for whose security an interlocutory conclusion was adopted does not have an obligation under law or if established in some other way that a petition for the adoption of an interlocutory conclusion was unjustified, the petitioner in whose favour the interlocutory conclusion was adopted shall reimburse to the opposing party damages caused by the adopted conclusion.
(2) The reimbursement of damages from § (1) of this Article shall be adjudicated by an agency that adopted an interlocutory conclusion.
(3) If in the case from § (1) of this Article it is obvious that the interlocutory conclusion was obtained on a whim, the petitioner shall be fined by an amount **up to Dinar 5,000.00**.* A special appeal is permitted against a conclusion on the fine, which postpones the enforcement of the conclusion.

PART V

IMPLEMENTATION OF THE ACT AND TRANSITIONAL AND FINAL PROVISIONS

Chapter XIX

IMPLEMENTATION OF THE ACT

Article 294

(1) Legal persons vested with public powers may not issue punishments in administrative procedures and apply measures of constraint anticipated by this Act. If established in the course of a procedure that the procedure may not be performed at all or correctly without the application of one of the measures of constraint or punishments anticipated by the provisions of this Act, the legal person vested with public powers shall contact the competent agency of state administration having jurisdiction to implement this Act for the purpose of implementation of the measures, unless provided otherwise by law.
(2) If the competent agency of state administration does not adopt a relevant conclusion within eight days from the date such agency was contacted, it is obligated to immediately inform the institution or other legal person conducting the procedure about reasons why it deems that the anticipated measures do not

* **See** note on Article 73 of this Law.

have to be applied. In that case, as well as if the competent state agency does not inform the legal person vested with public powers about reasons for the failure to comply within a reasonable term, the legal person may inform thereof a ministry competent for general administrative matters.

Article 295

(1) In agencies of state administration and legal persons vested with public powers, unless provided otherwise by law or regulation based on law, an authorisation to take actions in an administrative procedure and an authorisation to adjudicate may be granted only to a person who has adequate professional qualifications, working experience and state exam.
(2) Professional qualifications, the required working experience and the obligation of passing the state exam, as well as the way of verifying knowledge from the field of administrative procedure activities are all established in a decree of the Government of the Republic of Croatia.
(3) Officials of public persons vested with public powers working on the activities of administrative procedure are obligated to pass the state exam at the competent ministry or other republican administrative agency, in accordance with the decree from § (2) of this Article.

Article 296

An official conducting a procedure or adopting an order or conclusion is obligated to inform the party in writing, within eight days after the expiration of the term for adjudication of the administrative matter from Article 218 and 247 of this Act, about reasons why the order or conclusion was not adopted and which actions it intends to take in order to have them adopted.

Article 297 **shall be deleted**

Article 298

(1) The implementation of this Act is supervised by a ministry competent for general administrative matters, and heads of other agencies of state administration, as well as heads of legal persons vested with public powers adjudicating administrative matters are also responsible for its implementation.
(2) Heads of agencies of state administration and heads of legal persons vested with public powers are obligated to take care that this Act is implemented correctly and to monitor its enforcement.
(3) A report about the state of adjudication in administrative matters and the term for submitting the report are regulated by an instruction of the minister competent for general administrative matters.

Chapter XX

TRANSITIONAL AND FINAL PROVISIONS

Article 299

On the effective date of this Act, the provisions of Article 111a through 111m in the Administration Act (Official Gazette Nos. 16/78, 50/78, 29/85, 41/90 and 47/90) shall cease to be valid, and Item 8 of that Act titled "Special Provisions on the Administrative Procedure" shall be deleted.