Single-Instance Administrative Disputes in Croatia: The Role of the High Administrative Court and the Limits of Judicial Protection

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Abstract

With the reform of the administrative dispute implemented in Croatia in 2010, the legislator's intention was to introduce a two-tier system in the organization of the administrative judiciary and to strengthen the role of the High Administrative Court (hereinafter: HAC) as a second-instance court, primarily an appeals court. However, there are exceptions in certain special administrative areas according to special laws, when the resolution of certain administrative matters is excluded from the jurisdiction of first-instance administrative courts and is assigned to a hierarchically higher court. Therefore, legal protection is prescribed through a lawsuit directly to the HAC or, after an appeal against a decision of the first-instance body in administrative procedure, the lawsuit is not filed to the first-instance administrative court but to the HAC. In these disputes, a single-instance administrative dispute is conducted, and in them the HAC has the role of both the first-instance and second-instance court. Therefore, the question arises of the legislator's reasons regarding the justification of granting such exceptions to administrative-judicial protection under special laws. With the new Administrative Disputes Act of 2024, the legislator recognizes the aforementioned issues. The purpose of the paper is to put special emphasis on the specifics of the role and position of the HAC and the justification of exceptions in selected administrative matters, given that a tendency for their increase is observed.

Keywords*: single-instance administrative dispute, High Administrative Court, exceptions, special administrative areas, Administrative Disputes Act 2024.*

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1. Introduction

1.1. Selected Scientific Problem and Subject of Scientific Research

The administrative justice system as established in 1991 and functioning until 2010 has been the subject of much criticism in the Croatian scientific and professional

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community. They have pointed to the need for a comprehensive reform of the administrative justice system, as well as of administrative proceedings. However, above all, it was important to ensure effective and timely protection of the rights of citizens and legal entities and to ensure legality in actions and decision-making. Therefore, it was clearly evident that a comprehensive institutional reform of administrative justice had to be undertaken in order to provide a balance between faster and simpler procedures, on the one hand, and effective protection of citizens and the public interest, on the other. In 2010, a major reform of administrative disputes was achieved with the adoption of the Administrative Disputes Act[2] (hereinafter: ADA from 2010). In addition to numerous innovations, the scope of administrative judicial control was significantly expanded and a legal solution for a new model of administrative justice organization was introduced. Until then, there had been only one Administrative Court with its seat in Zagreb. That organizational model of judicial supervision over administrative law had to be replaced by a new one. It became questionable whether such an administrative structure with a single Administrative Court could guarantee sufficient judicial control of decisions of public law bodies, given the width of administrative areas and the number of cases.

A two-tier specialized[3] administrative judiciary was introduced, in such a way that there are four first-instance administrative courts (Osijek, Rijeka, Zagreb and Split) and the High Administrative Court of the Republic of Croatia (hereafter: HAC) with its seat in Zagreb.[4] The newly introduced structure reflected the issue of the division of jurisdiction between the two levels of administrative adjudication, where the subject of analysis is the legal regulation of the substantive jurisdiction of the HAC. With regard to the role of the administrative judiciary, the intention of the legislator was to introduce a two-tier system in the organization of the administrative judiciary and to strengthen the HAC as a second-instance court, primarily an appellate court. However, in practice there are exceptions in certain special administrative areas according to special laws, when the resolution of certain administrative matters is excluded from the jurisdiction of the first-instance administrative courts and is assigned to a hierarchically higher court. The above follows from Art. 12 para. 3 p. 4 of the ADA "*in other cases prescribed by law*". These are cases where, after a decision in an administrative procedure, further legal protection is exercised through a lawsuit directly to the HAC. Likewise, in cases where, after an appeal against a decision of a first-instance body in an administrative procedure, the lawsuit is not filed with a first-instance administrative court but with the HAC. In these disputes, a single-instance administrative dispute is conducted and in

[2] Croatia, Administrative Disputes Act 2010 (Zakon o upravnim sporovima; hereinafter: ADA 2010), *Narodne novine*, nos. 20/2010, 143/2012, 152/2014, 94/2016 (Constitutional Court decision), 29/2017, 110/2021, https://narodne-novine.nn.hr/clanci/sluzbeni/2010_02_20_483.html. The Act was enacted in 2010 and entered into force on January 1, 2012.

[3] See Croatia, Law on Courts (Zakon o sudovima; hereinafter: LC), art. 14(3), *Narodne novine*, nos. 28/2013, 33/2015, 82/2015, 82/2016, 67/2018, 126/2019, 130/2020, 21/2022, 60/2022, 16/2023, 155/2023, 36/2024, 136/2025, https://narodne-novine.nn.hr/clanci/sluzbeni/2013_03_28_473.html.

[4] LC, arts. 15(2)–(3), 22, and 25. See also Croatia, Law on the Territories and Seats of Courts (Zakon o područjima i sjedištima sudova), art. 8, *Narodne novine*, nos. 67/2018, 21/2022, https://narodne-novine.nn.hr/clanci/sluzbeni/full/2018_07_67_1360.html; ADA 2010, art. 12(1).

them the HAC has the role of both a first-instance and a second-instance court.[5]

With the new Administrative Disputes Act from 2024 (hereinafter: ADA from 2024),[6] the legislator tries, through certain newly introduced legal provisions, to prevent the highlighted issue. It introduces a legal provision that requires the proponent of the law to provide a detailed and reasonable explanation of the deadline that is overlooked by special laws, in which the HAC should make a decision. In addition to prescribing deadlines, special laws also contain provisions that prescribe the urgency of such disputes. Likewise, within the provisions on actual jurisdiction, the legislator emphasized the obligation of the proponent to provide an explanation for granting such a form of administrative-judicial protection.

1.2. The Purpose of Scientific Research

In relation to the previously presented selected scientific problem, the purpose of the paper is, given the observed exceptions in the realization of administrative-judicial protection through a single-instance administrative dispute, to present and analyze the procedural provisions of several selected special laws using the normative method. The paper also points out the specific features that stand out in terms of legal protection after the administrative procedure has been conducted (in one or two instances). The justification and appropriateness of such a form of administrative-judicial protection in a single-instance administrative dispute is examined. Furthermore, the author, as in her previous research,[7] points to the importance of setting criteria and additional explanation of the reasons for deviating from the regular path of legal protection in an administrative dispute when proposing such legal solutions. Author also emphasizes that the expansion of such exceptions should be limited to as few administrative matters regulated by special laws as possible.[8] In practice, however, the opposite happens, because there is a tendency for their expansion. It is precisely the above mentioned that prompted the author to further research of this issue. Finally, considerations and conclusions are presented in relation to the highlighted subject of research.

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[5] See also Mateja Held, "Neka važna pitanja uređenja i reformi upravnog sudovanja u europskim zemljama," *Zbornik Pravnog fakulteta u Zagrebu* 69, no. 4 (2019): 574, https://doi.org/10.3935/zpfz.69.4.04.

[6] Croatia, Administrative Disputes Act 2024 (Zakon o upravnim sporovima; hereinafter: ADA 2024), *Narodne novine*, no. 36/2024, https://narodne-novine.nn.hr/clanci/sluzbeni/2024_03_36_564.html; Constitutional Court of the Republic of Croatia, decision nos. U-I-2767/2025 and U-I-2768/2025, March 31, 2026, *Narodne novine*, no. 39/2026, https://narodne-novine.nn.hr/clanci/sluzbeni/2026_04_39_485.html.

[7] Ana Đanić Čeko, "Specifičnosti uloge Visokog upravnog suda Republike Hrvatske u jednostupanjskom upravnom sporu na osnovi posebnih zakona (lex specialis)," *Harmonius: Journal of Legal and Social Studies in South East Europe* 7 (2018): 17–45, https://www.harmonius.org/wp-content/uploads/2019/06/Pages-from-Harmonius-2018-3.pdf; Ana Đanić Čeko and Ivan Malenica, "Specifičnosti posebnog upravnog postupka u nadležnosti Agencije za zaštitu tržišnog natjecanja i upravno-sudske zaštite," *Pravni vjesnik* 41, no. 3 (2025): 169, https://doi.org/10.25234/pv/28059.

[8] See also Bosiljka Britvić Vetma, "Ustroj i nadležnost upravnih sudova," *Zbornik Pravnog fakulteta Sveučilišta u Rijeci* 33, no. 1 (2012): 404, https://hrcak.srce.hr/87756.

1.3. Research Methodology

The research was conducted using selected scientific and professional literature, the current normative framework, and the results of previous research conducted in the field of the paper's theme. Within the framework of this paper, using the normative and comparative method, an analysis of selected legal texts in Croatian law relevant to this area was conducted, primarily ADA from 2010, ADA from 2024, and selected special laws. Likewise, in interpreting the legal provisions of the aforementioned sources, the teleological, logical, and grammatical methods were used. To conduct the planned research, primary publications, books, available and reference domestic and foreign journals in theory and practice, and conference proceedings were used. Then, commentaries on laws, proposals and final proposals of the ADA and online sources.

2. Conditions for Granting the High Administrative Court Jurisdiction to Conduct a Single-Instance Administrative Dispute Under the Administrative Disputes Act 2010/2012

In comparison to the previous single-instance system based on the ADA from 1991,[9] according to the ADA from 2010, the position was expressed that the Republic of Croatia (hereinafter: RC) should retain an independent administrative judiciary. Therefore, it was proposed that administrative disputes would be resolved by administrative courts as first-instance administrative courts and the second-instance High Administrative Court of the Republic of Croatia (hereinafter: HAC). This reorganization of the judiciary allowed citizens easier access to the court and differentiated between courts in the allocation and decision-making according to the level of complexity of disputes. The introduction of new courts was intended to speed up the resolution of administrative-judicial cases and reduce the burden and enormous pressure on the former Administrative Court. Đerđa emphasizes that the tiring of the judicial system is extremely important for making lawful decisions and for the possibility of intervention by a hierarchically higher court upon appeal, which also guarantees a higher quality of decision-making.[10]

In accordance with the organizational reform, there was an expansion and transition to a two-level administrative court system. So, it was about a completely new legal regulation and a change in the essential subject and scope of the administrative court system, based on a completely different concept of legal protection. The effectiveness of judicial supervision over the activities of the administration largely depends on the proper organization of the administrative judiciary.[11]

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[9] Croatia, Administrative Disputes Act 1991 (Zakon o upravnim sporovima), adopted through the Zakon o preuzimanju Zakona o upravnim sporovima, *Narodne novine*, nos. 53/1991, 9/1992, 77/1992, https://narodne-novine.nn.hr/clanci/sluzbeni/1991_10_53_1299.html.

[10] Dario Đerđa, "Slabljenje pravne zaštite u upravnom sporu," in *Zbornik radova 10. savjetovanja Novosti u upravnom pravu i upravnosudskoj praksi*, ed. Ante Galić (Organizator, 2022), 56–57, https://www.organizator.hr/documents/84.html.

[11] Dario Đerđa, "Upravni spor u Europskoj zajednici," *Zbornik Pravnog fakulteta Sveučilišta u Rijeci* 27,

The basic rule of administrative procedure and administrative dispute in the RC is based on the principle of two-instance decision making.[12] However, in certain substantive legal regulations, the legislator excludes the possibility of filing an appeal against a first-instance decision and directly allows the initiation of an administrative dispute. An administrative dispute represents a judicial review of the legality of decisions and actions of public law bodies. Although as a rule it concerns a review after the exhaustion of the appeal procedure, the term single-instance administrative dispute refers to situations when an appeal as a regular legal remedy in administrative proceedings is excluded by a special law. A single-instance administrative dispute is characterized by the direct initiation of an administrative dispute, without the prior use of an appeal in administrative proceedings. This specificity arises from special legal provisions that expressly exclude the right to appeal against certain administrative acts, but at the same time allow the initiation of an administrative dispute. In such cases, an administrative dispute becomes the first and only legal avenue for the judicial protection of the rights and interests of the party. However, this concerns situations when a single-instance administrative dispute is conducted before the HAC, and not the first-instance administrative court, which is therefore an exception.

It is important to mention that the subject of administrative-judicial control has expanded. From the subject of administrative dispute defined in the first article of the ADA from 2010, it follows that administrative courts primarily decide on the legality of decisions of public law bodies, but also on the legality of their actions in numerous areas of administrative law. Therefore, the subject of administrative dispute[13] is no longer only the legality of an administrative act and protection in the case of administrative silence, but also includes actions of public law bodies, administrative contracts and general acts of a wide range of issuers. The jurisdiction of first-instance administrative courts is prescribed in Art. 12 para. 2 of the ADA, while the subject-matter jurisdiction of the HAC is provided for in Art. 12. para. 3 of the ADA. HAC has a key role in the system of administrative justice and the unification of case law. According to Art. 12 para 3 of the ADA from 2010, HAC was given three tasks. They primarily relate to:

1) deciding in the appeal procedure regarding appeals against judgments and decisions of first-instance administrative courts (against which an appeal is permitted),

2) implementation of the evaluation of the legality of general acts (objective administrative dispute),

3) deciding on a conflict of jurisdiction between administrative courts.

As a rule, administrative courts decide on claims against individual decisions of public law bodies, while the HAC primarily acts as a second-instance court that decides on appeals against judgments and rulings of administrative courts. Although the HAC, as a rule, judges and has the role of a second-instance court, there are also cases

no. 2 (2006): 914, https://hrcak.srce.hr/en/file/39821.

[12] See further Ana Đanić Čeko and Polonca Kovač, "Comparative Analysis of an Administrative Appeal in Croatian, Slovenian, and EU Law," *EU and Comparative Law Issues and Challenges Series (ECLIC)* 4 (2020): 1065–96, https://doi.org/10.25234/eclic/11940.

[13] ADA 2010, art. 3.

when it decides as a court of first and last instance, i.e. in a single-instance administrative dispute.[14] The HAC appears in the role of a first-instance court in assessing the legality and statutoryity of general acts of local and regional self-government units, legal entities with public authority and legal entities performing public service, as well as in special cases prescribed by law. Therefore, the expansion of judicial jurisdiction is possible only by special laws. The ADA gives the legislator the possibility of prescribing other additional and specific jurisdictions under the following conditions: 1) by other special laws, 2) in prescribed cases, 3) when deemed necessary.

In accordance with Art. 12 para. 3 p. 4 of the ADA, it is therefore a deviation from the rules of administrative adjudication and we would say the intentions of the legislator when passing the ADA from 2010 and the purpose of the reform of administrative adjudication. In the process of preparing the Proposal of ADA from 2009,[15] an attempt was made to determine in which cases it would be appropriate for the HAC to decide as a court of first instance. As there was no consensus on this issue at the time, a provision was therefore included that "opens" the door for the legislator to subsequently prescribe these cases with a law or laws.[16] Expansion of court jurisdiction is possible only through special laws. Omissions that arise when one wants to determine the subject of an administrative dispute exhaustively, are mitigated by the wording " *decide in other cases prescribed by law* ".[17]

2.1. Novelties Regarding the Regulation of Single-Instance Administrative Disputes Under the 2024 Administrative Disputes Act

It is already from the Draft Proposal of the ADA from November 2023 it was visible that the legislator recognizes the problem of prescribing a single-instance administrative dispute before the HAC and is trying to respond to it. "It is proposed to limit the now widespread practice of prescribing the first-instance jurisdiction of the HAC without valid justification".[18] Britvić Vetma, Ofak and Staničić point out that "the legislator must have firm criteria by which it "privileges" certain administrative disputes, and an insight into the laws that prescribe deadlines for resolving certain

[14] See also Dario Đerđa and David Kryska, "Neka rješenja upravnog spora u usporednom pravu: Kako unaprijediti hrvatski upravni spor?," *Zbornik Pravnog fakulteta Sveučilišta u Rijeci* 39, no. 1 (2018): 97, https://doi.org/10.30925/zpfsr.39.1.3.

[15] Government of the Republic of Croatia, *Prijedlog zakona o upravnim sporovima*, P.Z.E. no. 378, June 19, 2009, 39, https://www.sabor.hr/hr/sjednice-sabora/prijedlog-zakona-o-upravnim-sporovima-prvo-citanje-pze-br-378-0.

[16] Dragan Medvedović, "Utjecaj Zakona o općem upravnom postupku i Zakona o upravnim sporovima na novo zakonodavstvo," in *ZUP – Iskustva u praksi i primjeri* (Novi informator, 2011), 57, https://informator.hr/digitalna-izdanja/497455.

[17] Frane Staničić, Bosiljka Britvić Vetma, and Božidar Horvat, *Komentar Zakona o upravnim sporovima* (Narodne novine, 2017), 62, https://e-trgovina.nn.hr/811395.

[18] Bosiljka Britvić Vetma, Lana Ofak, and Frane Staničić, "Što donosi Nacrt prijedloga Zakona o upravnim sporovima?," *Informator*, no. 6813 (December 11, 2023): 13–14, https://informator.hr/strucni-clanci/sto-donosi-nacrt-prijedloga-zakona-o-upravnim-sporovima.

administrative disputes shows that there are no firm criteria."[19] On the contrary, they warn that examples of laws that prescribe the urgency of procedures do not indicate the consistency of the legislator's choice. Šikić and Held conclude that "the complexity of administrative matters themselves should be taken into account when prescribing deadlines, so that the legislator's desire to speed up the administrative dispute does not lead to unwanted (hasty) outcomes to the detriment of the principle of legality."[20]

The intention is expressed to limit the possibility of allowing special laws to prescribe extremely short deadlines for making decisions in administrative disputes.[21] In addition to the proposal for a mandatory detailed and reasonable explanation of the deadline, which would be prescribed by special laws, an additional limitation regarding deadlines was proposed. A paragraph was proposed according to which deadlines should be prescribed only in disputes to which organic laws are applied or when the obligation of urgency derives from legally binding acts of the European Union (Art. 8 para. 3 of ADA). Furthermore, it was proposed that the jurisdiction of the HAC could only be prescribed by organic laws (Art. 12 para. 5 of the ADA). The highlighted items within two legal articles (Art. 8 and Art. 12) were not adopted in the Final proposal of the ADA. A very interesting proposal was contained in Art. 170 of the Proposal of the ADA, but it was not adopted either. The Government of the RC would be obliged, within one year from the date of entry into force of the ADA, to submit to the Croatian Parliament proposals for laws amending and supplementing special laws containing provisions prescribing the exclusive jurisdiction of the HAC. If the Government would not act in accordance with the above, the provisions of the special laws would cease to be valid. This article can also be used to conclude the thinking of the proponents of the law on this issue. The intention of the legislator to abolish or significantly influence the reduction of single-instance administrative disputes before the HAC is evident.

The new ADA from 2024[22] introduced new legal provisions in relation to issues of jurisdiction of the HAC in a single-stage administrative dispute. One of them is contained in the principle of efficiency.[23] It refers to the duty for the proponent of the law to provide a detailed and reasonable explanation for the determination of the deadline, which is overlooked by special laws, and in which the HAC should make a decision.[24] In addition to prescribing deadlines, special laws also contain provisions that

[19] Britvić Vetma, Ofak, and Staničić, "Što donosi Nacrt prijedloga," 13.
[20] Marko Šikić and Mateja Held, "Hitnost (žurnost) i rokovi odlučivanja u upravnome sporu," in *Reforma upravnog sudovanja – deset godina poslije*, ed. Jakša Barbić (Hrvatska akademija znanosti i umjetnosti, 20 23), 95–105.
[21] "Prikaz Prijedloga novog Zakona o upravnim sporovima," IUS-INFO, November 27, 2023, https://www.iusinfo.hr/aktualno/u-sredistu/prikaz-prijedloga-zakona-o-upravnim-sporovima-57521.
[22] ADA 2024, *Narodne novine*, no. 36/2024; Constitutional Court of the Republic of Croatia, decision nos. U-I-2767/2025 and U-I-2768/2025 (annulling art. 169(2)), *Narodne novine*, no. 39/2026. On the new Act, see also Alen Rajko, "Glavne promjene koje donosi novi Zakon o upravnim sporovima – 1. epizoda (uvodne napomene, sastav suda i izdvojena mišljenja, izuzeće)," IUS-INFO, March 29, 2024, https://www.iusinfo.hr/aktualno/u-sredistu/glavne-promjene-koje-donosi-novi-zakon-o-upravnim-sporovima-1-epizoda-uvodne-napomene-sastav-suda-i-izdvojena-misljenja-izuzece-59387.
[23] ADA 2024, art. 8(1).
[24] ADA 2024, art. 8(2).

prescribe the urgency of such disputes. This provision seeks to limit the possibility that special laws prescribe the urgency of some administrative disputes or extremely short deadlines for making a decision in an administrative dispute without justification.[25] Likewise, within the provisions on actual jurisdiction, the legislator emphasized the obligation of the proponent to provide a detailed explanation for granting such a form of administrative-judicial protection.[26]

Given that special laws either prescribe a deadline within which the HAC must make a decision or explicitly stipulate that procedures in these areas are urgent, the new ADA from 2024, in relation to prescribing deadlines for making decisions, which resolve administrative disputes under special laws, requires the proposer of that law to provide a detailed and reasonable explanation of such a deadline. We consider such a position of the legislator to be justified, as well as the previously highlighted provision on the obligation to provide an explanation by the proposer of a special law when regulating the jurisdiction of the HAC. The author has already pointed out in previous research on this topic the need for justification by the proposer of special laws when granting this form of legal protection, which represents an exception, by explaining it in the proposals for special laws. It is also important to set certain criteria that will then truly indicate the justification of ensuring the implementation of judicial review of the legality of decisions of a certain public body in administrative proceedings directly before the HAC, and only exceptionally.

3. Conditions for Granting the High Administrative Court Jurisdiction to Conduct Single-Instance Administrative Disputes Under Selected Special Laws

In the following, we will attempt to summarize and present the specificities of selected special administrative areas through an analysis of the legal framework that regulates exceptional situations in which the legislator excludes the right to a regular legal remedy (appeal), while at the same time prescribing the direct jurisdiction of the HAC for resolving administrative disputes in the first instance. Also, under certain special laws, appeals against decisions of competent public law bodies in administrative proceedings are permitted, but administrative-judicial protection for decisions (decisions) on appeal is still exercised by filing a lawsuit with the HAC, and not before first-instance administrative courts. A specific feature that also appears relates to cases where urgency or deadlines for the HAC to decide on an appeal in an administrative dispute are foreseen.[27] Therefore, a tendency is observed to significantly shorten the

[25] Government of the Republic of Croatia, *Konačni prijedlog zakona o upravnim sporovima*, P.Z. no. 623, February 29, 2024, 65, https://www.sabor.hr/hr/sjednice-sabora/konacni-prijedlog-zakona-o-upravnim-sporovima-drugo-citanje-pz-br-623.

[26] ADA 2024, art. 12(4).

[27] For example, see Croatia, Law on Service in the Armed Forces of the Republic of Croatia (Zakon o službi u Oružanim snagama Republike Hrvatske), art. 185(7), *Narodne novine*, nos. 73/2013, 75/2015, 50/2016, 30/2018, 125/2019, 155/2023, 158/2023, 14/2024, 136/2025, https://narodne-novine.nn.hr/clanci/sluzbeni/2015_07_75_1431.html; Croatia, Law on Takeover of Joint Stock Companies (Zakon o preuzimanju dioničkih društava), art. 50(4), *Narodne novine*, nos. 109/2007, 36/2009, 108/2012, 90/2013, 99/2013, 148/2013, 151/2025, https://narodne-novine.nn.hr/clanci/sluzbeni/full/2013_12_148_3141.html.

duration of administrative disputes, among other things, through prescribing deadlines for the HAC to decide in special laws.

In the matter at hand, it is first necessary to determine which specific laws in the legal system of the Republic of Croatia stipulate that no appeal is allowed against the decision of the competent body, but that an administrative dispute can be initiated directly before the HAC. Likewise, what are the additional procedural provisions of the specific laws that prescribe the procedure before the HAC, both in terms of determining the deadline within which the HAC must issue a decision, and the urgency of the decision, which gives priority over other court cases (administrative matters). Given that there are many such specific laws and that presenting each one individually would exceed the scope of the work, the author will focus on a few selected specific administrative areas with an emphasis on those exceptions that prescribe the jurisdiction of the HAC introduced in 2025.

Cases that represent an exception to the principle of two-tier judicial review of the legality of decisions and actions of public bodies through single-tier resolution of administrative disputes can be found in the following special laws[28]: 1) Competition Act (hereinafter : CA)[29], 2) Public Procurement Law (hereinafter : PPL)[30] 3) Law on the Right to Access to Information (hereinafter: LRAI),[31] 4) Law on Electronic Communications, 5) Law on the Prevention of Conflict of Interest (hereinafter: LPCI),[32] 6) Defense Act Law,[33] 7) Law on local and regional (regional) self-government, 8) Law on postal services, 9) Law on lobbying, 10) Law on verification of foreign investments and others. We will present several selected administrative areas and the provisions of those special laws related to the legal regulation of legal protection before the HAC.

Competition law. After a single-instance administrative procedure, the possibility of legal protection through an appeal against decisions (resolutions) Croatian Competition Agency (hereinafter: CCA) is not foreseen. The highlighted path of legal protection against CCA decisions shows certain peculiarities. These are manifested, first of all, in the fact that no appeal is allowed against the CCA decision, but the possibility of reviewing the legality of an individual decision is exercised on the basis of a lawsuit directly to the second-instance court - HAC. CCA is a regulatory body

[28] For additional special laws, see Đerđa, "Slabljenje pravne zaštite," 40–56.

[29] Croatia, Competition Act (Zakon o zaštiti tržišnog natjecanja; hereinafter: CA), *Narodne novine*, nos. 79/2009, 80/2013, 41/2021, 155/2023, https://narodne-novine.nn.hr/clanci/sluzbeni/2009_07_79_1877.html.

[30] Croatia, Public Procurement Law (Zakon o javnoj nabavi; hereinafter: PPL), *Narodne novine*, nos. 120/2016, 114/2022, 48/2026, https://narodne-novine.nn.hr/clanci/sluzbeni/2016_12_120_2607.html.

[31] Croatia, Law on the Right to Access to Information (Zakon o pravu na pristup informacijama; hereinafter: LRAI), *Narodne novine*, nos. 25/2013, 85/2015, 69/2022, https://narodne-novine.nn.hr/clanci/sluzbeni/2013_02_25_403.html.

[32] Croatia, Law on the Prevention of Conflicts of Interest (Zakon o sprječavanju sukoba interesa; hereinafter: LPCI), *Narodne novine*, nos. 143/2021, 36/2024, https://narodne-novine.nn.hr/clanci/sluzbeni/full/2021_12_143_2435.html.

[33] Croatia, Defense Law (Zakon o obrani), *Narodne novine*, nos. 73/2013, 75/2015, 27/2016, 110/2017, 30/2018, 70/2019, 155/2023, 136/2025, https://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_73_1452.html.

whose specificity in terms of judicial review of decisions from administrative proceedings is expressed by initiating a single-instance administrative dispute. The CA contains special and additional provisions that legally regulate the model of legal (judicial) protection against CCA decisions. Although there are only three articles, they regulate some of the basic procedural determinants of review of CCA decisions, such as: a) the form of legal protection with regard to the types of decisions: decision and conclusion (Art. 67 paras. 1 and 3), b) deadline for filing a lawsuit (Art. 67 para. 1), c) reasons for filing a lawsuit (Art. 67, para. 1), d) active identification (circle of authorized persons) for filing a lawsuit (Art. 67 para 5), e) the non-suspensive effect of the lawsuit, except for the part of the decision that refers to the imposed fine, (Art. 67 para. 4), f) the composition of the HAC Council for deciding on the lawsuit (Art. 67 para. 1), g) the procedure before the HAC Council regarding the presentation of new facts and the presentation of evidence (Art. 68).

Public procurement. The appeal procedure is carried out by an independent and autonomous state body - the State Commission for the Control of Public Procurement Procedures (hereinafter: State Commission), which is prescribed in great detail by the PPA. Appeals are decided at non-public council sessions. The decision on the appeal must be made within 30 days from the date of submission of the proper appeal (deadline: 10, 15, 30, 60 days).[34] It delivers them by public announcement on its internet pages. Provisions on judicial protection are contained in Chapter V of Art. 434 of the PPL. Dissatisfied parties against decisions The State Commission can initiate an administrative dispute directly before the HAC. The deadline for filing a lawsuit is 8 days from the day of public announcement, if the decision was delivered this way (as a rule), otherwise Art. 40 para. 1 of the ADA (30 days). A deadline of 30 days is set from the date of submission of the formal complaint, in which the HAC must make a decision in the administrative dispute. This already indicates the urgency of decision-making in the field of public procurement. It is important to point out how the manner of decision-making by the HAC is prescribed in the case of the adoption of a claim and the annulment of the contested decision of the State Commission.

Access to information. In the event of a negative decision, i.e. refusal or rejection of a request for access to information or so-called administrative silence, the applicant has legal protection through an appeal (15 days) to the Information Commissioner (an independent state body). Further activation of the procedure through an appeal is not permitted against the Commissioner's decision. His decision on the appeal ends the procedure related to the exercise of the right to access information in the regular procedure. However, the procedural and legal possibility of further legal protection for dissatisfied parties (negative decision of the Commissioner or failure to issue a decision) is ensured by initiating an administrative dispute by filing a lawsuit

[34] See PPL, arts. 407–14, as amended by the Law on Amendments to the Public Procurement Law, *Narodne novine*, no. 48/2026, https://narodne-novine.nn.hr/clanci/sluzbeni/full/2026_05_48_584.html. See also State Commission for the Supervision of Public Procurement Procedures, "Upute žalbeni postupak ZJN (NN 120/16., 114/22. i 48/26.)," accessed October 2, 2026, https://www.dkom.hr/upute-zalbeni-postupak-zjn-nn-120-16-114-22-i-48-26/1228.

with the HAC. According to this special law,[35] the suspensive nature of the lawsuit is prescribed, in relation to the rule on non-suspensory nature under the ADA (suspensory nature only exceptionally). It prescribes the deadline within which the HAC is obliged to issue its decision (90 days).

Prevention of conflict of interest. Changes in terms of legal protection for decisions of the Commission for the Prevention of Conflict of Interest (hereinafter: Commission) were implemented by amendments to the LPCI 2022. Instead of the previous arrangement according to which judicial protection was exercised before first-instance administrative courts, the 2022 legal amendments stipulate that an administrative dispute can be initiated before the HAC against the Commission's decision on the existence of a conflict of interest.[36] The obligation to issue a decision by the HAC within 90 days is prescribed.[37]

Defense. No appeal is allowed against decisions and rulings in the field of defense (e.g. exemption from military training obligations, performance and termination of civilian service, postponement of training, etc.). Decisions are mostly decided by the Ministry of the Interior, as the state administration body responsible for civil protection (independently or with the prior opinion of the regional departments for defense affairs), but also by the regional department of the Ministry of Defense for defense affairs. Amendments Defense Law From 2025, legal protection is provided through a lawsuit directly to the HAC. In this special administrative area, too, the obligation to issue a decision to the HAC within 90 days is prescribed.

In accordance with the above, we point out that the Croatian legislator decided to entrust this method of legal protection with the following specificities:

a) the selection of certain special administrative areas /administrative matters;

b) the primary determinant of the selection of certain administrative matters is the particularity and importance of the selected matter;

c) certain decision-makers (type of body) against whose decisions (decisions) in the administrative column appeal is not allowed (emphasis on regulators and state bodies);

d) different procedural-legal position (procedure before the HAC is different compared to the dispute before the first-instance administrative and possibly in the appeal procedure);

e) decision-making in the courts councils in support of greater expertise and knowledge;

f) the urgency of action and decision-making before the HAC or prescribing deadlines for decision-making, but lawsuits (shorter deadlines than under the ADA).

The legislator has therefore departed from the regular regime of judicial supervision, significantly narrowing administrative-judicial supervision, most often through sectoral legislation. We believe that further expansion of this model of

[35] LRAI, art. 26.

[36] LPCI, art. 45(1). See also Ana Đanić Čeko and Tena Konjević, "Kratak osvrt na ulogu Povjerenstva za odlučivanje o sukobu interesa kroz prizmu preventivnoga antikorupcijskog tijela," *Godišnjak Akademije pravnih znanosti Hrvatske* 13, no. 1 (2022): 100, https://doi.org/10.32984/gapzh.13.1.5.

[37] LPCI, art. 45(2).

administrative-judicial protection in certain specific administrative areas should not occur and such exceptions should indeed be justified on the basis of certain precisely set criteria. Šikić and Held pointed out that the basic criterion for the legislator, when assessing the need to prescribe deadlines or the urgency of deciding in an administrative dispute, should be the protection of the subjective rights of citizens.[38]

Đerđa and Šamanić also point out that "recently, the issue has become particularly topical due to the actions of the legislator, who prescribes deadlines within which administrative courts should resolve administrative disputes. Short deadlines for resolving administrative disputes are certainly in the interests of the parties and therefore their regulation should be emphasized. However, it should be noted that these deadlines must be in line with the law governing administrative court proceedings."[39]

In the analysis of special laws, we note that the possibility of filing an appeal in a special administrative procedure is prescribed in the area of the right to access information and public procurement. Such legal protection in other areas, in which, after a decision in the administrative procedure, further legal protection is achieved directly by filing a lawsuit before the HAC, is not provided for. Therefore, the administrative procedure takes place in one instance, as well as legal protection before the highest court within the administrative-judicial level, which represents only two levels of decision-making. The above represents a deviation from the rules of administrative-judicial protection and, we would say, the intention of the legislator when adopting the ADA from 2010 and the purpose of the reform of administrative justice.

Most special administrative areas represent constitutionally guaranteed rights (freedoms), but from this aspect we would not opt for the reason for granting such a mechanism of judicial protection. Can the greater importance of the right to access information, the right to local and regional self-government, competition law or others be emphasized in relation to other constitutional rights (of equal standing) in order to justify a deviation from the general regime of administrative adjudication? We are of the opinion that first-instance administrative courts (especially according to the concept of trial in panels in complex administrative matters) could be assigned the jurisdiction to resolve matters from the area of the right to access information, but also some other areas shown. Likewise, the expansion of administrative areas in which special laws prescribe urgency, certain fairly short deadlines, are not always justified.

This overview indicates that the legislator often abolishes the two-stage administrative procedure (especially when regulatory agencies, ministries, the Government decide), but the direct jurisdiction of the HAC to decide on a complaint represents a strict exception that must be explicitly regulated by Art. 12 para. 4 of the ADA. This arrangement represents a derogation from the general rule on first-instance jurisdiction of administrative courts, in accordance with the exception from Art. 12 para. 4 of the ADA. In the future, it is indeed necessary to take into account further

[38] Šikić and Held, "Hitnost (žurnost) i rokovi odlučivanja," 101.

[39] Dario Đerđa and Paula Šamanić, "Recentna stajališta Suda Europske unije o zakonskom propisivanju rokova za rješavanje upravnih sporova," *Hrvatska pravna revija* 20, no. 6 (2020): 40–41, https://portal.uniri.hr/Portfelj/details/6281.

provisions of such exceptions. In doing so, especially taking into account the provisions introduced by the ADA from 2024, it is necessary to carefully consider the unnecessary burden on the HAC, given that it is a matter of deciding on quite complex administrative matters in very short deadlines (which are additionally imposed on it by their prescription under special laws).

3.1. European Perspectives on Administrative Justice

The Croatian model can be situated within a wider European debate on how administrative justice combines institutional specialisation with effective control of public power. The comparative volume edited by della Cananea and Andenas identifies common procedural principles across systems with different judicial structures.[40] Eliantonio and Marique likewise trace the growing comparative study of judicial review and its Europeanisation.[41] These perspectives suggest that the allocation of jurisdiction should be evaluated through the protection actually available to litigants, while distinguishing an administrative appeal, judicial review of an administrative decision, and an appeal against a judicial ruling.

The collection edited by Szente and Lachmayer examines effective legal protection through national procedural arrangements and their interaction with EU law and the European Convention on Human Rights.[42] Gentile further explains that effective judicial protection operates both as an individual right and as a safeguard of the rule of law in the EU legal order.[43] For Croatian disputes involving rights derived from EU law, this directs attention to access to an independent court and the practical effectiveness of the remedy. The institutional rank of the court cannot, by itself, answer those questions.

A useful comparison concerns the management of supreme administrative courts' workloads. Potěšil analyses the 2021 expansion of the inadmissibility filter for cassation complaints in the Czech Republic, designed to reduce the Supreme Administrative Court's caseload after adjudication by regional courts.[44] This differs from assigning original and final jurisdiction directly to the Croatian HAC: restricting further review after a judicial determination and removing the possibility of an ordinary

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[40] Giacinto della Cananea and Mads Andenas, eds., *Judicial Review of Administration in Europe: Procedural Fairness and Propriety* (Oxford University Press, 2021), https://doi.org/10.1093/oso/9780198867609.001.0001.

[41] Mariolina Eliantonio and Yseult Marique, "Comparative Administrative Law in Europe: State-of-the-Art Overview and Research Agenda," *Maastricht Journal of European and Comparative Law* 30, no. 6 (2023): 689–704, sec. 4, https://doi.org/10.1177/1023263X241252105.

[42] Zoltán Szente and Konrad Lachmayer, eds., *The Principle of Effective Legal Protection in Administrative Law: A European Comparison* (Routledge, 2017), https://doi.org/10.4324/9781315553979.

[43] Giulia Gentile, "Effective Judicial Protection: Enforcement, Judicial Federalism and the Politics of EU Law," *European Law Open* 2, no. 1 (2023): 128–43, https://doi.org/10.1017/elo.2022.48.

[44] Lukáš Potěšil, "Restriction of Access to the Supreme Administrative Court to Reduce Its Burden (via Expanding the Institution of Inadmissibility of a Cassation Complaint in the Czech Republic)," *Institutiones Administrationis – Journal of Administrative Sciences* 1, no. 1 (2021): 74–81, https://doi.org/10.54201/iajas.v1i1.9.

judicial appeal are distinct procedural choices. The Czech example nevertheless highlights the need to assess workload and the supreme court's wider role when redesigning judicial protection.

Applied to the Croatian exceptions, this comparison supports requiring a specific explanation of why ordinary first-instance administrative courts are unsuitable for the category concerned. The assessment should also consider whether the HAC has sufficient time to examine disputed facts and law, whether parties can present their case effectively and obtain necessary interim protection, and how direct jurisdiction affects its appellate and harmonising functions. Urgency and subject-matter expertise should therefore be assessed alongside procedural safeguards when justifying departure from the ordinary two-tier structure.

4. Conclusion

A single-instance administrative dispute is a specific institution in the Croatian legal system, ensuring judicial protection of the rights and legal interests of citizens and legal entities in situations where an appeal in an administrative procedure is excluded by special law or when a second-instance body has decided. Although, as a rule, an administrative dispute is initiated after all legal remedies have been exhausted, in cases of a single-instance administrative dispute, court proceedings are the first and only way to review the legality of an administrative act. However, this is an exception, when instead of first-instance courts deciding on a claim, the HAC decides, which in such administrative disputes has the role of a first-instance and second-instance court. Prescribing the jurisdiction of the HAC under certain special laws in specific administrative areas (such as market competition, public procurement, conflict of interest, postal services, defense, etc.) represents a strictly controlled exception to the express first-instance jurisdiction that ensures the highest level of rapid and authoritative legal protection without regular intermediate stages in legal protection.

Following such considerations, we consider it important to establish the legislator's reasons, as well as the justification for transferring decision-making in one instance to the highest specialized court within the administrative judiciary. What, then, is the specificity of the selected administrative area due to which legal protection was ensured in such a form? Is it to be expected that further expansions of the areas in which the single-instance jurisdiction of the HAC is prescribed will continue to occur easily even after the ADA from 2024 and the provisions that seek to limit this? When the legislator decides to regulate certain exceptions within the concept of legal (judicial) protection, we believe that the existence of clearly defined criteria and justified reasons for deviation (and only exceptionally) is necessary. Therefore, we commend the legislator's intention to take the aforementioned issues into account and include them in the provisions of the new ADA from 2024. In certain cases of special laws in which such exceptions are prescribed, a different mechanism of legal protection should have been envisaged and entrusted to the first-instance administrative courts. Any additional expansion of exceptions could potentially result in increasing pressure to introduce new exceptions, which we certainly do not support. Although the proponents of special laws,

by defining such exceptions, are probably primarily guided by the goals of accelerating decision-making procedures and ensuring effective legal protection (but only when the urgency is truly necessary and justified), it is also necessary to warn about the negative consequences that can potentially occur in doing so. It is precisely a detailed analysis of all special laws and the preparation of a report on the above that could conclusively present well-founded and justified reasons or criteria that could represent the basis for any further expansions, but certainly also review existing solutions.

We believe that these should be exceptions, which should therefore represent a certain minimum number of subjects/areas, i.e. administrative matters, in which the HAC will decide in an administrative dispute in the role of a first-instance court. Likewise, the complexity of the matter, the (justified) requirements of urgency in these administrative matters, the need to ensure quick, complete and adequate legal protection, the quality of decisions, etc. should be taken into account. Furthermore, further expansions (which have already been achieved in 2025 and 2026) are not desirable. Taking into account, above all, the legally prescribed jurisdiction and role of the HAC as a second-instance appellate court and a court that assesses the legality of general acts. We support the legislator's expressed intention through the newly introduced items of the new ADA, which attempted to respond to these open questions in practice, as well as to prevent further expansion of the introduction of administrative-judicial protection through a single-instance administrative dispute before the HAC. These newly introduced legal solutions also aim to prevent unnecessary burdens on the HAC.

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