

[Home](#) > Other relevant rules on appeals, remedies and access to justice in environmental matters

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It is important to note that in Croatia an administrative dispute and/or judicial review may be initiated if an administrative body has not issued an administrative decision that it was obliged to issue, in the case of the silence of the administration (šutnja uprave). One needs to distinguish here between two types of administrative procedures based on which the time limits for reviews are calculated. One is a simpler administrative procedure when the court can immediately establish the relevant facts (no opposing parties to the proceedings) (Cro: neposredno rješavanje upravne stvari). The deadline to pass a decision in such cases is 30 days. The other is an investigative administrative procedure in which the authority needs to establish the relevant facts in order to pass a decision (Cro: ispitni postupak). The deadline to pass a decision in such cases is 60 days. Second instance decisions on appeals are also due in 60 days.

For example, if a second instance body, in Croatia within 60 days, failed to render a decision on the party's appeal against the first instance decision, such party may institute a judicial review as if the appeal was rejected. It should be noted that the judicial review can only be initiated, whereas there is no such condition for the administrative appeal, no earlier than 8 days before the appeal should have been decided (so 60 + 8 days). The following relate to cases where somebody does not comply with the rules of a judgment:

- According to the Act on Courts[1] ([Zakon o sudovima](#)), everyone in the Republic of Croatia is obliged to respect the final enforceable and executive court decision and obey it. Although it is a general duty, it is particularly binding on the defendants in an administrative dispute since these are public law bodies, which form part of the apparatus in the function of legal order[2].
- One of the principles of the administrative disputes is the obligatory status of the court decisions[3]
- Failure to execute a final administrative court judgment constitutes a criminal offence against the judiciary – non-execution of a court decision[4]. When execution of a judgment represents an obligation of a public official then it is a violation of official duty to public service legislation[5]

The [Criminal Code](#) determines that an official or responsible person who does not execute the final court decision which was obliged to be executed (if any other criminal offence for which heavier sentence is determined), will be punished by imprisonment of up to 2 years.

Failure to execute a final administrative court judgment represents a serious breach of official duty since it is considered as non-performance, negligent, untimely or careless performance of official duties according to the Civil Servants Act, as well as of the Law on Civil Servants and Employees in Local and Regional Self-Government (OG 86/08, 61/11, 04/18, 112/19). The Court on Civil Servants (Službenički sud) decides about these breaches of official duties. This court, as well as the Higher Court on Civil Servants, are established by the Government for one or more public bodies.

There are cases that show that the timeline for final judgment and then for the execution of the judgment are very important in environmental matters. Despite the requirement for urgency envisaged by the EPA, the reality is different. For example, in a decision of 2009 the Administrative Court ordered that the EIA procedure for asphalt base must be repeated as public participation was not enabled in the public consultation process. The action was brought by a group of citizens in 2003, and the project was implemented in the meantime. The procedure lasted for 6 years. Upon the court's decision, the public discussion was organized, all the objections of the citizens were dismissed, and the asphalt base constructed 6 years ago for the purposes of a quarry still exists near citizens' houses. It can be seen in this case that although the court decision was executed it actually did not make any sense, it was just correction of the procedural mistake and without any impact on the EIA decision.

[1] [Zakon o sudovima](#), Article 6, Par 3

[2] Dr.sc. Rajko Alen, Razlozi neizvršenja odluka upravnog suca i sredstva pravne zaštite, page 247

[3] Act on Administrative Dispute, Article 10

[4] Criminal Code, Art 311

[5] Civil Servants Act, Art 38 OG 92/05, 140/05, 142/06, 77/07, 107/07, 27/08, 34/11, 49/11, 150/11, 34/12, 38/13 and 37/13

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