



INTERNSHIP REPORT AND SUMMARY

Identification of the participant

Name: Ferreira Carvalho

First name: Paulo Filipe

Nationality: Portuguese

Country of exchange: Croatia

Identification of the exchange

Hosting jurisdiction/institution: High Administrative Court of Croatia

City: Zagreb

Country: Croatia

Dates of the exchange: 30/3 – 3/4/2026

SUMMARY

This report describes my exchange program that took place at the High Administrative Court of Croatia, between March 30th and April 3rd, 2026.

The report will describe the activities carried out throughout the week, as well as the characteristics that I was able to perceive of the Judicial structure of the Croatian Administrative and Fiscal system, its similarities and differences with the Portuguese system.



I. Programme of the exchange

The programme was based on interviews with judges of the High Administrative Court of Croatia and the Administrative Court of Zagreb. During these interviews, I was introduced to the Croatian Judicial system, especially the administrative and Tax Law system. I also explained the Portuguese Administrative and Tax Law system to the Croatian Judges. In the annex, I provide a copy of the programme.

II. The hosting institution

In Croatia, there is only one Judicial Council for all courts. It governs the civil, labour, criminal, tax, and administrative courts. All judges can move between areas, but it is not common to do so, especially for criminal judges, who usually spend their entire career in criminal courts (Supreme Court included).

There are four administrative first-instance courts in Croatia: Zagreb, Split, Rijeka, and Osijek. The decisions of these courts can be appealed to the High Administrative Court of Croatia. Exceptionally, there can be an appeal to the Supreme Court of Croatia.

The High Administrative Court is divided into the following structural areas: the Department of Pensions and Social Security; the Department of Financial and Labour Law (only for civil servants); and the Department of Property Law. Each one of these departments has judges who belong there and do not work in other departments. Besides this structural division, there are also two functional departments composed of judges from all the departments: the Bylaw Department and the EU Department. General acts are also handled by all judges across all departments.

The EU department functions to provide updates on European Law and to help other judges with its application.

Each department decides on three judges, while the Bylaw Department sits in panels of five. The High Court also serves as the first-instance court for certain matters, such as public procurement.

There is also a decision-checking system, which verifies if the decisions of the court align with the standard case law of the court. This check is made before the final decision, when the draft of the decision is ready. After receiving this information, the judge can choose to change their decision or not.

There can be a general panel of the High Court, to decide a legal question arising in a specific case; All the judges of the High Court participate, it is only oral. The Judges of the case are not obliged by the issued opinion.

In the first-instance courts, judges decide alone. Exceptionally, they can have panels of three, if the presiding judge thinks it will be better or has doubts.

III. The law of the host country

Croatian law is a continental system, similar to Portugal. One of the most interesting aspects of the judicial activity, in my view, is the possibility of a public hearing where judges ask for the opinions of law professors or other experts. It is not for a specific law case, but to discuss general law problems that arise, like for instance bylaw problems (where the law professors are heard) or health or property problems or other (in this case experts are heard).

This system does not exist in Portugal, and I do not believe it could exist there because law professors in Croatia are not practicing lawyers, whereas in Portugal, the majority of them are. We could, however, use these ideas to listen to experts more often than we currently do. I believe this would be an improvement to the Portuguese system.

IV. The comparative law aspect in your exchange

Both systems are very similar. The Croatian system allows for a legal challenge against regulations even if the claimant is not directly affected by them, which does not exist in Portugal. It seems to me that it was inspired by the German constitutional tool named *Bundesverfassungsgericht*, which also does not exist in the Portuguese constitutional system. I have doubts regarding this solution because it leads to the rise of “*professional litigators*”. This may not be a problem in Germany due to their culture, but it will surely be a problem in countries with different cultures if there is no filter system.

Public procurement cases must be decided within 30 (thirty) days of the case being filed. That timeframe seems impossible to accomplish because the parties must present their positions and, frequently, the establishment of facts requires witnesses and experts. In my opinion, laws must be complied with; therefore, they should be written with a sense of reality, not as a “dream”. When one law is impossible to apply, all other laws lose their strength. In Portugal, the time limit for issuing a judgment only begins to run after all procedural steps have been completed (examination of witnesses, expert evidence, pleadings, etc.).

Furthermore, the number of decisions a judge must render per month is established by the government. I have serious doubts as to whether this should be considered an interference with the independence of the judiciary. In Portugal, objectives are set annually through an agreement between the President of the Court and the judges involved. This agreement may cover not only the number of decisions or the year of the cases to be concluded, but also other aspects, such as the production of evidence relating to cases from certain years. This agreement is subsequently approved by the Council, which thus verifies its proportionality to the specific case.

V. The European aspect of your exchange

Croatian Judges are familiar with EU Law and European Convention on Human Rights. They consider EU membership and the primacy of European law as one of the factors driving Croatia's development. This importance is highlighted by the existence of a European law department within the High Council.

As an exemple, the checking system used to take place after the ruling, but due to a CJEU decision, it was changed to occur before the final version of the Court decision (<https://infocuria.curia.europa.eu/tabs/document?source=document&text=&doclang=E&docid=288142>)

VI. “Good Practice” within the host jurisdiction

The most interesting aspect I found in Croatia is the existence of Legal Advisors, who prepare solutions for certain cases and present their proposals to a panel of three judges, who may or may not accept the solution. What I found strange is that cases are allocated to them by a computer program. I would expect it to be up to the judges to decide which cases the advisors should handle. With this system, a legal advisor might be assigned complex cases while a judge receives simpler ones.

VII. The benefits of the exchange

I have gained knowledge of the Croatian system, and I believe some of their practices can be replicated in my country with some adjustments, such as the use of legal advisors.

I observed that the Croatian judges also showed great interest in the Portuguese system and its solutions. For example, they expressed a desire to deepen the full jurisdiction system, not limiting themselves to being a Court of Cassation, and that resistance to this change (which is already enshrined in law) is mainly due to outdated practices and cultural aspects.

VIII. Suggestions

I do not have any special suggestion on improvement of the Exchange Program. Since all countries have different characteristics, I think an open exchange programme such as this is, in my view, the best approach.