

# **Proceedings for the annulment of a measure of a general nature or part thereof under the Administrative Procedure Code**

## **Abstract**

The subject of the present thesis is the proceedings for the annulment of a measure of a general nature or its part according to § 101a et seq. of the Administrative Procedure Code. Although this procedure has been a part of the legal system since 2005, it is currently very topical, also in view of the numerous measures of a general nature issued and reviewed by the courts in connection with the occurrence of the coronavirus pandemic.

The aim of this thesis is to describe the procedure for the annulment of a measure of a general nature or a part thereof in the light of the current state of legislation and the development of judicial case law. The interpretation is supplemented by an assessment of the legal regulation and the conclusions of the case law, through which the individual aspects of the measure of a general nature can be analysed in their interconnected context.

The main core of the work, which is the judicial proceedings for the annulment of a measure of a general nature or part thereof under the Administrative Procedure Code, is preceded by a general interpretation of the concept of a measure of a general nature, without the definition of which the thesis could not be complete. At the same time, the thesis contains some aspects of the cassation complaint and the constitutional review of the decision in proceedings for the annulment of a measure of a general nature or part thereof, which complement the main topic.

Apart from the introduction and conclusion, the work is divided into three parts. The subject of the second part, which follows the introduction, is the concept of a measure of a general nature, the procedure of its issuance, the possibilities of its review within the public administration and an assessment of the legal regulation and *de lege ferenda* considerations. In the following third part, the individual chapters dealing with the judicial review of measures of a general nature under the Administrative Procedure Code are systematically classified, namely: on the basic foundations and principles of the procedure for the annulment of a measure of general nature or part thereof; on the conditions of the procedure; on the principle of concentration and the possibility of amending the application; on the parties of the procedure and persons involved in the procedure; on the time limits applied in the judicial review of a measure of general nature and related issues; on the substantive examination of the application

- the individual steps of the review algorithm; on the forms of the court's decision; on the incidental review; on the consequences of the annulment of a measure of general nature; on the court fee and the costs of the procedure; and on the evaluation of the legal regulation and *de lege ferenda* considerations. The fourth part of the thesis highlights some partial aspects of the cassation complaint and the constitutional review of a decision issued in proceedings for the annulment of a measure of a general nature or part thereof, and the fifth part concludes the thesis.

**Keywords: proceedings for annulment of a measure of a general nature or part thereof, judicial review of a measure of a general nature, measure of a general nature**