

TRANSLATION FROM THE CROATIAN LANGUAGE

ADMINISTRATIVE DISPUTE ACT

(Editorial Final Text)

TABLE OF CONTENTS

1. GENERAL PROVISIONS	1
2. ADMINISTRATIVE DISPUTE.....	2
3. COMPETENCE AND LEGAL REMEDIES.....	4
4. PROCEDURE	4
1. Procedure further to a Complaint	4
2. Procedure further to a Request for the Protection of Legality	10
3. Repetition of the Procedure.....	11
4. Other Provisions about the Procedure	13
5. MANDATORY NATURE OF JUDGEMENTS	14
6. SPECIAL PROVISIONS.....	15

ADMINISTRATIVE DISPUTE ACT
(Editorial Final Text)

The Act was published in the Official Gazette of SFRY Nos. 4/77 and 36/7 - amend., and taken over and amended by the Act on the Take-over of the Administrative Dispute Act (Official Gazette No. 53/91), as well as the Act on Amendments to the Law on the Take-over of the Administrative Dispute Act (Official Gazette Nos. 9/92 and 77/92).

1. GENERAL PROVISIONS

Article 1

With the aim of ensuring court protection of the rights of citizens and legal persons and with the aim of ensuring lawfulness, in an administrative dispute the court decides about the lawfulness of deeds by which state agencies and organisations vested with public powers (hereinafter "organisations") adjudicate on rights and obligations in administrative matters.

Article 2

An administrative dispute may be initiated by an individual or legal person if he deems that a right or immediate personal interest based on law was violated by an administrative deed.

A state agency, organisation, business unit of an **economic** organisation, settlement and other or a group of persons, although not having the capacity of a legal person, may initiate an administrative dispute if they can be holders of the rights and obligations adjudicated on in an administrative procedure.

When an agency of the unit of local self-administration or organisation adjudicated on an administrative matter in the first instance, and an appeal against the deed was adjudicated on by an agency of another unit of local self-administration or organisation, an administrative dispute may be also initiated by the agency of the unit of local self-administration or organisation that adjudicated in the first instance if it deems that the second-instance deed violated its right to self-administration.

If an administrative deed violated a law in favour of an individual or organisation **or a unit of local self-administration and other legal person**, an administrative dispute may be initiated by the competent **state attorney** or other agency authorised by law. For that reason, all state agencies **and organisations** are obligated to inform the competent **state attorney** or other agency authorised by law about such deeds, as soon as they learn about them.

An administrative dispute may be initiated by the attorney general when an administrative deed violated a law at the detriment of a **unit of local self-administration** or **organisation** that he represents under law.

Article 3

Administrative disputes are adjudicated on by the Administrative Court of Croatia.

In administrative disputes, the court decides in councils consisting of three judges, unless provided by law that the council has to consist of a larger number of judges when deciding on a legal remedy against a decision adopted in an administrative dispute.

Article 4

Judgements of the Court adopted in administrative disputes are binding.

Article 5

An agency under this Act means state agencies and organisations when in the performance of public **powers** they adjudicate on administrative matters.

2. ADMINISTRATIVE DISPUTE

Article 6

An administrative dispute may be conducted only against an administrative deed.

An administrative deed under this Act is a deed by which the agency **from Article 5 of this Act**, in the performance of its public **powers**, adjudicates on a right or obligation of an individual or organisation in an administrative matter.

Article 7

An administrative dispute may be initiated against an administrative deed adopted in the second instance.

An administrative dispute may be initiated against a first-instance administrative deed that may not be appealed against in an administrative procedure.

Article 8

An administrative dispute may be also initiated when, under the conditions anticipated by this Act, the competent agency did not adopt the relevant administrative deed about a request or appeal of a party.

Article 9

An administrative dispute may not be conducted against deeds in matters in which court protection outside the administrative dispute is ensured.

Article 10

An administrative deed may be contested on the following grounds:

- 1) law, a regulation based on law or some other lawfully adopted regulation or general by-law was not applied or was not correctly applied in the deed;
- 2) the deed was adopted by a non-competent agency;
- 3) in the procedure preceding the deed, procedural rules were not observed, and particularly the state of facts was not correctly established or a wrong conclusion with respect to the state of facts was drawn from the established facts.

When the competent agency adjudicated according to its discretion, on the basis of and within the limitations of authorisations granted by legal regulations, in accordance with the purpose of the authorisation, there is no incorrect application of regulations.

Article 11

In an administrative dispute, the claimant may demand the return of seized items, as well as the compensation of damages incurred by the claimant as the result of enforcement of the contested deed.

Article 12

The claimant in an administrative dispute may be an individual, legal person, organisation, group of persons, settlement and others who deem that a right or immediate personal interest based on law was violated by an administrative deed.

Article 13 shall be deleted

Article 14 shall be deleted

Article 15

The respondent in an administrative dispute is an agency the deed of which is contested.

Article 16

A third party who would directly suffer consequences as the result of annulment of the contested administrative deed (interested person) has the position of a party in the dispute.

Article 17

A complaint, as a rule, does not prevent enforcement of an administrative deed against which it was submitted.

At the request of a claimant, an agency the deed of which is to be enforced or an agency competent for enforcement, if the deed in controversy was adopted by an organisation not competent for enforcement, shall postpone legal effects of the order, that is, enforcement of the order until a non-remedial court decision is adopted, if enforcement would cause damages to the claimant that would be difficult to remedy, unless provided by law that an appeal does not postpone enforcement of the order or that postponement is not contrary to public interest, and provided that such postponement would not cause irreparable damages to the counter party.

The agency from § 2 of this Article may postpone enforcement of a contested deed until a non-remedial court decision, if permitted by public interests.

Article 18 **shall be deleted**

Article 19 **shall be deleted**

Article 20 **shall be deleted**

3. COMPETENCE AND LEGAL REMEDIES

Article 21

The competent state attorney may submit a request for the protection of legality against a decision of the court if a law, other regulation or general by-law was violated by such decision.

The Supreme Court of the Republic of Croatia, by a council of five judges, decides about the request from § 1 of this Article.

Article 22 **shall be deleted**

4. PROCEDURE

1. Procedure further to a Complaint

Article 23

An administrative dispute is initiated by a complaint.

Article 24

A complaint has to be submitted within 30 days from the date of service of an administrative deed to the party submitting the appeal.

The term from § 1 of this Article also applies to the agency authorised to submit a complaint if the administrative deed was served to such agency. If the deed was not served, the agency may file a complaint within 60 days from the date of service of the administrative deed to the party in whose favour the deed was adopted.

Article 25

A complaint is submitted to the court by hand or by mail. A complaint may also be stated in the record with a regular court **competent to provide legal assistance**. The date of submitting a complaint at the post office by registered mail or the date of stating a complaint in the record is deemed the date of submission to the court.

If a complaint is not submitted to the court, but to another agency, and is received by the competent court after the expiration of the term for submitting a complaint, the complaint shall be deemed submitted on time if its submission to the agency may be attributed to the ignorance or obvious mistake of the submitter.

For persons during military service in the armed forces, the date of submitting a complaint to the military unit or military institution or headquarters is deemed the date of submission to the court.

The provision of § 3 of this Article relates also to other persons in the military units or military institutions or headquarters of the armed forces in places that have regular mail service.

Article 26

If a second-instance agency does not adopt an order about the appeal of a party against the first-instance **order** within 60 days or within a shorter term set by a special regulation, and does not adopt it either within a further term of 7 days after the request was repeated, the party may initiate an administrative dispute as if the appeal was rejected.

A party may also act in the manner provided in § 1 of this Article when a first-instance agency, against the order of which an appeal is not permitted, does not adopt an order about its request.

If a first-instance agency, against the order of which an appeal is not permitted, does not adopt an order about the request within 60 days or within a shorter term set by a special regulation, the party is entitled to contact a second-instance agency with its request. Against the order of a second-instance agency, the party may initiate an administrative dispute, and under the conditions from § 1 of this Article a dispute may also be initiated if the agency does not adopt an order.

Article 27

A complaint has to include the name and surname, occupation and place of residence, that is, the name and seat of the claimant, the administrative deed against which the complaint is aimed, a brief description of the statement of claim, and the

direction and scope of the proposed annulment of the administrative deed, **and the signature of the submitter**. The original or a copy of the deed has to be enclosed to the complaint.

If the complaint is aimed at demanding the return of things or compensation of damages, a specific claim regarding the items or the amount of incurred damages also has to be voiced.

A copy of the complaint and enclosures has to be submitted with the complaint for the sued agency and any interested person, if any.

Article 28

The claimant may withdraw his complaint until the moment of **forwarding** of the decision of the **court**, in which case the court discontinues the procedure by an order.

Article 29

If a complaint is incomplete or incomprehensible, the presiding judge shall call on the claimant, if necessary, even through some other regular court, to remedy such deficiencies in the complaint within the set term. The court shall also instruct the claimant what and how he has to do and warn him about the consequences of his failure to comply with the demands of the court.

If the claimant does not remedy the deficiencies in the complaint within the set term, and they are such that they prevent the work of the court, the court shall dismiss the complaint as sloppy, unless found that the contested administrative deed is null and void.

Article 30

The court shall dismiss a complaint by an order if established that:

- 1) the complaint was submitted untimely (Article 24) or prematurely (Article 26);
- 2) the deed contested by a complaint is not an administrative deed (Article 24), that is, **the administrative dispute is initiated, because of a failure to adopt a deed in a matter in which the relevant administrative deed is not adopted (which is not an administrative matter) (Article 8)**;
- 3) it is obvious that by the administrative deed contested by the complaint a right of the claimant or his immediate personal interest based on law is not impinged upon (Article 12);
- 4) an appeal could have been submitted against the administrative deed contested by the complaint, but that it was not submitted at all or was not submitted timely (Article 7);
- 5) **court protection regarding the matter in controversy is ensured outside the administrative dispute (Article 9)**;
- 6) a final decision adopted in an administrative dispute in the same matter already exists.

For the reasons mentioned in § 1 of this Article, the court shall dismiss the complaint in any stage of the procedure.

Article 31

If the court does not dismiss a complaint by virtue of Article 29, § 2, or Article 30 of this Act and finds that the contested administrative deed has essential deficiencies that prevent an assessment of the legality of the deed, the court may for that reason annul the deed by a judgement and without forwarding the complaint for a reply.

Article 32

If an agency adopts another deed during the court procedure, by which the administrative deed against which the administrative dispute was initiated is changed or declared out of force, and if in the event from Article 26 of this Act it subsequently adopts an administrative deed, the agency shall at the same time, apart from the claimant, inform the court before which the dispute was initiated. The court shall in that case call on the claimant to state within the term of 15 days whether he is satisfied with the subsequently adopted deed or whether he wishes to pursue his complaint and to what extent, that is, whether he shall extend the complaint to the new deed, as well.

If the claimant states that he is satisfied with the subsequently adopted deed or if he does not give a statement within the term from § 1 of this Article, the court shall adopt an order about the discontinuation of the procedure.

If the claimant states that he is not satisfied with the new deed, the court shall continue the procedure.

Article 33

If a complaint is not immediately dismissed by an order in accordance with Article 29, § 2, or Article 30 of this Act or if the deed is not annulled according to Article 31 of this Act, the court shall deliver one copy of the complaint with enclosures for reply to the respondent and to interested parties, if any.

A reply has to be submitted within the term set by the court on case-to-case basis. The term may not be shorter than 8 or longer than 30 days.

Within the set term, the respondent is obligated to send to the court all files relating to the matter. If the respondent does not send the case files even after being requested to do so for a second time or if he states that he may not send them, the court may adjudicate on the matter without the files, as well.

Article 34

In administrative disputes, the court adjudicates in non-public sessions.

If the matter in controversy is complex or if deemed necessary for the purpose of clarifying the state of facts, the court may decide to hold an oral hearing.

For the same reasons, the party may also propose an oral hearing.

Article 35

If the competent council decides to hold an oral hearing, the presiding judge shall set the date for the hearing and summon the parties and interested persons, if any, to the hearing.

A hearing may be postponed only for important reasons, which matter is decided upon by the council.

Article 36

Hearings are presided by the presiding judge of the council.

Minutes are kept about the hearing, in which are entered only material facts and circumstances and the disposition of the decision. Minutes are signed by the presiding judge and the court reporter.

Article 37

The failure of a party to appear at an oral hearing does not delay the work of the court. Parties may not be deemed to have withdrawn their claims, because of failure to appear, but their submissions have to be read.

If neither the claimant nor the respondent appears at a hearing, and the hearing is not postponed, the court shall deliberate on the dispute without the presence of the parties.

Article 38

At a hearing, the first to have the floor is the member of the council who is the rapporteur. The rapporteur explains the state of facts and the object of dispute, without giving his opinion. After that, the claimant is provided an opportunity to explain his complaint, and then the representative of the respondent and interested persons to explain their standpoints.

Article 39

As a rule, in disputes the court adjudicates on the basis of facts established in the administrative procedure.

If the court finds that a dispute may not be deliberated on based on facts established in the administrative procedure, since the files are contradictory with respect to the established facts, since the facts were incompletely established regarding major issues, since an incorrect conclusion about the state of facts was drawn from the established facts, or if the court finds that procedural rules, which would have had impact on the adjudication of the matter, were not taken into account in the administrative procedure, the court shall annul the contested

administrative deed. In that event, the competent agency is obligated to comply with the judgement and adopt a new administrative deed.

If the annulment of a contested administrative deed in accordance with § 2 of this Article and a repeated procedure with the competent agency would cause damages to the claimant that would be difficult to remedy, or if on the basis of official documents or other evidence in the case file it is obvious that the state of facts is different from the one established in the administrative procedure, or if an administrative deed was already annulled once in the same dispute, and the competent agency did not fully observe the judgement, the court may establish the state of facts by itself and on the basis of such state of facts adopt a judgement or order.

In the event from § 3 of this Article, the court establishes the state of facts **if necessary** at a hearing or through one of the members of the council or through some other regular court or through some other agency. The party is also summoned to the hearing.

Article 40

The court assesses the legality of a contested administrative deed within the framework of the complaint, but is not bound by the reasons from the complaint.

The court takes care of the nullity and voidness of an administrative deed in the line of duty.

Article 41

The court adopts the judgement or order by majority vote.

Special minutes are kept about deliberation and voting, signed by all members of the council and by the court reporter.

Deliberation and voting is performed without the presence of parties.

Article 42

In disputes, the court adjudicates by a judgement.

By a judgement, the complaint is acknowledged or rejected as unfounded. If the complaint is acknowledged, the court annuls the contested administrative deed.

When the court finds that a contested administrative deed has to be annulled, it may adjudicate on the administrative matter by a judgement if the nature of things allows and if the information from the procedure provides a reliable basis. Such judgement replaces the annulled deed in all respects.

By a judgement annulling the contested administrative deed, the court shall also decide about the claim of the claimant for the return of things or for compensation of damages if the information from the procedure provides a reliable basis. To the contrary, the court shall instruct the claimant to realise his claim in a lawsuit.

When a complaint is submitted by virtue of Article 26 of this Act, the complaint is acknowledged or rejected as unfounded by a judgement. If the complaint is acknowledged, it shall be determined in which sense the respondent

shall adopt an order or the administrative matter shall be adjudicated on by a judgement.

Article 43

If an oral hearing was held, the court shall immediately following the hearing announce the judgement or order orally, together with the most important reasons.

In complex cases, the court may decide not to announce the judgement or order orally, and at the latest within the term of eight days adopt a judgement or order.

If a judgement or order may not be issued after an oral hearing, because a fact, with respect to which a new oral hearing is not necessary, has to be established before that, the court shall adopt the judgement or order without holding a hearing, at the latest within the term of eight days after establishing the fact.

Article 44

A judgement or order has to include the denotation of the court, the name and surname of the presiding judge and members of the council, as well as of the court reporter, the denotation of the parties and their representatives, a brief exposition of the object of dispute and the date on which the judgement or order was issued and announced, the disposition, explanation and instructions about the legal remedy, if an appeal is permitted. The disposition has to be separated from the explanation.

The original of the judgement or order is signed by the presiding judge and court reporter.

The judgement or order is issued to the parties in a certified copy.

2. Procedure further to a Request for the Protection of Legality

Article 45

A request for the protection of legality (Article 21) has to be submitted in the manner anticipated in Article 25 of this Act to the Administrative Court of the Republic of Croatia.

Article 46

A request for the protection of legality has to be submitted within the term of three months from the date when the parties were served with the decision against which the request is submitted.

Article 47

A request for the protection of legality has to include the denotation of the court decision against which the request was filed, reasons why the court decision is contested and the denotation of the submitter.

If the request from § 1 of this Article is incomplete or incomprehensible, the competent court shall observe the provisions of Article 29 of this Act.

Article 48

The court shall dismiss by an order an untimely request for the protection of legality or a request submitted by an unauthorised person.

If the competent court does not dismiss the request from § 1 of this Article, it shall deliver it to the counter party that may submit its response to the request within the term set by the competent court.

The court against whose decision the request from § 1 of this Article was submitted and the respondent agency are obligated to deliver all files to the competent court without any delay.

Article 49

The competent court decides about the request from Article 21 of this Act, as a rule, at non-public sessions, and the contested decision is assessed only within the framework of the request.

Article 50

The competent court in its judgement rejects or acknowledges the request from Article 21 of this Article.

By a judgement acknowledging the request from § 1 of this Article, the competent court may revoke or change the court decision against which the request was submitted.

Article 51 shall be deleted

3. Repetition of the Procedure

Article 52

A procedure concluded by a judgement or order shall be repeated at the **motion** of a party:

- 1) if the party finds out about new facts or becomes aware or enabled to use new evidence on the basis of which the dispute would have been adjudicated more favourably towards him had the facts or evidence been presented or used in the preceding court procedure;
- 2) if the decision of the court is the result of a **criminal** act of the judge or court employee or if the decision was obtained by a fraudulent act of the representative or plenipotentiary of a party, his opponent or the opponent of the representative or plenipotentiary, and such act is a **criminal** act;

- 3) if the decision is based on a judgement that was adopted in a **criminal** or civil matter, and the judgement was revoked by another final court decision;
- 4) if the document on which the decision is based is a forgery or if it was changed falsely, or if the witness, expert witness or party gave a false testimony before court, and the decision is based on such testimony;
- 5) if the party finds or becomes enabled to use a former decision adopted in the same administrative dispute;
- 6) if an interested person was not provided an opportunity to participate in the administrative dispute.

In view of the circumstances from Items 1 and 5, § 1 of this Article, a repetition shall be permitted only if the party was not able to present the circumstances in the preceding procedure, through no fault of his own.

Article 53

The repetition of a procedure may be requested at the latest within the term of 30 days from the day that the party found out about the reason for a repetition. If the party found out about the reason for a repetition before the procedure in court was completed, but the reason could not be used during the procedure, the repetition may be requested within 30 days from the date of delivery of the decision.

On expiration of five years from the finality of a decision, the repetition may not be requested. **Exceptionally, even after the term of five years, a renewal may be requested on legal grounds mentioned in Article 52, § 1, Items 2, 3, and 4 of this Act.**

Article 54

The Administrative Court of the Republic of Croatia decides about the motion for the repetition of a procedure in a council consisting of five judges.

Article 55

A motion for the repetition of a procedure is submitted to the Administrative Court of the Republic of Croatia (Article 54).

In the **motion**, the following information has to be specifically stated:

- 1) judgement or order adopted in the procedure, which further to the motion needs to be repeated;
- 2) legal grounds for the repetition (Article 52), as well as evidence or circumstances providing just cause for the existence of the grounds;
- 3) circumstances showing that the complaint was submitted within legal term and relevant evidence;
- 4) in what way and to what extent the judgement or order adopted in the procedure, which further to the motion needs to be repeated, should be changed.

Article 56

The competent court decides about the **motion** in a non-public session.

The court shall dismiss a **motion** by an order if established that the **motion** was submitted by an unauthorised person or that the motion is not timely or that the party did not make probable the existence of legal grounds for a repetition.

If the court does not dismiss a **motion** under § 2 of this Article, it shall deliver it to the counter party and to interested persons and call on them to provide a reply to the **motion** within 15 days.

Article 57

After the expiration of the term for reply to a **motion** (Article 56, § 3), the court shall adjudicate on the **motion** for the repetition of a procedure by a judgement.

If the repetition is permitted, the former decision shall either fully or partially be declared out of force.

Preceding procedural actions not influenced by reasons for the repetition shall not be repeated.

By a judgement permitting the repetition, the main matter shall also be adjudicated.

Article 58

Against a decision of the court adopted about a **motion** for the repetition of a procedure, legal **remedies** permitted in the main matter may be submitted.

Article 59

In the procedure for a repetition, the provisions of this Act on the procedure further to a complaint and legal **remedies** shall be adequately applied, unless provided otherwise in Articles 52 through 58 of this Act.

4. Other Provisions about the Procedure

Article 60

If this Act does not include provisions about the procedure in administrative disputes, the provisions of the Civil Procedure Act shall be adequately applied.

Article 61

In administrative disputes, each party settles his own expenses.

5. MANDATORY NATURE OF JUDGEMENTS

Article 62

When the court annuls a deed against which an administrative dispute was initiated, the restitution of the matter to the condition existing prior to the adoption of the annulled deed is performed. If by the nature of the matter in controversy a new deed has to be adopted instead of the annulled administrative deed, the competent agency is obligated to adopt it without any delay, at the latest within the term of 30 days from the day of delivery of the judgement. The competent agency is bound by the legal standpoint of the court and by the comments of the court regarding the procedure.

Article 63

If the competent agency, after the annulment of an administrative deed, adopts an administrative deed contrary to the legal standpoint of the court or contrary to the comments of the court regarding the procedure, and the claimant therefore submits a new complaint, the court shall annul the contested deed and, as a rule, adjudicate the matter on its own by a judgement. Such judgement replaces the deed of the competent agency in all respects.

The court has to inform the supervisory agency about such a case.

Article 64

If the competent agency, after the annulment of an administrative deed, does not adopt immediately, at the latest within the term of 30 days, a new administrative deed or adopts a deed in the enforcement of the judgement by virtue of Article 42, § 5 of this Act, the party may be a special submission request the adoption of such a deed. If the competent agency does not adopt a deed within seven days of the date of such request, the party may request the court that adopted the judgement in the first instance to adopt such a deed.

With respect to such a request, the court shall request the competent agency to provide a notice of the reasons why the administrative deed was not adopted. The competent agency is obligated to provide the notice immediately, at the latest within seven days. If it fails to do so or if the given notice, in the opinion of the court, does not provide just cause for the non-enforcement of the court judgement, the court shall adopt an order, which shall in all respects replace the deed of the competent agency. The court shall forward the order to the agency competent for enforcement and simultaneously inform the supervisory agency. The agency competent for enforcement is obligated to enforce such an order without any delay.

Article 65

When a judgement is adopted in an administrative dispute, and the competent agency adopted an administrative deed in the enforcement of that judgement, so the competent agency is requested to renew the administrative

procedure regarding the administrative deed, the renewal may be permitted only if the reason for renewal occurred at the agency that adopted the deed.

6. SPECIAL PROVISIONS

Article 66

A request for the protection of a right and freedom of man and citizen guaranteed by the Constitution, if such freedom or right was violated by a final individual deed, provided that other court protection is not ensured, is adjudicated on by the court competent for administrative disputes by applying this Act in an appropriate manner.

Article 67

A procedure for the protection of a right and freedom of man and citizen guaranteed by the Constitution, if such freedom or right was violated by an unlawful act of an official in the bodies of state authorities or by an authorised person in enterprises and other legal persons, if other court protection is not ensured, shall be initiated by a complaint by reason of an unlawful act.

Article 68

A complaint requesting protection against an unlawful act has to include the denotation of the court, the denotation of the parties with their permanent residence or seat, the denotation of the unlawful act (place, time and if available perpetrator), evidence about the committed act and the statement of claim.

Article 69

A **complaint** may be submitted as long as the act is going on.

If the person against whom an action was taken cannot submit a **complaint** for the protection against an unlawful act on his own, the **complaint** may be submitted by his spouse, child, parent or other close kin.

Article 70

The **complaint** for the protection against an unlawful act is decided on by the **district*** court in the area of which the act was committed. The **district** court decides in the council of three judges.

* With the adoption of the Act on Courts (Official Gazette No. 3/94), district courts became county courts.

Article 71

The **district** court acts further to a **complaint** urgently and in the manner that, while preserving the basic principles of the procedure, ensures a successful protection of the rights and interests of citizens and the **bodies of state authorities or enterprises and other legal persons**.

Article 72

The court shall deliver without any delay the **complaint** for a reply to the **body of state authorities or enterprise or other legal person**, depending on which body committed the act. A reply to the **complaint** is delivered within the term designated by the court.

Depending on the circumstances of the case, the court may adopt a decision about the **complaint** without any delay and without a prior delivery of the **complaint** for a reply if the information from the **complaint** provides a reliable basis.

Article 73

The court decides about the justifiability of the statement of claim in a judgement.

By a judgement accepting the statement of claim, the court shall prohibit any further performance of the unlawful act and, if necessary, instruct the restitution to the condition existing prior to the performance of the unlawful act.

Article 74

Against a decision of the court deciding on a complaint for the protection against an unlawful act, the parties may file a complaint within three days of the date of service of the decision.

An appeal is submitted to the district court that adopted the contested decision, but is decided on by the Supreme Court of the Republic of Croatia.

An appeal does not postpone the enforcement of a decision.

The court may postpone the enforcement if evaluated necessary based on the circumstances of the case.

Against decisions adopted in the procedure of protection against unlawful acts, a revision is not permitted.

In the procedure of protection against unlawful acts, the provisions of the Civil Procedure Act shall be adequately applied.

Article 75

The body of state authorities or an enterprise or other legal person is obligated to enforce an enforceable judgement prohibiting further performance of an unlawful act and instructing the restitution to the previous condition within 3 das of the date of service of the enforceable judgement.

If an official or authorised person in the body or person from § 1 of this Act does not enforce an enforceable judgement within the set term, a procedure may be initiated against them by reason of a serious violation of their working duty and they may also be fined by an amount from Croatian Dinar 50,000.00 to 100,000.00.

Article 76

If an enforceable decision is not enforced within the term from Article 75, § 1 of this Act, the enforcement shall be performed according to the provisions of the Act on Enforcement Procedure.

Chapter VII (Transitional and Final Provisions, Articles 77 through 80) shall be deleted.