



CETRA 2018

5th International Conference on Road and Rail Infrastructure
17–19 May 2018, Zadar, Croatia

Road and Rail Infrastructure V

Stjepan Lakušić – EDITOR



Organizer
University of Zagreb
Faculty of Civil Engineering
Department of Transportation



CETRA²⁰¹⁸

5th International Conference on Road and Rail Infrastructure

17–19 May 2018, Zadar, Croatia

TITLE

Road and Rail Infrastructure V, Proceedings of the Conference CETRA 2018

EDITED BY

Stjepan Lakušić

ISSN

1848-9850

ISBN

978-953-8168-25-3

DOI

10.5592/CO/CETRA.2018

PUBLISHED BY

Department of Transportation

Faculty of Civil Engineering

University of Zagreb

Kačićeva 26, 10000 Zagreb, Croatia

DESIGN, LAYOUT & COVER PAGE

minimum d.o.o.

Marko Uremović · Matej Korlaet

PRINTED IN ZAGREB, CROATIA BY

“Tiskara Zelina”, May 2018

COPIES

500

Zagreb, May 2018.

Although all care was taken to ensure the integrity and quality of the publication and the information herein, no responsibility is assumed by the publisher, the editor and authors for any damages to property or persons as a result of operation or use of this publication or use the information's, instructions or ideas contained in the material herein.

The papers published in the Proceedings express the opinion of the authors, who also are responsible for their content. Reproduction or transmission of full papers is allowed only with written permission of the Publisher. Short parts may be reproduced only with proper quotation of the source.

Proceedings of the
5th International Conference on Road and Rail Infrastructures – CETRA 2018
17–19 May 2018, Zadar, Croatia

Road and Rail Infrastructure V

EDITOR

Stjepan Lakušić
Department of Transportation
Faculty of Civil Engineering
University of Zagreb
Zagreb, Croatia

ORGANISATION

CHAIRMEN

Prof. Stjepan Lakušić, University of Zagreb, Faculty of Civil Engineering
Prof. emer. Željko Korlaet, University of Zagreb, Faculty of Civil Engineering

ORGANIZING COMMITTEE

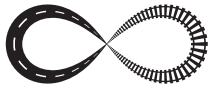
Prof. Stjepan Lakušić
Prof. emer. Željko Korlaet
Prof. Vesna Dragčević
Prof. Tatjana Rukavina
Assist. Prof. Ivica Stančerić
Assist. Prof. Maja Ahac
Assist. Prof. Saša Ahac
Assist. Prof. Ivo Haladin
Assist. Prof. Josipa Domitrović
Tamara Džambas
Viktorija Grgić
Šime Bezina
Katarina Vranešić
Željko Stepan

Prof. Rudolf Eger
Prof. Kenneth Gavin
Prof. Janusz Madejski
Prof. Nencho Nenov
Prof. Andrei Petriaev
Prof. Otto Plašek
Assist. Prof. Andreas Schoebel
Prof. Adam Szeląg
Brendan Halleman

INTERNATIONAL ACADEMIC SCIENTIFIC COMMITTEE

Stjepan Lakušić, University of Zagreb, president
Borna Abramović, University of Zagreb
Maja Ahac, University of Zagreb
Saša Ahac, University of Zagreb
Darko Babić, University of Zagreb
Danijela Barić, University of Zagreb
Davor Brčić, University of Zagreb
Domagoj Damjanović, University of Zagreb
Sanja Dimter, J. J. Strossmayer University of Osijek
Aleksandra Deluka Tibljaš, University of Rijeka
Josipa Domitrović, University of Zagreb
Vesna Dragčević, University of Zagreb
Rudolf Eger, RheinMain Univ. of App. Sciences, Wiesbaden
Adelino Ferreira, University of Coimbra
Makoto Fujii, Kanazawa University
Laszlo Gaspar, Széchenyi István University in Győr
Kenneth Gavin, Delft University of Technology
Nenad Gucunski, Rutgers University
Ivo Haladin, University of Zagreb
Staša Jovanović, University of Novi Sad
Lajos Kisgyörgy, Budapest Univ. of Tech. and Economics

Anastasia Konon, St. Petersburg State Transport Univ.
Željko Korlaet, University of Zagreb
Meho Saša Kovačević, University of Zagreb
Zoran Krakutovski, Ss. Cyril and Methodius Univ. in Skopje
Dirk Lauwers, Ghent University
Janusz Madejski, Silesian University of Technology
Goran Mladenović, University of Belgrade
Tomislav Josip Mlinarić, University of Zagreb
Nencho Nenov, University of Transport in Sofia
Mladen Nikšić, University of Zagreb
Andrei Petriaev, St. Petersburg State Transport University
Otto Plašek, Brno University of Technology
Mauricio Pradena, University of Concepcion
Carmen Racanel, Tech. Univ. of Civil Eng. Bucharest
Tatjana Rukavina, University of Zagreb
Andreas Schoebel, Vienna University of Technology
Ivica Stančerić, University of Zagreb
Adam Szeląg, Warsaw University of Technology
Marjan Tušar, National Institute of Chemistry, Ljubljana
Audrius Vaitkus, Vilnius Gediminas Technical University
Andrei Zaitsev, Russian University of transport, Moscow



EXPROPRIATION OF LAND FOR THE CONSTRUCTION OF THE “LOWLAND RAILWAY ZAGREB – RIJEKA”

Damir Kontrec¹, Davor Rajčić²

¹ Supreme Court of the Republic of Croatia, Croatia

² University of Zagreb Faculty of Civil Engineering, Croatia

Abstract

The purpose of this article is to review legal property issues primarily concerning the right of ownership of the land necessary for the construction of the “Lowland railway Zagreb – Rijeka”. Right of ownership is one of the five real rights established by the Act on Property and Other Real Rights [1] and it is, as a rule, acquired by entry into the land registry. The authors of the article will review and analyze provisions of the Act on Expropriation and Determination of Compensation [2] (hereafter: Act) on account of objective and subjective issues in acquiring the necessary ownership of the land on which the future lowland railway will be built. Expropriation is an authoritative act of the State by which it takes away or limits the ownership of the property of a legal entity in order to achieve a greater benefit by using the real property for a purpose different than the one for which the property has so far been used. In the article the authors will give an overview of the provisions of the Act and, where necessary, a description of the relevant institutes from the real law.

Keywords: land registry, ownership, expropriation, administrative proceeding

1 Introduction

Expropriation is an authoritative act of the State by which it severely limits the right of ownership of its citizens. It may consist of taking the right of ownership in its entirety or in part by establishing servitude or lease. The purpose of expropriation as a legal institute is to achieve for the community i.e. for Republic of Croatia a greater benefit by using the real property for a purpose different than the one for which the property has so far been used. When the possibility of a greater benefit is established, whether by the act of the Government of Republic of Croatia (hereafter: Government) or by law, and there is intent of achieving that benefit, then the owner no longer has the option of keeping the property.

His only options include alienating the property according to the rules of Civil law or to suffer his property being taken away and compensated for in an administrative proceeding. Expropriation as a legal institute, attempts to reconcile firstly the owner’s right to use his property and any benefits arising from it as he sees fit, and to exclude any person from it, and secondly the owner’s obligation to contribute to the common good. It is therefore expected from the owner to bear a certain cost for the goal of achieving the common good. In order to minimize the cost, the Croatian legal system requires that the owner receives compensation in the same amount as is the market value of the expropriated property. Although, in majority of cases the owners agree to contractually sell their land, some owners set unreasonable terms or refuse to alienate their property. The Act on Expropriation [3] (hereafter: AE) that was enacted after the gaining of independence of Republic of Croatia and entered into force at the beginning of 1994, replaced the old Act on Expropriation [4] which became unsuitable in the

new political system. Under the new legal system, the expropriation could be performed for the benefit of any natural or legal person, including a foreign person. Additionally, the former system of just compensation has been replaced by a market value compensation system. The application of the AE has eventually shown that there was a need for the enactment of a new law. The final proposal of the Act [5] states that the new act on expropriation is being enacted as a consequence of economic turmoil, because of the need for an immediate start of the investment cycle, and also with the purpose of creating the necessary preconditions for increased investments in the economy and lastly in order to improve the conditions for the administration of things of interest to the Republic of Croatia. The Act on Expropriation and Determination of Compensation [6], as a result, introduced changes in the law to the benefit of the beneficiary of the expropriation (hereafter: beneficiary). Additional changes were brought about with the Act amending and supplementing the Act on Expropriation and the Determination of Compensation [7] (hereafter: Amendments). With the new amendments, the law continued to favor the beneficiary.

2 Subjects of expropriation proceeding

2.1 Beneficiary of the expropriation

As a general rule, any natural or legal person can institute an expropriation proceeding for their own benefit, provided that the interest of Republic of Croatia has been determined. When it comes to the construction of the railway infrastructure, the matter of the beneficiary is regulated by particular provisions laid down in the Act on Railways [8] (hereafter: AR). According to the AR, the expropriation for the purpose of constructing the railway infrastructure can be conducted exclusively for the benefit of Republic of Croatia. The proceeding is instituted in the name of Republic of Croatia by the infrastructure administrator or the concession holder. The beneficiary is one of the parties in the proceeding, the other being the owner of the real property.

2.2 Competent body

According to the Act, the body with subject-matter jurisdiction in the expropriation proceeding is the state administration office with territorial jurisdiction, or the administrative body of City of Zagreb. The Act also establishes the body with subject-matter jurisdiction shall be Ministry of Justice, when the expropriation is conducted for the purpose of building a construction or carrying out such works for which the Government has rendered a decision designating such building or works as a strategic project of the Republic of Croatia. The reason for such regulation is to expedite the proceeding. It is safe to assume that the construction of railway infrastructure will always be designated as a strategic interest.

3 Actions that precede the expropriation proceeding

3.1 Acquiring the location permit

The location permit is an act with which it is established whether the project implementation is possible on the basis of physical planning documents. The permit is enclosed with the motion for securing of evidence on the state and value of the real property, including with the motion for establishing the interest of Republic of Croatia and also with the motion for expropriation. Act on Physical Planning [9] stipulates in Article 125, paragraph 1, subparagraph 6 that the location permit must always be issued for construction on land or building for which the investor has not regulated legal property relations or for which it is necessary to implement the expropriation proceeding.

3.2 Establishing the interest of Republic of Croatia

Given that the expropriation is exclusively permitted if the building of a construction or the carrying out of works is in the interest of Republic of Croatia, it is first necessary to establish that interest. This can be done in three ways. Firstly, The Government can, upon a motion by a party, render a decision establishing the interest according to the Act; secondly The Government can render a decision designating certain building or works as a strategic project of the Republic of Croatia according to the Act on Strategic Investment Projects of the Republic of Croatia [10]; thirdly the interest can be explicitly laid out in a separate law. When it comes to the construction of the railway infrastructure, AR stipulates that the construction, modernization, restoration and maintenance of the railway infrastructure is in the interest of Republic of Croatia. Therefore, it is not necessary for the Government to render a decision establishing that interest. In that case, when submitting a motion for expropriation, the party must state only the provision in the law that establishes the interest of Republic of Croatia and that the construction is foreseen in the relevant spatial plan. Staničić [11] states that the legislator has enacted a series of laws that stipulate in advance that the building of certain constructions or the carrying out of works is in the interest of the Republic of Croatia. Therefore in a large number of cases the step of establishing the interest of the Republic of Croatia by decision has been made unnecessary.

3.3 Securing of evidence on the state and value of real property

The expropriation cannot be carried out without compensating the owner for the value of the real property. It is therefore necessary to first determine the state and value of the property. The Amendments have introduced significant changes in this area. The oral hearing conducted by the competent body has been replaced with the obligation of the beneficiary to propose three permanent court expert witnesses or permanent court appraisers (hereafter: appraisers). The owner or the possessor of the real property is then called upon by the competent body to agree with one of the proposed appraisers or to propose three different ones. If the owner or possessor of the real property fails to agree with one of the proposed appraisers or does not propose three different appraisers within the set time limit, it is considered that he agreed that the securing of evidence be assigned to any of the appraisers proposed by the beneficiary. The competent body will then assign the securing of evidence to one of the proposed appraisers and set the date and time for the on-site inspection for the purpose of assessing the real property. The appraisal will, upon submitting the motion for expropriation, serve as evidence that the beneficiary has fulfilled his obligation of previously offering to the owner the market price of the real property. Also, the appraisal will serve as a basis for determining the compensation that the beneficiary will have to pay the owner in the case that the competent body renders an interim decision on expropriation and also in the case of assuming possession during the expropriation proceeding.

3.4 An attempt to transfer the ownership of real property by agreement

When submitting the motion for expropriation, the beneficiary must also enclose evidence that he has attempted to reach an agreement with the owner in regard to the transfer of ownership of real property. The purpose of such provision is to achieve the principle of cost-effectiveness. It would be unnecessary to conduct an entire expropriation proceeding, when the owner is willing to conclude a contract of sale with the beneficiary. On the other hand, the law wishes to avoid authoritative action where it is not needed. Article 31 of the Act stipulates that to prove an attempt to transfer the ownership of real property by agreement, the beneficiary needs only to submit evidence of an attempted delivery of written offer to the owner of real property.

3.5 Preparatory actions for the purpose of expropriation

The Act gives the beneficiary the option to determine, prior to instituting the expropriation proceeding, whether the real property is suitable for building the construction or carrying out works. To that end, the beneficiary is authorized to submit a request for approval to conduct preparatory actions. The Act gives examples of actions for which the beneficiary could submit a request such as land testing or resurveying. As a purpose for conducting preparatory actions, the Act stipulates the conducting of an investment study, the submission of a motion for establishing the interest of the Republic of Croatia and the submission of a motion for expropriation. For the beneficiary's request to be adopted, he needs to make credible the fact that he will institute the expropriation proceeding later on. The most common issue for the beneficiary will be with regards to the information on the owner or possessor of the real property. As a rule, the beneficiary needs only to state the data from the land or cadaster registrars. However, that data often does not coincide or is incorrect. In that case the beneficiary himself would be obligated to determine who is the real owner or possessor. If he is, however, unable to determine the owner or possessor or if the owner's or possessor's residence is unknown, the competent body will appoint an interim representative for the owner or possessor. In that case the beneficiary will be able to continue with the proceeding. When conducting the preparatory actions, the Act sets certain limits on the beneficiary. Firstly, the competent body is not allowed to approve the conducting of preparatory actions at the moment inopportune for the owner. Secondly, the beneficiary can only conduct those preparatory actions for which he has submitted a request. Thirdly, the beneficiary has to conduct the preparatory actions in the set time limit. Lastly, when conducting preparatory action, the beneficiary is prohibited, to carry out any construction or similar works. During the term in which the preparatory actions are conducted, the beneficiary is also obligated to pay to the owner the compensation in the amount equal to market rent. Before rendering a decision on the request for approval to conduct preparatory actions, the competent body is obligated to hold an oral hearing.

4 Submitting the motion for expropriation

The content of a motion for expropriation is prescribed by the Act in Article 29, while the Article 30 stipulates evidence and documents that need to be enclosed with the motion. Those are a legally effective location permit, evidence that establishes the interest of Republic of Croatia, the findings of an expert witness or the appraisal of the appraiser obtained in the securing of evidence and the evidence of an attempt to transfer the ownership of real property by agreement. Furthermore, the beneficiary must also submit the following:

a) Evidence that the beneficiary has funds, deposited with the bank, necessary for compensating the owner, that is that he has an alternative appropriate real property in his disposal

The beneficiary is obligated to give to the expropriated owner compensation equal to the market value of the property. The Amendments have established that the primary form of compensation shall be giving of money in the amount equal to the market value of real property. The relevant market value is the one that real property had before the change in its intended purpose. As an exception, the compensation can be in the form of an alternative appropriate real property. The appropriate and the expropriated real property have to be located in the same municipality or city. The appropriate real property has to ensure the owner living conditions and conditions of use equal to the ones he had enjoyed with the expropriated real property. It is worth mentioning that the Act allows for the parties to agree on any other form of compensation not contrary to the Constitution.

b) Evidence that the beneficiary has funds, deposited with the bank, necessary for bearing his own costs of the proceeding

Although the beneficiary must submit evidence that he can bear only his own cost of the proceeding, he is obligated, according to Article 38 of the Act, to bear the cost of the whole proceeding. This also includes the legal costs of the expropriated owner [12]. The exception are the costs incurred upon the owner's appeal that has not been adopted, as well as the costs that were not necessary for the conduct of the proceeding.

5 Temporary taking into possession of neighboring land

It may be necessary for the beneficiary, during construction or works, to make use of the neighboring real property for worker accommodation, placing of materials, machines and other. If the beneficiary does not reach an agreement on the use of the neighboring real property with the owner, the beneficiary can institute a proceeding for the purpose of obtaining approval to make use of the neighboring real property. Even though the neighboring real property is not being expropriated, the same procedure applies. It is important to point out that it is not necessary for neighboring real property to physically border with the expropriated real property. Also, the temporary taking into possession can only last as long as there is a need for it but only until the construction is built or the works have been carried out. Besides the beneficiary, the motion to repeal a decision allowing the temporary taking into possession of neighboring land can be submitted by the owner of the neighboring land. For the duration of the temporary taking into possession, the beneficiary is obligated to pay the owner of the neighboring land compensation equal to the market rent.

6 The course of the expropriation proceeding

The competent body, after it has determined that the motion for expropriation had been correctly composed and that all documents and evidence have been enclosed as prescribed by law, conducts an on-site inspection, an oral hearing and presents evidence for the purpose of establishing the facts and circumstances necessary for the determining of compensation for the expropriated real property. The assessment of real property's market value is conducted at the on-site hearing. If the ownership is established as indisputable and if the owner does not object the expropriation, the competent body is obligated to simultaneously conduct an oral hearing for reaching an agreement between parties on the compensation. If, however, the ownership of the real property is in dispute, the competent body will render a decision on expropriation in which it obligates the beneficiary to deposit the amount of determined compensation on a special account.

7 Interim decision on expropriation

In order to facilitate for the beneficiary faster acquisition of ownership, the Amendments have introduced a legal institute of interim decision on expropriation. As one of the reasons for which the legal institute has being introduced, it is cited in the "Proposal of the act amending and supplementing the Act" from February 2017 [13] that it is necessary for the beneficiary to have ownership of the real property in order to timely exercise the right to governmental incentives and aid. The other reasons being the acquisition of loans, and the exercise of right to use the European Union funds. Since the expropriation proceedings can last, from three to up to five years [14] the beneficiaries are unable to timely exercise their rights. Thus, Amendments allow the beneficiary to request the rendering of interim decision on expropriation, that will serve as a basis for the beneficiary's entry of ownership of the real property before the conclusion of the expropriation proceeding. The first condition for rendering the interim decision is that the ownership of real property is established as indisputable. The second

condition is that the owner objects only to the amount of compensation as determined by the real property appraisal made by the appraiser in the securing of evidence. If all the conditions are met and the beneficiary submits a request for rendering an interim decision, the competent body will conduct an oral hearing and render the decision. The beneficiary has to prove that he had made available to the real property owner the amount determined by the real property appraisal. The interim decision contains the order of the competent body to enter the beneficiary's right of ownership into the land registry. However, on the basis of the interim decision alone, the beneficiary is not authorized to assume possession of the real property. He will acquire that authority only if the conditions for acquisition of the right of possession are met. Further expropriation proceeding is conducted only with regards to the objection by the former owner on the appraisal of the real property's market value. Recordation of the expropriation proceeding is not deleted from the land registry file until the decision in the proceeding is final. Additionally, a recordation of prohibition of disposition of real property until the decision in the proceeding is final, will be entered into the land registry. An appeal may not be filed against the interim decision. However the party may institute an administrative dispute. The institution of such dispute will not defer the execution of the interim decision.

8 The amount of compensation

There are two possible approaches to the issue of how the amount of compensation is to be determined. The majority of legal systems have adopted the system of just compensation. However, the Croatian Constitution explicitly prescribes that the compensation should be equal to the amount of the market value of the expropriated property. Staničić [15] states that "such decision by the constitutionmaker was undoubtedly motivated by the fact that it was, in the period from 1968 to 1990, prescribed in the Croatian law the system of just compensation. However, considering that the former system of government encouraged "sacrifice" of the individual for the needs of the society, the declared just compensation was, often, anything but just." Therefore, in the market value compensation system the amount of compensation is determined in such a way, as to represent the average price that could be achieved on the real estate market in time of the expropriation. The system of just compensation, on the other hand, takes into account, besides the market price, other potential losses or gains that could be had or achieved with expropriation [15].

9 Decision on expropriation

Decision on expropriation, among other things, contains:

- a) The obligation of the property owner to surrender the real property into possession of the beneficiary;
- b) The obligation of the beneficiary regarding the form of the compensation;
- c) The order to enter the recordation of prohibition of disposition of expropriated real property within the period of seven years from the day the decision on expropriation became legally effective;
- d) The order to implement the decision on expropriation in the land registry;
- e) The order to delete in the land registry mortgage, servitudes, and other real rights.

10 Acquisition of the right of possession

As a rule, the beneficiary acquires the right of possession of real property on the day when the decision on expropriation becomes legally effective. If however, at that time the beneficiary did not yet give to the owner the compensation as determined by the decision, he will acquire the right of possession only when he fulfills that obligation. The Act, however, provides an important exception. The beneficiary can assume possession of real property during the

course of the proceeding when the following conditions are met. First, the beneficiary has to prove the existence of legal and justifiable interest that is, the probability of occurrence of considerable damage. Second, the beneficiary has to pay or make available to the owner of the real property, the mutually agreed upon compensation, the compensation as determined in the decision on expropriation or the compensation determined in the real property appraisal. However, when it comes to the building of a construction or the carrying out public infrastructure works, which also includes the construction of railway infrastructure, the beneficiary can assume possession of the real property without the need to prove the existence of legal and justifiable interest, that is, the probability of occurrence of considerable damage. He only needs to pay or make available the compensation to the owner. One special case exists, irrespective of whether the beneficiary has to or does not have to prove legal and justifiable interest i.e. considerable damage, and that is, when the real property is a residential or an office building. In that case the beneficiary has to ensure to the owner a rental or lease contract for the appropriate real property that has to be located in the same municipality or city as the real property that is being expropriated. Regarding the assuming of possession during the expropriation proceeding, the competent body has to conduct an oral hearing and render a decision. An appeal against such decision will not defer its execution. The risk for the beneficiary regarding assuming possession during the expropriation proceeding is that the motion for expropriation could ultimately be rejected. In that case the beneficiary would be obligated to return the real property to the owner and the owner would be authorized to seek restitution for the damage caused by the beneficiary's entering into possession. If the parties do not agree on the issue of restitution or the issue of the return of paid compensation, they can file a claim before the competent court.

11 Acquisition of ownership

The ownership of the real property is acquired at the moment when the decision on expropriation becomes final. The beneficiary is then authorized to obtain entry in the land registry. The land registry court will, however, refuse the proposal for the entry of the right of ownership if the beneficiary does not enclose evidence of paid compensation or evidence of the acquired right of ownership on the appropriate real property. According to the Act, with expropriation all other real rights also terminate, including all rental and lease contracts.

12 Annulment of final decision on expropriation

After the decision on expropriation has been rendered, no public law authority will supervise whether the beneficiary uses the expropriated real property for the purpose for which the property had been expropriated. It is considered that, regarding that matter, the former owner is the only interested party. Therefore, the Act gives the former owner the authority to submit a request for the annulment of final decision on expropriation if the beneficiary does not use the expropriated real property for the purpose it had been expropriated for. The request can also be submitted if the beneficiary has not started building or carrying out works within five years from the day the decision on expropriation became legally effective that is within five years from the day he assumed possession. This time period, however, does not run during the time in which the beneficiary was unable to begin building or carrying out works as a result of force majeure that occurred after the decision on the expropriation became final, with the condition that the beneficiary had notified the body that rendered the decision, immediately upon its occurrence. The decision on expropriation cannot be annulled after seven years from the day the decision on expropriation became legally effective, that is, within seven years from the day the beneficiary had assumed possession. Also, after seven years from the day the decision on expropriation became legally effective, the recordation of prohibition of disposition of expropriated real property is deleted from the land registry.

13 Conclusion

The article presented and analyzed legal institutes with regard to expropriation as prescribed by legal regulations in force and, where needed, provided a review of other applicable legal institutes. Expropriation is an authoritative act of the State by which it takes away or limits the ownership of the property of a legal entity in order to achieve the public interest. Expropriation in one of ways of acquiring the necessary ownership of the land on which the lowland railway will be built.

References

- [1] Zakon o vlasništvu i drugim stvarnim pravima, Narodne novine br. 91/96, 68/98, 137/99, 22/00, 73/00, 129/00, 114/01, 79/06, 141/06, 146/08, 38/09, 153/09, 143/12, 152/14
- [2] Zakon o izvlaštenju i određivanju naknade, Narodne novine br. 74/14, 69/17
- [3] Zakon o izvlaštenju, Narodne novine br. 9/94, 35/94, 112/00, 114/01, 79/06, 45/11, 34/12
- [4] Zakon o eksproprijaciji, Narodne novine br. 10/78, 5/80, 30/82, 28/87, 39/88, 71/91, 73/91, 26/9
- [5] <http://www.sabor.hr/konacni-prijedlog-zakona-o-izvlastenju-i-odredivan>
- [6] Zakon o izvlaštenju i određivanju naknade, Narodne novine br. 74/14
- [7] Zakon o izmjenama i dopunama Zakona o izvlaštenju i određivanju naknade, Narodne novine br. 69/17
- [8] Zakon o željeznici, Narodne novine br. 94/13, 148/13, 73/17
- [9] Zakon o prostornom uređenju, Narodne novine br. 153/13, 65/17
- [10] Zakon o strateškim investicijskim projektima Republike Hrvatske, Narodne novine br. 133/13, 152/14, 22/16
- [11] Staničić, F.: Razvoj instituta izvlaštenja u Hrvatskoj, unpublished doctoral dissertation, Zagreb, 2011, p. 442
- [12] Supreme Court Judgement Rev 862/2010-2
- [13] https://vlada.gov.hr/UserDocsImages//Sjednice/2017/03_%20o%C5%BEujak/24_%20sjednica%20Vlade%20Republike%20Hrvatske//24_%20-%204.pdf
- [14] <http://www.poslovni.hr/hrvatska/privremenim-rjesenjima-do-brzih-izvlastenja-i-novca-eu-313699>
- [15] Staničić, F.: Određivanje naknade za potpuno izvlaštenu nekretninu – je li sukladno s Ustavom RH?, Novi Informator, broj 6395