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HARMONIZATION OF CASE LAW

Abstract: Ensuring legal certainty and predictability in judicial proceedings stands out as one of the central tasks of every judicial system. In Croatia, this issue has been at the forefront of legal scholarship and court practice for some time, yet a definitive solution remains elusive. Following several major reforms of civil procedure provisions — particularly regarding the revision process and model proceedings - doubts have arisen concerning the roles of registrations judges and the legal interpretations adopted at court department meetings under Article 40(2) of the Courts Act. In addressing these questions, the Court of Justice of the European Union issued a ruling in the case of Hann-Invest, Mineral-Sekuline and the KHL Medveščak Association, determining that certain forms of harmonizing case law in Croatia are contrary to EU law. In response, a Working Group was established, whose results are still awaited. On the other hand, the Federation of Bosnia and Herzegovina has not amended its civil procedure provisions since 2015. The recently established Civil Law Forum of Bosnia and Herzegovina advocates for changes to the civil procedure rules, including reforms to the revision process and the procedure for resolving disputed legal issues. Since Croatia has already implemented reforms to these procedural institutions, it could potentially serve as a comparative model for Bosnia and Herzegovina. Therefore, this paper offers a comparative analysis of selected Croatian and Bosnian-Herzegovinian solutions de lege lata and de lege ferenda.

Keywords: civil procedure, revision, model proceedings, procedure for resolving disputed legal issues, CJEU judgment Hann-Invest and others.