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THE CODE OF ADMINISTRATIVE PROCEDURES OF THE REPUBLIC OF ALBANIA

Based upon articles 81 and 83, point 1 of the Constitution, with the proposal of the Council of Ministers,

THE ASSEMBLY
OF THE
REPUBLIC OF ALBANIA

DECIDED:

PART 1

DEFINITIONS AND GENERAL PRINCIPLES

CHAPTER I

FIELD OF IMPLEMENTATION AND DEFINITIONS

Article 1
Field of application

Provisions of this Code shall be implemented by all Organs of Public Administration while exercising their functions through individual acts.

Principles contemplated in this Code shall be implemented also for normative acts, when such a thing is possible.

General principles of administrative activity contemplated in this Code are obligatory for all administrative acts, even those undertaken within the framework of private law.

General principles of this Code, by law, may become implemented in an obligatory manner even for the activity of private subjects, when these activities affect public interests.

This Code shall be applied for physical persons and legal entities, to whom the right to exercise public duties and competencies is given by law, sub-legal act or contract.

Provisions of this Code shall not be implemented for acts of the public administration, which are regulated by private law.

Article 2
Administrative activity

1. The activity of administrative organs is the generality of acts and activities by which the will of public administration is formed and manifested, as well as the execution of this will.

2. Forms of administrative activity regulated by this law are:

- collective and individual administrative acts;
- administrative/public contracts; and
- real acts.

Article 3
Administrative organs

In the context of this Code, organs of public administration are:

- organs of central power, which exercise administrative functions;
- organs of public entities to the extent to which they exercise administrative functions;
- organs of local government which exercise administrative functions;
- organs of Armed Forces, as well as any other structure whose employees enjoy the military status, as long as they exercise administrative functions.

Article 4
The interested party

The interested party in an administrative procedure shall be defined as every physical person, legal entity or state authority, whose lawful rights or competencies, individual or general, are likely to be dealt with during the administrative procedure.

Article 5
The real act

A real act shall be considered that form of administrative order in which the will of public administration is expressed by such means as signs, warnings, tables, public information, etc.

Article 6
Administrative contracts

Administrative contracts shall be considered those agreements in which at least one of the parties is an organ of public administration and which intend to create, amend or abolish legal relationships in the field of public law.

Article 7
Discretionary power (discretion)

Discretionary power of the public administration shall be considered the right of the latter to exercise public authority for achieving a lawful goal, even without an express authorization by law.

Article 8
Revocation and abrogation

Revocation and abrogation are administrative acts, which interrupt the legal power of other administrative acts.

CHAPTER II

GENERAL PRINCIPLES

Article 9
Principle of legitimacy

1. Organs of Public Administration exercise their activity in compliance with the Constitution of the Republic of Albania, international agreements in which the Republic of Albania is a part, laws of Republic of Albania, within limits of competencies given to them and in conformity with the goal for which these competencies are given.
2. Administrative acts issued in circumstances of a state of emergency contrary to provisions of this Code are valid, if the intended result in circumstances of a state of emergency cannot be achieved by other means.

The parties damaged by the above-mentioned laws have the right to be compensated for resulting losses based upon legal provisions that regulate the responsibility of public administration.

Article 10
Principle of protection of public interest and rights of private persons

The public administration, in exercising its functions, in every case protects the public interest, as well as the constitutional and legal rights and interests of private persons.

Article 11
Principle of equity and proportionality

1. In relation to private persons, the public administration is guided by the principle of equity, which means that no one shall be privileged or discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, education or social condition or ancestry.
2. Acts of public administration, which, for reason of protecting the public interest or rights of others, limit fundamental rights of the individual acknowledged by

the Constitution, international agreements, laws and sub-legal acts, in any case shall respect the principle of proportionality and shall not infringe the essence of freedoms and rights. This means that acts of public administration shall be such as to:

- demand the achievement of lawful public interests;
- use always appropriate means and in proportion with the goal they intend to achieve.

In any case, organs of public administration are required to evaluate, if possible, whether the goal intend may be achieved by the least repressive means possible, without compromising their effectiveness.

Article 12
Principle of justice and impartiality

The Public Administration, in exercising its functions, treats fairly and impartially all subjects with whom it has relationships.

Article 13
Principle of cooperation of the administration with private persons

1. Organs of public administration exercise their activity in close cooperation with private persons by:

a) providing necessary information and clarifications to private persons;

b) supporting and stimulating initiatives of private persons, as well as welcoming their suggestions and information.

2. Public administration is responsible for the written information it gives to private persons.

Organs of public administration ensure the participation of private persons and/or associations in decision-making, when interests of groups that they represent, are infringed by these decisions.

Organs of public administration, according to provisions of this Code, should give an opportunity to these subjects to express themselves.

Article 14
Principle of responsibility

Organs of public administration and their employees are responsible for damages they cause to private persons through:

- making unlawful decisions;
- unlawful refusal to make decision; and
- issuing inaccurate written information for private persons, as well as any other cause or case contemplated by law.

Article 15
Principle of decision-making

1. Organs of public administration, according to provisions of this Code, make decisions about all cases within their jurisdiction, submitted by private persons, regarding:

a) cases pertaining directly to private persons;

b) any petition, request or claim concerning violation of the Constitution, the law or in defense of public interests.

2. The competent administrative organ is not required to review a case, if during the last two years it has issued a decision regarding the same case, submitted by the same person and based upon the same fact. In this case the calculation of the two-year time limit begins from the date of submitting the respective request.

Article 16
Principle of efficiency and lack of bureaucracy

1. The public administration and the decision-making process shall be structured in such a way to ensure to private persons the largest possible access in decision-making.

2. The public administration and its employees in every case are required to serve the public in the most efficient possible way.

Article 17
Principle of non-payment of the service

1. Services of Public Administration are free of charge, with the exception of cases in which the law contemplates the payment for the service offered by the Administration.

2. The administration does not demand the payment of tariffs even in cases when this is required by law, when the impossibility of payment by the petitioner is verified. Cases of impossibility are provided by sub-legal acts**.**

Article 18
Principle of internal and judicial control

The administrative activity, in order to protect constitutional and legal rights of private persons, is subject to:

a) the internal administrative review, in compliance with provisions of this Code regarding the administrative appeal; and
b) the judicial review, in compliance with provisions of Civil Procedure Code.

Article 19
Principle of state secret protection and confidentiality

Every person, who exercises duties in an administrative body or participates or is called to participate in an administrative procedure, is required not to divulge the data made known during the administrative procedure, when they constitute a state secret or have a personal character.

Participants in an administrative procedure have the right to request that personal character data may not be declared by them or may not be divulge by administrative organs without their consent.

Article 20
The right to be informed

Every person participating in an administrative procedure has the right to be informed and to access documents used in this procedure, except in cases when there are limitations determined by law.

The right mentioned in the paragraph 1 of this article may be exercised personally or through an authorized representative.

The administrative organ conducting the administrative procedure is also required to provide information to participants in the procedure regarding their rights and obligations.

PART II

ADMINISTRATIVE COMPETENCIES AND JURISDICTION

CHAPTER I

GENERAL RULES

Article 21
The waiver of cases and the prohibition to transfer them

1. Competencies of organs of public administration are contemplated by law or by a sub-legal act and their application is obligatory, except in the cases when legal norms contemplate the delegation or the substitution of competencies.
2. All those acts or contracts, which have as an object the waiver of the right to exercise competencies assigned to administrative organs, are invalid, except in the cases when there is a delegation of competencies and similar situations.

Article 22
Jurisdiction

1. The jurisdiction is determined at the moment when the administrative procedure begins and every factual change that might happen later on, is not relevant.

2. All legal changes shall also have no effect, except in cases when the organ in which the procedure is ongoing does not exist any more, does not have jurisdiction any longer or has obtained the jurisdiction that it did not have at the beginning of the procedure.

3. The procedure, when the territorial jurisdiction of an organ is transferred to another organ, shall be transferred automatically to the latter, based upon an official order.

Article 23
Preliminary issues determined by other organs

1. If the final decision in an administrative proceeding depends upon taking a preliminary decision, which is in the competency of another administrative organ or of the court, the organ that has the competency for taking the final decision suspends the respective procedure, until the other administrative organ or the court has taken the preliminary decision. Exceptions to this rule are allowed only in the cases when the immediate failure to take the decision would cause irreparable damage to fundamental constitutional rights of the parties.

2. The suspension ends automatically in the following cases:

a) when the other decision is conditioned on the interested parties making a claim and the latter do not do this within the legal time limit, or when the administrative proceeding for the settlement of the preliminary issue has not taken place within 30 days, due to the fault of the interested party;

b) when as a result of the intervention of other factors the failure to take the decision causes considerable and/or irreparable damages.

3. In cases when the organ that has the competency to take the final decision does not wait for the preliminary decision to be taken by the other organ or the court, but takes this preliminary decision by itself, the latter has effect only for the administrative proceeding in continuity.

Article 24
Conflict of territorial jurisdiction

In cases of ambiguity or doubt regarding the territorial jurisdiction, the organ that shall resolve the conflict recognizes the jurisdiction of that organ whose location, according to the organ that reviews the case has the greater possibility to resolve the case properly.

Article 25
Verification of jurisdiction

1. The administrative body shall verify if it has jurisdiction to decide on every case, before taking any decision.

2. The issue of lack of jurisdiction can be claimed by the administrative organ upon its own initiative, as well as by the interested parties in the case.

Article 26
Submission of a request to the organ that has no jurisdiction

1. If, as a result of an acceptable mistake and within a determined time limit, a person makes a claim, request or petition to an organ that has no jurisdiction, the case shall pursue the following procedure:

a) if the competent organ belongs to the same ministry or same institution, the claim, request or petition shall be sent to it with an official document, notifying at the same time the person who has made the claim, request or petition;

b) if the competent organ belongs to another ministry or institution, the claim, request or petition shall be returned to the petitioner within 48 hours, accompanied with the information about which specific institution this person should address.

2. In the case contemplated by paragraph 1, letter b) of this article, a new time limit is determined for the development of the proceeding, the same as the first one, which begins to be calculated from the moment of notification of the competent organ.

3. The decision of the administrative organ, by which the lack of its jurisdiction is declared, is subject to the administrative review or appeal, according to rules contemplated in this Code.

CHAPTER II

DELEGATION OF COMPETENCIES AND THEIR SUBSTITUTION

Article 27
Delegation of competencies

1. Competent administrative organs can delegate their competencies to another administrative organ.

2. Competent administrative organs can delegate these competencies to their subordinate organs.

3. Paragraphs 1 and 2 of this article can be implemented, to the appropriate extent, also in cases of delegation of competencies of collegial organs to their directors.

Article 28
Sub-delegation of competencies

1. The organ that delegates a competency cannot authorize the delegated or sub-delegated organ, so that the latter shall sub-delegate this competence to another organ, except in cases when it is contemplated otherwise by law.

Article 29
Criteria for the delegation

1. In cases of delegation, the delegating organ determines competencies that are delegated or describes what acts the delegated organs might issue or implement.
2. The delegation of competencies is published in the Official Gazette. In cases of local administration, the delegation is published in the local government gazette and, in its absence, the respective notification is posted in public places.

Article 30
Indication of the delegating organ

In exercising competencies obtained by delegation, the delegated organ shall mention the delegating organ.

Article 31
Competencies of the delegating organ

1. The delegating organ issues instructions that are obligatory for the delegated organs, regarding the execution of delegated competencies.
2. The delegating organ has the right to reclaim delegated competencies, as well as to revoke every act or action undertaken by the delegated organs contrary to the provisions regarding the validity of administrative acts contemplated by this Code.

Article 32
Termination of the delegation

The delegation of competencies terminates:
a) by revoking the act of delegation;
b) by terminating or executing the duties, as well as by the disappearance of the delegating organ or the delegated organ.

Article 33

The rules contemplated in this Code for the delegation shall be implemented also for the sub-delegation, in those cases when it is allowed by law.

Article 34
Substitution

1. In cases of absence, impossibility or physical incapability to act or because of any legal obstacle found in an individual administrative organ, the execution of duties is done by the substituting organ or person contemplated by law.

2. If the law is silent, the substitution in executing the duties shall be done by the most senior employee or the organ that comes directly after it in the hierarchy level.

3. In executing the functions of the substituted organ, the delegated competencies of the substituted organ are included.

CHAPTER III

RESOLUTION OF JURISDICTIONAL CONFLICTS AND OF CONFLICTS OF COMPETENCIES

Article 35
The competency to resolve conflicts

1. The jurisdictional conflicts are resolved by competent courts.

2. Conflicts of competencies are resolved:

a) by administrative sections of the courts when dealing with different administrative organs;

b) by the Prime Minister for different ministries;

c) by the minister or the director of the central institution when dealing with organs of the same ministry or of another organ of central administration.

3. Conflicts of competencies are resolved in the first instance by the organ that comes immediately above those organs involved in this conflict and that has control competencies.

Article 36
Motion and time limit for the administrative resolutions of conflicts

1. The resolution of conflicts among various administrative organs is requested in writing by interested parties presenting the reasons and it is sent to the competent organ for the resolution of this conflict. This resolution may be requested also by the organ in conflict from the moment that it is aware of the conflict.

2. The competent organ for the resolution of the conflict hears the organs in conflict and takes a decision within a time limit of 30 days.

PART III

GUARANTEE OF IMPARTIALITY IN THE WORK OF THE PUBLIC ADMINISTRATION

Article 37
Disqualification cases

1. No employee of organs of administration can participate in an administrative decision-making process or in signing a contract where the administration that he represents is a party, in cases when the employee has and/or is suspected to have the following situations:

a) has a direct or indirect personal interest in the case in question;

b) his/her spouse or the co-habitation partner or relatives up to the second degree have a direct or indirect interest in the case in question;

c) the employee or persons contemplated in letter b) of this article have a direct or indirect interest in a case similar to the case in question;

ç) the employee has participated as an expert, adviser or lawyer in the case in question;

d) persons mentioned in letter b) of this article have participated as experts, advisers or lawyers in the case in question;

dh) a judicial process has been started against the employee or persons mentioned in letter b) of this article by the interested parties;

e) the case is an appeal of a decision taken by the employee or by persons mentioned in letter b) of this article;

ë) the employee or persons mentioned in letter b) of this article are debtors or creditors of interested parties in an administrative proceeding or in signing a contract where the public administration is a party;

f) the employee or persons mentioned in letter b) of this article have received gifts from interested parties in an administrative proceeding or in signing a contract before or after the beginning of the administrative proceeding or signing of the contract;

g) the employee or persons mentioned in letter b) of this article have friendship or enmity with interested parties in the administrative proceeding or signing of the contract.

Article 38
Declaration of disqualification cases

1. In cases when an employee is prohibited to participate in a decision-making process or in an administrative proceeding, pursuant to article 37, he should notify immediately his superior or the director of the collegial organ.

2. Until the final decision is taken, each interested party may request the prohibition of participation of an employee in a decision-making process or in an administrative proceeding, stating the reasons why the party is requesting such an action.

3. The superior or the director, in case of a collegial organ, takes a decision to expel the employee, who has the cases specified in article 37, from a decision-making process or an administrative proceeding.

4. In cases of expelling the director from a decision-making process or an administrative proceeding, pursuant to article 37, the decision for this expelling is taken by the collegial organ itself, but without the participation of the director.

Article 39
Effects of disqualification

1. In cases contemplated n paragraphs 1 and 2 or article 38, the official should interrupt every action for as long as the superior does not order otherwise.

2. Despite the disqualification of subjects in cases contemplated in article 37, those subjects are required to exercise their competences in cases of emergency, with the condition that the substitute subject or the collegial organ shall ratify these actions.

Article 40
Effects of declaration of disqualification

1. Immediately after the declaration of disqualification, the official in question is substituted by its legal substitute, except when the superior takes this case under its authority.

2. In cases or a collegial organ, the organ shall function as such, but without the participation of the disqualified member.

Article 41
Formulation of the request

1. In cases contemplated in article 27, the request of the interested party, for the disqualification of the employee of the administrative organ, is directed to the organ that has the competency to decide regarding the disqualification. The request states clearly the facts upon which it is based.

2. In cases when the request for disqualification is submitted by the employee himself it shall be in writing, when such a thing is requested by the organ to whom the request is directed.

3. In cases when the request is submitted by interested parties in an administrative proceeding, act or contract, the employee affected by this request has the right of defense.

Article 42
Decision-making regarding the disqualification

The decision regarding the disqualification is taken within 5 days.

Article 43
Disciplinary measures

1. Acts and contracts, in which employees or administrative organs affected by the provisions on disqualification participate, are invalid.
2. Every deviation from the obligation of the employee to declare the existence of disqualifying causes, pursuant to paragraph 1 of article 28, constitutes a grave disciplinary violation.

PART FOUR

INTERESTED PARTIES IN THE ADMINISTRATIVE PROCEEDING

Article 44
Participation in the administrative proceeding

1. Everyone who has a legal interest has the right to participate in the administrative proceeding personally and/or represented.
2. The capability to participate in the administrative proceeding is regulated according to provisions of civil law on the judicial capacity to act.

Article 45
Legitimacy

1. Holders of legal rights and interest, who are affected by the decisions taken during the administrative proceeding, have the right to begin the administrative proceeding, as well as to participate in it. Associations and organization also have the above-mentioned rights.
2. In order to protect the broad interests, which may be affected by the administrative proceeding, the right to begin an administrative proceeding and/or participate in it belongs to:

a) persons to whom the administrative proceeding causes or may cause damages in common rights, such as: public health, education, cultural inheritance, environment, as well as quality of life;

b) persons who live in or close to a public property, which might be damaged by the administrative proceeding;

c) People's Advocate.

3. The associations acting in defense of broad public interests have the right to begin or participate in an administrative proceeding.

PART FIVE

ADMINISRATIVE PROCEEDING

CHAPTER I

GENERAL PRINCIPLES OF ADMINISTRATIVE PROCEEDING

Article 46
Beginning of the proceeding

The administrative proceeding may begin upon the initiative of the administration or upon the request of interested parties.

Article 47
Communication with interested parties

1. The beginning of the proceeding upon the initiative of the administration shall be made known to those persons whose legal rights and interests may be infringed as a result of acts taken during the proceeding, when these persons can be identified.
2. The administration is not required to communicate with interested parties in cases when the issue is secret or confidential, according to classifications made by law, or when the communication may compromise the efficiency of the proceeding.
3. In the notification directed to interested parties it shall be shown which administrative organ has begun the proceeding, the date of the beginning of the proceeding, as well as the purpose of the proceeding.

Article 48
The proceeding begun upon the initiative of the public

Even when the initiative for the beginning of the administrative process comes from the public, the administration shall undertake the steps that it deems necessary for the preparation of the case, even for problems that are not included in the submitted request, when it considers that such a thing is in the interest of the public.

Article 49
General time limits for the termination of the proceeding

1. The administrative proceeding terminates within a time period of three months, except in cases when it is contemplated otherwise in special laws or it is imposed by special situations. In cases of special situation, the administrative proceeding terminates within three months after the end of the special situation.
2. The failure to respect time limits given in paragraph 1 of this article shall be justified by the responsible administrative organ to the organ that comes immediately

above it in the hierarchy, within 10 days from the end of the three-month time limit or the end of the special situation.

Article 50
Demanding the opinion of interested parties

The administrative organ may demand the opinion of interested parties at any phase of the proceeding. The opinion shall be submitted within a time limit determined by the administration in this case.

The opinion may be demanded regarding any case.

It is the duty of interested parties to collaborate completely with the administration for the clarification of facts.

CHAPTER II

THE RIGHT TO BE INFORMED

Article 51
The right of interested parties to be informed

1. Every person is enjoys the right to be informed by the administration regarding the development of the proceeding in which that person is directly interested.
2. The information given by the administration shall show the administrative organ that carries out the proceeding, the concrete steps it has taken, the decisions taken, as well as any other information.
3. The time limit for giving the information contemplated in this article is ten days from the day of the registration of the respective request.

Article 52
Inspection of files and issuance of certifications

The interested parties have the right to inspect files maintained by the administration, when they do not contain documents classified as secret, and to receive certifications or certified copies of documents that they contain in exchange for payment.

Article 53
Issuance of certification

1. The competent employees of the administration are required to issue to interested parties, within ten days from the submission of the request and without waiting for any order from superiors, certifications or authentic copies of documents, which contain all or a part of the following information:

a) the date of submission of applications, petitions, requests for review, appeals and other similar documents:

b) the content of these documents or claims of parties;

c) the phase of the development of the proceeding;

ç) decisions taken or that should have been taken.

2. When documents requested by parties are classified as secret, the competent employee of the administration should issue to the interested party (when he requests it) a declaration that certifies this.

Article 54
Limits of the rights to be informed

1. The rights contemplated in articles 51 to article 53 of this Code also belong to those persons, who, even though they do not have a direct interest, prove that they have a lawful interest to be aware with regard to specific documents.

2. The execution of rights contemplated in paragraph 1 of this article is made possible only after issuance of an order by the person responsible for the administrative unit. The order is accompanied by the written request and other attached documents that certify the claimed legal interest.

Article 55
Principle of open administration

1. Everyone has the right to view files and registers of the administration, even in cases when there is no administrative proceeding of interest to them, except in cases when the law prohibits that.

2. The right to view files and registers of administration is regulated by special law.

CHAPTER III

NOTIFICATIONS AND THEIR TIME LIMITS

SECTION I

NOTIFICATIONS

Article 56
Obligation to notify

The interested parties shall be notified for all administrative acts by means of which:

a) decisions are taken regarding their claims;

b) obligations and punishments are determined or damages are caused;

c) legitimate interest or rights of parties are created, terminated, expanded or limited, or the conditions for their execution are infringed in any other way.

Article 57
Exception from the obligation of notification

1. The administration has no obligation to notify regarding administrative acts in the following cases:

a) when administrative acts are communicated verbally in the presence of interested parties;

b) when the interested party participates in the development of the administrative proceeding and manifests complete knowledge regarding the administrative act in question.

Article 58
Content of the notification

1. The notification shall include the following:

a) the complete text of the administrative act;

b) the name of the person responsible for the act and the date of the latter;

c) the organ that has jurisdiction to decide on appeals against the act and time limits for this goal, if the act cannot be appealed judicially.

2. The complete text of the act can be substituted by a summary of its content and object, in cases when the act has fulfilled all requests formulated by interested parties or when the act deals with taking procedural measures.

Article 59
Time limits for notifications

Administrative acts shall be notified within eight days, except when provided otherwise by law.

Time limits are calculated from the day after the date on which the act is issued or from the day when the interested parties participate in the administrative proceeding.

Article 60
Manner of notification

1. The notifications shall be made:

a) by mail, on the condition that there exists postal service from door to door in the locality or residence or the work center of the party that shall be notified;

b) personally, in cases when this manner of notification does not compromise the speed of the proceeding's progress or if notification by mail is not possible;

c) by telegram, telephone, telex or fax in urgent cases;

ç) by public notification, which is posted in public places, or through a notification published in the Official Gazette, in the gazette of local government or in the two best sold newspapers in the locality of residence or work of parties that shall be notified, in cases when the interested parties are unknown or in such a large number that every other manner of notification is deemed inappropriate.

2. In those cases when the notification is made by telegram, telephone, telex or fax, it should be confirmed by the organ that makes the notification in the manner contemplated by letter a) and b) of paragraph 1 of this article, the next working day, although as a rule the notification is considered made on the day of the first communication.

SECTION II

TIME LIMITS FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTS

Article 61
General time limit

1. The time limit for the implementation of acts by the administration is 15 days, except in cases contemplated in articles 112 and 113 of this law, as well as other special cases.

2. The time limit within which interested parties implement the act, request the taking of procedural measures for its implementation, respond to issues with regard to which the parties may present their opinion or execute any other right during the development of the proceeding, is 15 days.

Article 62
Calculation of time limits

The following rules apply when calculating time limits:

a) the day in which the act is issues is not included in the calculation of time limits;

b) the calculation of the time limit is interrupted on Saturdays, Sundays and the days of official holidays;

c) in cases when the termination of the time limit falls on a day when the administration that will execute the act is closed or functions with reduced schedule, the implementation of the act is postponed until the next business day.

Article 63
Extension of time limits

If the parties affected by the implementation of the act live or are found temporarily outside the territory of the Republic of Albania or in remote areas of the Republic, time limits contemplated by law began to be calculated only after:

a) 5 days, when interested parties are located in areas far from the location of the administrative organ;

b) 15 days, when interested parties are located in a European country; and

c) 30 days, when interested parties are located in a country outside Europe.

Article 64
Reinstatement of the time limit

When one party in the administrative proceeding, not due to its own fault, has been obstructed in respecting a time limit determined by this Code or other legal provisions, that party has the right to request that the missed time limit be reinstated, except in cases when the law excludes this right.

The request for the reinstatement of the time limit shall be submitted within 15 days from the day when the obstacles have been removed, but no longer than 1 year from the last day of the missed time limit, except in cases of *force majeur*.

The request of the interested party for the reinstatement of the time limit shall be reasoned and must ensure confidence that the time limit has been missed not due to the fault of the party.

Article 65
Review of request for the reinstatement of time limit

1. The request for the reinstatement of the time limit is reviewed by the organ that carries out the administrative proceeding.

2. An appeal against the decision that refuses the request mentioned in paragraph 1 of this article can by submitted according to rules contemplated in this Code.

CHAPTER IV

THE PROGRESS OF THE PROCEEDING

SECTION I

THE INITIATION

Article 66
Initial request

1. The initial request of parties, except in cases contemplated by law, shall be made in writing and shall include:

a) the name of the administrative organ to which it is directed;

b) the full name of the applicant, the civil status, the profession and the residence;

c) explanations regarding the facts related to which it is made and when it is possible, the legal basis of the request;

ç) clear explanations regarding the claims;

d) the date and the signature of the applicant or another person who is authorized legally by him, if the applicant does not know how to write.

Article 67
Formulation of the petition verbally

In cases when the law allows the formulation of a petition verbally, it shall be accompanied by a written document, which shall include issues described in letters a) and d) of paragraph 1 of article 66, which shall be dated and signed by the applicant and the official who receives the petition.

Article 68
Defects of the initial request

1. If the initial request is not prepared in compliance with requirements of article 66, the applicant shall be requested to correct existing defects.
2. Despite the content of paragraph 1 of this article, organs of administration and state officials shall try to correct by themselves defects in the request, in order that interests of parties may not be compromised by any simple irregularity or imperfect formulation of claims.
3. Anonymous requests and claims that are not understandable cannot be accepted by the administration.

Article 69
Submission of petitions

1. Petitions are submitted to the organs of administration to which they are directed, except in cases contemplated in paragraphs 2 and 3 of this article.
2. Petitions directed to central organs of administration can be submitted to local offices subordinate to them.
3. In cases when there is no local office of a specific central organ of administration, the petition may be sent to the prefecture.
4. Petitions mentioned in paragraphs 2 and 3 of this article are submitted to competent organs by registered mail within 3 days from their receipt.

Article 70
Submission of petitions to diplomatic representatives or consular offices

1. Petitions may be submitted also to diplomatic representatives, consular offices or other representations located in the area where interested parties live or are found physically.
2. Diplomatic representatives or consular offices send the petition to the organs to which it is directed, stating the date in which the petition has arrived in their offices.

Article 71
Petitions sent by mail

Petitions addressed to an administrative organ, when sent by mail, should request the signature of the recipient, except in cases contemplated otherwise by law.

Article 72
The registration of received petitions

1. Despite the manner of delivery of petitions, their arrival is always registered. The respective register shall include the number of the petition, the date of submission, the object of the petition, numbers of documents attached and the name of the applicant.
2. Petitions are registered according to the order of submission and petitions that come in the same postal delivery are considered as submitted at the same time.

Article 73
The certification for the submission of the petition

1. Interested parties can request a certification, which proves the submission and the receipt of the petition.
2. The certification shall state the fact of receipt of the petition by the employee of the administration and the list of attached documents.

Article 74
Other written documents submitted by interested parties

The provisions of this section are applicable also for explanations, requests for review, replies and other written documents submitted by interested parties.

Article 75
Preliminary verification of some issues during a regular proceeding

Immediately after the arrival of the petition, the administrative organ shall verify preliminarily the following issues:

a) whether the administrative organ has jurisdiction/competency or not to resolve the problem presented in the petition;

b) the automatic termination of any right whose execution is requested;

c) the standing of the applicants;

d) the expiration of time limits within which the application should have been submitted.

Article 76
The acceptance of the petition by silence

1. In cases when the implementation of an administrative act or the exercise of a right by the individual is conditioned on the approval or the authorization of the administration, except when contemplated otherwise by law, the implementation of the act or the exercise of the right may be proceeded with, if the respective decision is not delivered within the time limit contemplated by law.

2. In those cases when the law does not contemplate any time limit, the time limit for the acceptance by silence due to lack of response shall be 90 days from the submission of the petition.

3. The following cases that need approval/authorization of administrative organs are:

a) licenses for conducting construction activities;

b) permissions to change the intended use of land for construction;

c) work permits for foreigners;

ç) permissions for foreign investments;

d) permissions for 24 hours work;

dh) authorizations for work in shifts;

e) combining public and private functions.

4. Time limits contemplated by law and in paragraph 2 of this article are suspended in cases when the proceeding is interrupted for reasons for which the individual is responsible.

Article 77
The refusal of the petition by silence

1. Despite the content of article 76, in case of failure to issue a final decision within the legal time limit, regarding a claim to the competent administrative organ, the interested parties have the right to think and act as if their petition is refused.

2. The time limit mentioned in paragraph 1 of this article is 90 days, except in cases when contemplated otherwise by law.

3. The time limit mentioned in paragraph 2 of this article is calculated as follows, except in cases when contemplated otherwise by law:

a) if the law does not require special formalities in the preparatory period before taking the decision, from the date when the request is registered as received (entered) in the competent department;

b) after the expiration of the time limit determined by law for the termination of these formalities or when such a time limit does not exist, from the expiration of the 3 month period from the submission of the petition;

c) from the day when notice of the conclusion of formalities in question is taken.

SECTION II

INTERLOCUTORY DECISIONS

Article 78
Cases in which interlocutory decisions can be made

1. The administrative organ that is competent to make the final decision can make other interlocutory decisions when it is deemed that not taking the specific measures shall cause grave and irreparable damage to public interests.

Interlocutory decisions can be taken upon the initiative of the administrative organ or upon the request of interested parties.

2. The decision to take interlocutory measures shall be justified and with a fixed time limit.

3. The revocation of the decision for interlocutory measures shall also be justified.

Article 79
Termination of interlocutory decisions

Interlocutory decisions terminate automatically in the following cases:

a) after the final decision is rendered;

b) when the time limit for the interlocutory decisions has expired;

c) when the time limit, contemplated by law, within which the final decision should have been taken, has expired;

d) when there is no time limit contemplated by law, interlocutory decisions terminate automatically after 6 months from the beginning of the proceeding.

SECTION III

INVESTIGATIVE PROCEDURE

SUBSECTION I

GENERAL PROVISIONS

Article 80
Subject of the investigative procedure

1. The investigative procedure is carried out by that administrative organ within whose competency it falls to take the final decision.

2. The organ competent to take the decision may delegate the right to carry out the investigative procedure to a subordinate organ, except in cases when delegation is prohibited by law.

3. The organ that has the competency for carrying out the investigative procedure may assign to a subordinate organ specific investigative duties.

4. In the case of collegial organs, the delegation of competencies contemplated in paragraph 2 of this article may be done in favor of individual members of the organ or of a subordinate organ.

Article 81
Verification of evidence

1. The competent organ requests and reviews all necessary facts for taking the final decision, using for this purpose all types of evidence allowed by law.

2. There is no need for verification of facts that are known publicly, as well as for those facts that are known to the administrative organ because of its functions.

3. The competent administrative organ ensures the use in the administrative proceeding of facts known to it because of its functions.

Article 82
Burden of Proof

1. The burden of proof for the facts claimed rests on interested parties, despite the obligation of the administration contemplated in paragraph 1 of article 81.

2. Interested parties may attach documents or opinions or request the administration to take measures to ensure the necessary evidence for taking the final decision.

Article 83
Obligation of interested parties to submit evidence

1. The organ that carries out the investigative procedure may request from interested parties the submission of information, documents or objects that are subject to inspection, as well as any other form of investigation in order to prove the claims.

2. Interested parties may refuse the collaboration contemplated in paragraph 1 of this article, if it causes:

a) violation of professional secrecy;

b) divulgence of data, the knowledge of which is prohibited by law;

c) revealing compromising information regarding the interested party himself/herself or his/her consort, parent, child, brother or sister;

ç) revealing data which may cause the interested party or any of the persons mentioned in paragraph c) of this article financial or non-financial losses.

Article 84
Methods for submission of information and evidence

1. In cases when the submission of information of evidence by the interested party is necessary, the party is notified about this in writing or verbally, within time limits and in compliance with provisions of this Code.
2. If the interested party does not live in the locality where the center of the administrative organ carrying out the investigative procedure is located, upon the decision of this organ, the verbal notification can be made through the mediation of another organ which is located in the place of residence of the party, if the party himself does not prefer to be present in the central location of the competent organ.

Article 85
Failure to submit evidence

1. If the interested parties do not respond to the notification, the administration can make a new notification or interrupt the proceeding, when such a thing does not compromise any public interest.
2. The lack of response to the notification can be taken into consideration for purposes of proof, according to the circumstances of the case, but in any event this does not relieve the administration from the obligation to request on its own evidence and facts in order to give a final decision.
3. In cases when the information or documents requested by the parties are indispensable for reviewing the claim submitted by the parties themselves, the proceeding is suspended until the information is obtained and the interested party is notified about this.

Article 86
Assistance from other organs

The organ competent to carry out the investigative procedure may request other organs of central or local government to take measures for securing the evidence, in cases when it cannot do such a thing itself, within a time limit to which both parties to the case agree, but not longer than 30 days.

Article 87
Submission of evidence in advance

1. In cases when there are reasons to think that securing the necessary evidence in order to take a decision may become impossible or difficult, the competent organ, upon its own initiative or upon the justified request of interested parties, may proceed with the preliminary securing of the evidence.
2. The preliminary submission of evidence can be made even before the beginning of the proceeding.

Article 88
Expenses of securing evidence

Expenses resulting as a consequence of actions undertaken by the administration for securing evidence are covered by the interested party that requests them, despite the second paragraph of article 17 of this Code.

SUBSECTION II

EXAMINATIONS AND OTHER MEASURES

Article 89
Taking of measures

1. Examinations, reports, assessments and other similar measures are executed only by (one or more) specialized experts.
2. Requests for taking of measures contemplated in this article may also be made to specialized organs of administration.
3. The manner of appointing the experts and their remuneration shall be regulated by law.

Article 90
Notification of interested parties regarding examinations

1. The interested parties are notified about examinations, their purpose, as well as about the expert or experts appointed by the administration, except in cases when the measures in question are related to secret or confidential issues.
2. The above-mentioned notification is made 10 days before the date set for the examination or other measures and includes the date, the time and the location where the measures in question shall be executed.

Article 91
Appointment of experts by the interested party

Whenever the administration appoints experts, the interested party may also appoint its experts in the same number as those of the administration.

Article 92
Formulation of questions for experts

1. The organ carrying out the investigative procedure and interested parties may formulate questions, to which the experts shall respond, or may request opinions from them about specific issues.

2. The organ carrying out the investigative procedure shall refuse the submission by interested parties of such questions that are related to secret or confidential issues.

SUBSECTION III

HEARING OF INTERESTED PARTIES

Article 93

1. After the termination of the investigative procedure, except in cases contemplated in article 96, interested parties have the right to express themselves before the administrative organ takes the final decision.
2. The organ carrying out the investigative procedure decides case by case if interested parties shall express themselves in writing or verbally.

Article 94
Expression of opinion in writing

1. In those cases when the organ carrying out the investigative procedure decides to request interested parties to express themselves in writing, the parties are notified to submit the respective document not later than 10 days in advance.
2. The notification should include all information necessary for interested parties to understand what is important in taking the decision. The notification shall also include the time and the location where the respective file may be consulted.
3. Interested parties, in their response, may express themselves about those issues that constitute the object of the proceeding, may request additional measures and may attach documents.

Article 95
Expression of opinion verbally

1. In those cases when the organ carrying out the investigative procedure decides to request interested parties to express themselves verbally, it sets a date for meeting with the parties not sooner than 8 days from the notification.
2. During hearings where parties express themselves verbally, they may discuss about all relevant issues that are important for taking the decision, legal or factual.
3. The interested parties' failure to appear does not justify the postponement of the hearing, except in cases when the parties present reasons before the beginning of the hearing.
4. Minutes, which summarize all claims of interested parties, are kept in hearings when interested parties express themselves verbally. All interested parties can add to the minutes written documents during the hearing or afterwards.

Article 96

Cases when the possibility for parties to express themselves is excluded

1. Interested parties cannot express themselves in the following cases:

a) the taking of the decision is urgent;

b) it is clear that such a measure would compromise the implementation of the decision.

Cases mentioned in letters a) and b) of paragraph 1 of this article, shall be regulated by sub-legal acts.

2. The investigative organ may also refuse to allow interested parties to express themselves in the following cases:

a) if interested parties have had a chance to give their opinions on issues that are important in taking of the decision during the development of the proceeding and based on the existing evidences.

b) if the information submitted during the proceeding leads to a decision in favor of the interested party.

Article 97

Supplementary Measures

After interested parties have been heard, additional measures may be taken, upon the initiative of the organ carrying out the investigative procedure or upon the request of interested parties.

Article 98

Report of the organ carrying out the investigative procedure

In case the organ carrying out the investigative procedure is not competent to take the final decision, it prepares a report including the claims of interested parties, summarizing the history of the proceeding and formulating a preliminary opinion about the final decision, summarizing legal and factual reasons, which, according to its assessment, justify the decision.

SECTION IV

TERMINATION OF ADMINISTRATIVE PROCEEDING

Article 99

Causes of Termination

The proceeding is terminated after taking a final decision or because of other facts contemplated in this section.

Article 100
Final expressed decision

In the final decision, the competent administrative organ decides regarding all issues raised during the development of the proceeding and which have not been resolved during the proceeding.

Article 101
Withdrawal or waiver of claims

1. Interested parties, by means of a written declaration, may withdraw from the proceeding or from any of the formulated claims, as well as waive their legal rights and interests, except in cases when such a thing is prohibited by law.
2. The withdrawal or waiver of interested parties does not affect the continuation of the proceeding, if the administration deems that the continuation is in the public interest.

Article 102
Abandonment

1. The proceeding is declared abandoned if the interested party, through his/her own fault, has been inactive for a period longer than 3 months, except in the case when there is a public interest in taking a final decision.
2. The abandonment of the proceeding does not extinguish the right that the individual had sought to implement.

Article 103
Impossibility

1. The administrative proceeding terminates when the administrative organ competent to take the final decision discovers that the object for which the proceeding was begun or the intent of the decision has become impossible.
2. The declaration of termination mentioned in paragraph 1 of this article shall always be reasoned and it may be appealed to the court.

Article 104
Failure to pay fees and other obligations

1. The proceeding terminates as a result of failure to pay fees or other obligations within the time limit, whose payment according to the law is a condition for the execution of procedural acts, except in cases contemplated in paragraph two of this article and/or in article 17.

2. Interested parties may prevent the termination of the procedure if they pay double the amount within 10 days after the termination of the time limit set for the payment of the original amount.

PART V

ADMINISTRATIVE ACTIVITY

CHAPTER I

ADMINISTRATIVE ACTS

SECTION I

VALIDITY OF ADMINISTRATIVE ACTS

Article 105
Definition of the administrative act

For purposes of this law, administrative acts shall be considered to be all decisions by organs of public administration which create legal effects in individual cases.

Article 106
Form of the administrative acts

1. Administrative acts shall have a written form, except in cases when by law another form is requested or when such a thing is imposed by circumstances.
2. Acts of collegial organs must necessarily be in a written form only in cases when such a thing is specifically required by law. In other cases these acts are registered in minutes, without which they do not have any legal effect.

Article 107
Purpose of the Act

1. Administrative acts, in all cases, shall disclose their purpose.
2. Despite any other information that may be given by the administrative organ in a particular case, every administrative act shall absolutely include the following:
a) the authority that issues the act, as well as any delegation of power related to the issuance of the act;
b) the identification of parties to whom the act is directed;
c) the explanation of facts which caused the issuance of the act, if these are relevant;
ç) the legal basis of the act, when required by law;

d) the explanation of the meaning of the act;

dh) the date the act enters into effect;

e) the signature of the employee of the organ which issues the act or of the director of the collegial body.

Article 108
The reasoning of the act

1. Aside from cases when the law itself contemplates giving reasons, indispensably there shall be given reasons for all those acts which partially or totally:

a) deny, extinguish, limit or infringe in any other way legal rights or interests or create or increase obligations or punishments;

b) constitute a decision regarding requests for review or appeal;

c) constitute a decision contrary to claims of interested parties, or contrary to an official notification or proposal;

ç) constitute a deviation from the practice followed for resolving similar cases;

d) cause the revocation, the abrogation, the modification or the suspension of a previous act.

2. Except in cases contemplated otherwise by law, acts that ratify decisions taken by boards, juries or commissions established by the administration, as well as superior orders regarding internal issues, do not need to be reasoned.

Article 109
Manner of Reasoning

1. The reasoning shall be clear and shall include the explanation of the legal and factual basis of the act. In case the reasoning is done in a prior notification or proposal, its acceptance by the organ responsible for taking the decision can be sufficient as a reasoning. In these cases prior notifications and proposals are constituent parts of the final decision.

2. The use in reasoning of unclear, contradictory, or imprecise data, is equivalent to a lack of reasoning.

3. The reasoning done in previous cases can be used in analogous cases, on the condition that the position of interested parties may not be adversely affected.

Article 110
Reasoning in verbal acts

1. When the verbal act is expected to be appealed, its reasoning shall be done in writing and it shall be communicated to interested parties within 10 days. The communication shall be done by registered mail or hand delivery.

2. The failure by the parties to use their right contemplated in paragraph 1 of this article, does not compromise the execution of the act.

SECTION II

ENTRANCE INTO FORCE OF ADMINISTRATIVE ACTS

Article 111
General rules

Administrative acts enter into force from the date of their approval, except in cases when the law or the act itself provides retroactive effect or delayed entrance into force.

Article 112
Retroactivity

1. Administrative acts have a retroactive effect in the following cases:

a) the act interprets an previous act;

b) the act is issued in implementation of a court decision that declares null an administrative act;

c) the law itself provides for the act to have retroactive effect.

2. Besides cases mentioned in paragraph 1 of this article, the competent organ may provide for an act to have retroactive effect also in the following cases:

a) the retroactive effect is in favor of interested parties and does not damage the rights of a third party;

b) in case of an act that abrogates a previous act, together with other acts issued for the implementation of the latter;

c) when it is allowed by law.

Article 113
Delayed effect

Administrative acts have a delayed effect:

a) when their entrance into force is conditioned upon approval or countersignature;

b) when the effects of the act are impossible because of any suspension or time limit;

c) when the entrance into force of the act depends upon the occurrence of certain conditions and circumstances.

Article 114
Publication of acts

1. The publication of administrative acts is required only when such a thing is required by law.

2. The failure to publish the act when it is required by law causes the act not to enter into force.

3. In cases when the publication of the act is required, it is done in the Official Gazette within 30 days after approval.

SECTION III

INVALIDITY OF ADMINISTRATIVE ACTS

Article 115
Invalid Acts

The invalidity of administrative acts, as contemplated by this Code, exists in the following types:

a) absolutely invalid administrative acts (acts issued in flagrant violation of the law);
b) relatively invalid administrative acts (acts issued in violation of the law).

Article 116
Absolutely invalid administrative acts

Administrative acts will be considered absolutely invalid, as contemplated by this Code, in the following cases:

a) when the act has been issued by an unidentified administrative organ;
b) when the act has been issued by an administrative organ exceeding its legal competencies;
c) when the act has been issued contrary to the form and procedure required by law.

Article 117
Effects of the absolutely invalid acts

1. Absolutely invalid administrative acts do not have any legal effects, despite the fact that they have been declared to have such.

2. Each interested party may request that the administrative act be declared absolutely invalid. The request in question can be submitted at any time. The competent administrative organ upon its own initiative may declare an administrative act absolutely invalid at any time.

3. If only a part of the act is absolutely invalid, the whole act will be considered absolutely invalid, if the part that is nullified has such importance that without it the act does not achieve its purpose.

Article 118
Relatively invalid administrative acts

1. Administrative acts will be considered relatively invalid, as contemplated by this Code, when they have been issued contrary to the law, but nevertheless they are not absolutely invalid.

2. A relatively invalid administrative act can be appealed in an administrative and judicial manner, based respectively upon provisions of this Code and of the Civil Procedure Code.

Article 119
Effects of the relatively invalid administrative act

As long as the relatively invalid administrative act has not become an object of an administrative or court appeal within time limits determined in this Code, or it has not been revoked/abrogated by the competent administrative organ, it produces the effects of a valid/regular administrative act.

Article 120
Administrative acts containing inaccuracies and obvious mistakes

In cases when the act is valid, but is deemed to contain inaccuracies or obvious mistakes, the competent body upon its own initiative or upon the request of the parties to the proceeding shall correct the material mistakes, as well as obvious inaccuracies of the act, without changing its content. The correction is not subject to any time limit.

SECTION IV

ABROGATION OR REVOCATION OF ADMINISTRATIVE ACTS

Article 121
Initiative for abrogation or revocation

1. Administrative acts are abrogated or revoked upon the initiative of the competent body, or as a result of the request for review or appeal submitted by interested parties.

2. Absolutely invalid administrative acts cannot be abrogated or revoked.

Article 122
Revocation and abrogation of valid acts

1. Only in the following cases may valid administrative acts not be abrogated or revoked:

a) when the law contemplates their irrevocability/non-abrogation;

b) when the act creates legitimate rights;

c) when the act gives rights and obligations to the administration which cannot be waived.

2. Acts contemplated in letter b) of paragraph 1 of this article as an exception may be revoked or abrogated when:

a) they damage interests of the parties to whom they are directed;

b) all interested parties agree regarding the revocation or the abrogation of the act, on the condition that the act has created waivable rights.

Article 123

Revocation and abrogation of invalid acts

1. The invalid administrative acts may be revoked or abrogated solely by reason of their invalidity within the time limit determined for the judicial appeal.

2. In cases when there is more than one time limit contemplated by this law for the judicial appeal, the longer time limit applies.

Article 124

The right of revocation and abrogation

1. The right of revocation of an act belongs to the organ that has issued it, except in cases when it is contemplated otherwise by law, while abrogation is a prerogative of the superior organ.

2. Administrative acts issued by delegation may be revoked by the delegating organ, as well as by the delegated organ, as long as the delegation is valid.

Article 125

Form of the revoking or abrogating act

The revoking or abrogating act shall have the same legal form and is subject to the same procedures as the revoked or abrogated act, except in cases when it is contemplated otherwise by law.

Article 126

Entrance into force of the revocation and the abrogation

1. The revocation and the abrogation of administrative acts have effect only for the future, except in cases contemplated in paragraphs 2 and 3 of this article.

2. The revocation or the abrogation have a retroactive effect only in cases when they are done because of the invalidity of the act being revoked or abrogated.

3. The organ itself that makes the revocation or the abrogation can give a retroactive effect to the revoking/abrogating act when all interested parties agree in writing about the revocation/abrogation of the act, on condition that the act has created waivable rights.

Article 127
Revocation/Abrogation that regenerates the legal effect of a previous act

The revocation or the abrogation of an act, which itself has revoked/abrogated a previous act, regenerates the legal effect of the latter only in cases when the law or the last revoking/abrogating act expressly contemplate such a thing.

Article 128
Amendments and substitution of administrative acts

Rules regarding the revocation/abrogation apply also for the amendment and the replacement of administrative acts, except in cases when the law contemplates otherwise.

Article 129
Correction of administrative acts

1. Material mistakes in the expression of the will of the administrative organ, when they are obvious, may be corrected at any time by organs that are entitled to revocate/abrogate the act.
2. Corrections which have a retroactive effect can be made upon the initiative of the administration or upon the request of interested parties.

Correction is followed by the same publicity as the corrected act.

SECTION V

EXECUTION OF ADMINISTRATIVE ACTS

Article 130
Execution

1. Administrative acts may be executed only after they enter into force.
2. The execution of obligations contemplated in the administrative act can be done forcibly by the administration, without going to court, on the condition that the execution is done in compliance with legal requirements.

Article 131
Acts that cannot be executed

1. Acts that cannot be executed are the following:

a) acts whose effect is suspended;

b) acts whose appeal has the effect of suspension;

c) acts which enter into force only after their approval by an administrative organ other than the one that issued it.

2. The entry into force of acts may be suspended by administrative organs that have the right of revocation, by higher organs that have the competency for abrogation

and by the court according to the rules contemplated Civil Procedure Code (Chapter "For the hearing of administrative disputes").

Article 132
Legitimacy of execution

1. Organs of public administration may not undertake any action that in one way or another limits legitimate rights of private persons, without issuing in advance an administrative act that shall legitimize these acts. Exceptions to this rule are made only in emergency cases.

2. The execution of administrative acts, when possible, is carried out by such means as shall assure the realization of the execution and cause the minimal possible damage to legitimate interests and rights of private persons.

3. Interested parties may appeal to the higher administrative organ or in court, in cases when actions taken for the execution exceed the limits of the act that is executed.

4. An appeal to the court may also be submitted against actions taken during the execution of the act when they are unlawful in themselves, on the condition that the actions are not a consequence of the unlawfulness of the act being executed.

Article 133
Notification of execution

1. The decision to proceed with the execution of the administrative act is noticed to the parties to whom the original act is directed, before the execution is begun.

2. The administrative organ may announce the execution in the notification of the act and in that case the execution is immediate.

Article 134
Prohibition of orders that interrupt the execution

No administrative order or court decision can stop the execution of administrative acts, despite legal provisions for the suspension of the acts' power.

SECTION VI

ADMINISTRATIVE APPEAL

SUBSECTION I

GENERAL PRINCIPLES

Article 135
General principles

1. Private persons are entitled to request the revocation, the abrogation or the amendment of administrative acts in compliance with rules provided by this Code.

2. The right mentioned in paragraph 1 of this article may be exercised in the following ways:

a) by means of an informal request to the employee or the organ responsible for the act;

b) by means of an appeal to the organ that has issued the appealed act or to the supervisor of the responsible employee/organ, or to a collegial organ when the employee is a member and to the delegating organ.

Article 136
The informal request

1. The presentation of informal requests does not require taking into consideration any time limit or any procedural criteria.

2. Informal requests are considered to be requests within the meaning of article 66 of this Code. In these cases the petitioner is entitled to receive a reasoned answer within 1 month from the day of submission of the request.

3. The administrative organ that receives the informal request shall informs the petitioner about the legal effects of this request, especially about the difference between an informal request and administrative appeal.

4. Informal requests do not suspend either the execution of the administrative act, nor the expiration of time limits.

Article 137
Administrative appeal

1. Each interested party is entitled to appeal against an administrative act or against a refusal to issue an administrative act.

2. The administrative organ to which the appeal is directed, reviews the legitimacy and the regularity of the contested act.

3. In principle, interested parties may address the court only after using the administrative recourse.

Article 138
Effects of the administrative appeal

1. The administrative appeal suspends the execution of the administrative act.
2. Only in the following cases is the execution of the administrative act not suspended:

a) the administrative act intends the collection of taxes, fees and other budgetary revenues;

a) the administrative act regards police measures;

b) the suspension of the execution of the act is forbidden by law;

c) the immediate execution is in the interests of the public order, public health and other public interests;

3. In every case the petitioner is entitled to be informed regarding the causes for failure to suspend the execution of the act.

Article 139
The subject to whom the appeal is submitted

1. The administrative appeal may be submitted before:

a) the organ that has issued the appealed administrative act or that has refused to issue the administrative act;

b) the superior body of the above-mentioned organ in letter a) of paragraph 1 of this article.

2. In cases when the appeal is directed to the superior organ, the latter transfers the respective file to the organ that has issued/refused to issue the act together with its instructions as to the resolution of the case.

Article 140
Time limit for the administrative appeal

1. Administrative appeals shall be submitted within 1 month from the day when:

a) the petitioner has received notification about the act or the refusal to issue the act;

b) the act was published according to provisions of this Code.

2. In case of omission of the administration (refusal to issue the act), the appeal procedure begins three months from the day the initial request regarding the issuance of the administrative act was submitted.

Article 141
Time limit for taking a decision in an appeal procedure

1. The competent administrative organ reviews the administrative appeal and takes a decision within one month from the date of submission of the appeal.

2. If after the end of the period contemplated in paragraph 1 of this article no decision has been taken by the competent administrative organ regarding the appeal, the interested party is entitled to address the court according to paragraph 2 of article 328 of the Civil Procedure Code.

Article 142
Procedure of appeal

1. If the organ that has issued or has not issued the appealed administrative act decides to accept the request for appeal, it takes the respective decision.
2. If the organ mentioned in paragraph 1 of this article does not accept the request for appeal, it is obligated to transfer the appeal to its superior body, which decides regarding the appeal within 2 weeks.

Article 143
Formal conditions for the progress of the appeal procedure

1. The appeal shall be submitted in a written form.
2. The written request shall include the following data:
a) the name and the address of the petitioner;
b) the administrative act, issued or not issued, which is contested;
c) causes of appeal;
d) any other document deemed important by the petitioner.
3. The organ considering the appeal is required to assist petitioners in the preparation of documentation necessary for the appeal.

Article 144
Refusal to accept appeal

Appeals against administrative acts or the failure to issue them may not be accepted by the competent organs in the following cases:
a) when they concern acts that by their own nature cannot be appealed;
b) when time limits for appeals have expired;
c) when the appealed administrative act is deemed valid *prima facie* by the body considering the appeal.

Article 145
The notification of interested persons during the consideration of the appeal

In cases when the administrative organ considering the appeal deems that the abrogation, the revocation or the modification of the appealed administrative act (or failure to issue the act when the appeal is for failure to issue the act) violates in any way the rights and interests of a third person, the latter shall be notified to participate in the consideration of the appeal and is also entitled to present his/her claims.

Article 146
The decision of the organ that considers the appeal

The administrative body considering the appeal may decide:

a) to uphold the administrative act and to reject the appeal;

b) for the abrogation/revocation of the administrative act and the acceptance of the appeal;

c) for the amendment of the administrative act, by accepting partially the appeal;

ç) for the obligation of the competent administrative organ to issue the administrative act, when its issuance has been refused.

CHAPTER II

REAL ACTS

Article 147
General principles

1. The principles of this law, especially the principle of legitimacy, shall apply for real acts as for administrative acts, if their special nature is not contrary to those principles.

2. Real acts such as information, warnings, coded signals, etc., of a state organ are to be considered lawful only in case they are precise, objective and proportional.

Article 148
Elimination of consequences

The administrative organ is required to eliminate consequences that are caused by an unlawful real act.

CHAPTER III

ADMINISTRATIVE ACTS OF A DISCRETIONARY NATURE

Article 149
General principles

In those cases when the public administration exercises discretionary power, this power shall be exercised in conformity with the Constitution and the spirit of the legislation in force in the Republic of Albania.

Article 150

Judicial and administrative review of acts with a discretionary nature

Upon the request of interested parties, every administrative act with a discretionary nature may become the object of a judicial or administrative review.

CHAPTER IV

ADMINISTRATIVE CONTRACTS

Article 151

Definition of administrative contracts

1. The administrative contract is an agreement by means of which a judicial legal relationship under public law is created, amended or terminated.

2. The following contracts shall be considered administrative:

a) enterprises of public works;

b) procurement of public works;

c) procurement of public services;

ç) licensing of games of chance;

d) continuous supply contracts;

dh) contracting for services of private subjects in cases of natural disasters.

FINAL AND TRANSITORY PROVISIONS

Article 152

The Council of Ministers and the organs of state administration shall adopt respectively sub-legal acts and internal rules concerning the implementation of provisions of this Code, after the entrance into force of this Code.

Article 152

Every legal and sub-legal provision that is contrary to the provisions of this Code is abrogated.

Article 153

This Code enters into force six months after its publication in the Official Gazette.

Promulgated by the decree no. 2387, dated 7.6.1999 of the President of the Republic of Albania, Rexhep Meidani.