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# LAW
# No 49/2012

## ON THE ADMINISTRATIVE COURTS AND ADJUDICATION OF ADMINISTRATIVE DISPUTES[1]

Pursuant to Articles 81 paragraph 2 letter "a", Article 83 paragraph 1 and Article 135 paragraph 2 of the Constitution, on the proposal of the Council of Ministers,

THE ASSEMBLY OF

THE REPUBLIC OF ALBANIA

D E C I D E D:

## CHAPTER I
## GENERAL PROVISIONS

Article 1

**Object**

*(Paragraph 1 letter "a" repealed by Law no. 39/ 2017, Article 2)*

1. This law sets mandatory rules for:
   a) (*repealed*);
   b) The jurisdiction and competence of the administrative courts;
   c) The principles and procedure of adjudication, the parties in the process and the other persons in an administrative adjudication;
   ç) Administrative judicial decisions and their execution.

[1] Amended by Law no. 100/2014, dated 31.07.2014
Amended by Law no. 39/ 2017, dated 30.03.2017
Amended by Law no. 49/2021, dated 23.03.2021

2. The provisions of this law are supplemented with the provisions of the Code of Civil Procedure, except for the cases and as long as this law does not provide otherwise.

Article 2
**Definitions**

In this law, the following terms have these meanings:

1. "Administrative act" is every individual administrative act and every normative subordinate legal act.
2. "Individual administrative act" is every expression of will by a public organ, in the exercise of its public function, against one or more individually determined subjects of law, which creates, changes or extinguishes a concrete legal relationship.
3. "Normative subordinate legal act" is every expression of will by a public organ, in the exercise of its public function, which regulates relations defined by law, establishing general rules of conduct and which is not exhausted in its implementation.
4. "Administrative courts" are the administrative courts of first instance, the Administrative Court of Appeal and the Administrative Collage of the High Court.
5. "Administrative inaction" is every failure of action by an organ of the public administration to exercise administrative activity, according to the public function, which creates legal consequences on subjective rights or lawful interests.
6. "Public organ" is every organ of the central government that performs administrative functions, every organ of the public entities to the extent that they perform administrative functions; every organ of local government that performs administrative functions; every organ of the Armed Forces, every other structure whose employees enjoy the status of a soldier, to the extent that they perform administrative functions, as well as every natural or legal person to whom the right to exercise public functions has been given by law, subordinate legal act or any other kind of form provided by the legislation in force.
7. "Administrative action" is an administrative act, an administrative contract and another administrative action.
8. "Another administrative action" is every unilateral form of the activity of a public organ in the performance of a public function and which does not meet the conditions for being an administrative act or contract and which creates legal consequences over subjective rights or lawful interests.
9. "Expert of the court" is a qualified professional in the fields of technology or science, independent of the parties and registered as such previously in the register of experts maintained by the Court.
10. "Expert of the parties" is a qualified professional who has special, proven knowledge in the fields of technology or science and who is called and assists in the proceeding with his independent opinion and enjoys the status of a witness.

Article 3
**Principles of an administrative adjudication**

1. The court in an administrative adjudication assures, through a due judicial process and within rapid and reasonable time periods, the legal protection of the constitutional and legal interests,

rights and freedoms of subjects which might be violated because of the exercise or failure to exercise public functions by organs of the public administration.

2. The administrative court applies the principle of protection of the public interest and the lawful interests and rights of private persons.
3. An organ of the public administration, as a rule, has the obligation to prove that actions performed by it are well-grounded in law and in fact.
4. An Administrative court, according to the nature of the case, shall examine a case in a judicial hearing orally or in chambers based on written acts. Parties' failure to appear does not constitute a reason to terminate the trial.

## CHAPTER II
## ORGANISATION OF ADMINISTRATIVE COURTS AND COMPETENCES

Article 4
**Organisation and functioning of administrative courts**
*(Repealed by Law no. 39/2017, Article 3)*

Article 5
**Criteria and manner of appointment of the judges**
*(Repealed by Law no. 39/2017, Article 3)*

Article 6
**Legal assistants**
*(Paragraph 3 amended and paragraph 4 added by Law no. 100/2014, Article 1)*
*(Repealed by Law no. 39/2017, Article 3)*

Article 6/1
**Appointment, release and discharge from duty**
*(Added by Law no. 100/2014, Article 2)*
*(Repealed by Law no. 39/2017, Article 3)*

Article 6/2
**Remuneration of the legal assistant**
*(Added by Law no. 100/2014, Article 2)*
*(Repealed by Law no. 39/2017, Article 3)*

Article 6/3
**Criteria for the appointment**
*(Added by Law no. 100/2014, Article 2)*
*(Repealed by Law no. 39/2017, Article 3)*

Article 6/4
**Announcement of the vacancy**
*(Added by Law no. 100/2014, Article 2)*

*(Repealed by Law no. 39/2017, Article 3)*

Article 6/5

**The ad hoc commission**

*(Added by Law no. 100/2014, Article 2)*

*(Repealed by Law no. 39/2017, Article 3)*

## CHAPTER III
## COMPETENCES OF THE ADMINISTRATIVE COURTS AND COMPOSITION OF JUDICIAL PANEL

Article 7

**Substantial competences**

*(Letter "ç" amended by Law no. 39/ 2017, Article 4)*

Administrative courts are competent for:

a) Disputes that arise from individual administrative acts, normative subordinate legal acts and public administrative contracts issued during the exercise of administrative activity by the public organ;
b) Disputes that arise because of unlawful interference or failure to act by the public organ;
c) Disputes of competences between various administrative organs in the cases provided by the Code of Administrative Procedures;
ç) Disputes in the field of labour relations of civil servants, judicial civil servants, civil servants of prosecution offices, and state servants whose labour relations are governed by special arrangements, under the organic law. Public administration employees at courts or prosecution offices are excluded from this rule, whose labour relations are regulated by the Labour Code;
d) Requests submitted by administrative organs for the examination of administrative infractions as to which the law provides deprivation of liberty up to 30 days as a type of administrative sentence for the infringer;
dh) Requests submitted by infringers for the substitution of the administrative sentence of deprivation of liberty up to 30 days by a sentence of a fine.

Article 8

**Disputes that are not examined in an administrative court**

An administrative court does not examine disputes:

a) That are related to normative subordinate legal acts that, according to the Constitution, are in the competence of the Constitutional Court;
b) The examination of which, according to the legislation in force, is in the competence of another court.

Article 9

**Objection to jurisdiction**

1. The court shall, in every phase and level of adjudication, even ex-officio, when finding that the

case does not constitute part of judicial jurisdiction, decide to remove the case from the jurisdiction and send the acts to the competent organ.

2. A special appeal against the court decision may be taken to the Administrative College of the High Court. The College decides in chambers whether or not the case is included in judicial jurisdiction within 10 days from the date of receiving the acts.
   A trial that has begun is suspended until the decision resolving the dispute about jurisdiction is rendered.
   The court may take only measures to secure the lawsuit and perform procedural actions that cannot wait.
3. When the Administrative College of the High Court finds that the case is within juridical jurisdiction, it reverses the decision and sends the case for the continuation of the trial to the same judicial panel that had decided to remove the case from jurisdiction.

Article 10
**Functional competences**

1. An administrative court of first instance examines administrative disputes provided in Article 7 of this law, except for those related to a normative subordinate legal act.
2. The Administrative Court of Appeal examines:
   a) Appeals against decisions of the administrative court of first instance;
   b) In the first instance, disputes with the object of normative subordinate legal acts, as well as other cases provided by law.

Article 11
**Territorial competence**

1. Lawsuits against an administrative action are examined in the administrative court of first instance that includes the territory in which the public organ has performed the contested administrative action.
   In cases when a higher administrative organ, after an administrative appeal, changes the administrative act of the subordinate organ, the lawsuit is brought in the court that includes the territory where the higher administrative organ has its centre.
2. Lawsuits for employment relations are examined in the administrative court of first instance that includes the territory where the employee normally performs his work.
3. Lawsuits for administrative disputes that have for their object the protection of lawful rights and interests that come from immovable items are examined in the administrative court of first instance that includes the territory in which the item or the largest part of it is located.
4. Lawsuits for disputes that are related to the protection of the constitutional and legal interests, rights and freedoms that come from social and health insurance, economic aid and disability pay, in addition to what has been provided in this law, are examined in the administrative court of first instance that includes the territory where the plaintiff has his residence or domicile.
5. When territorial competence cannot be determined in this way, then the court in whose territory the defendant public organ has its centre, is the competent court.

Article 12

**Composition of the judicial panel**

*(Paragraph 3 amended by Law no. 100/2014, Article 3)*

*(Paragraph 3 completely amended by Law no. 49/2021, Article 1)*

1. An administrative court of first instance adjudicates with a judicial panel consisting of three judges disputes related to public administrative contracts and requests submitted in implementation of letters “d” and “dh” of article 7 of this law.
   All other disputes are examined with a judicial panel consisting of one judge.
2. The Administrative Court of Appeal adjudicates with a judicial panel consisting of:
   a) Three judges, appeals against decisions of the administrative court of first instance;
   b) Five judges, lawsuits against a normative subordinate legal act.
3. The Administrative Chamber of the High Court shall adjudicate all the cases with 3 judges, expect for recourses against the decisions of the Administrative Court of Appeal involving lawsuits against normative sublegal normative acts, and adjudications in judicial hearing for the unification or development of the judicial practice, which are adjudicated by 5 judges.

Article 13

**Disputes of competences**

1. A failure of substantive or functional competence is raised even on initiative at any condition or level of the examination.
2. A failure of territorial competence may be raised or objected to by the parties only before the judicial examination of the evidence has begun.
3. The court declares its lack of competence for the reasons provided in this article by decision and orders the acts sent to the competent court. A decision declaring lack of competence and a decision refusing a request to declare non-competence are appealed together with the final decision.
4. There is a dispute about competence when two or more courts, at the same time, take under examination or do not agree to take under examination the same administrative case.
5. At the request of the parties or on its own initiative, the court raises the question of a dispute by a reasoned decision, with which it submits to the High Court a copy of the acts necessary for its resolution. The court that has given the decision immediately notifies the court in dispute. The decision to raise the dispute, together with the acts, is sent to the High Court within five days.
6. The disputes are resolved by the Administrative College of the High Court, which decides in chambers with three judges within ten days from the date of receipt of the acts. The decision is immediately made known to the courts in the dispute and to the parties.

## CHAPTER IV
## SUBJECTS AND FORMAL CONDITIONS OF A LAWSUIT

Article 14

**Rights and duties of the parties**

The parties, representation, the rights and duties of the parties and the representatives, the

responsibility of the parties for expenses and for damages during the proceeding, other participants in the trial are regulated according to the respective provisions of the Code of Civil Procedure, to the extent that they do not conflict with the content of this law.

Article 15
**The right of a lawsuit**

The following have the right to bring a lawsuit:

a) Every subject that claims that a lawful interest or right has been infringed by an action or failure to act of a public organ.
b) An organ of the public administration that claims that it has been infringed in the exercise of competences by an administrative act or an unlawful normative subordinate legal act of a public organ with which it does not have a relation of hierarchical dependency. In this case, the state organ may ask for the resolution of the dispute of competence and/or the repeal of the act;
c) An employee or employer, for disputes in the field of labour relations, when the employer is an organ of the public administration;
ç) Every subject that claims that he has been violated in his lawful rights and interests because of unlawful interferences of a public organ that do not have the form of an administrative act;
d) Every association or interest group that claims that a lawful public interest has been infringed,
   i) By a normative act;
   ii) By an administrative act, if such a right is recognised by law;
dh) Every other subject to whom this right is expressly recognised by law.

Article 16
**Condition of exhaustion of the administrative appeal**

1. A lawsuit against an administrative action may be brought only after the exhaustion of the administrative appeal.
2. Exempted from this rule are cases when:
   a) The law does not provide a higher organ for the submission of an administrative appeal or when the higher administrative organ has not been constituted;
   b) The law expressly provides the right to appeal against the administrative action directly to court;
   c) The higher organ has, in the examination of an administrative appeal, by its decision violated the lawful personal interests or rights of a person who was not a party to the administrative proceeding.

Article 17
**Object of the lawsuit**

1. A lawsuit is brought:
   a) To repeal an administrative act wholly or in part;
   b) To amend an administrative act wholly or in part or for the obligation of the public organ to amend an administrative act;
   c) To find the absolute invalidity of an administrative act;

ç) To oblige a public organ to perform an administrative action that has been refused or as to which the public organ has been silent, although it has had a request;
d) To find the unlawfulness of an administrative action that does not produce legal consequences, if the plaintiff has a reasonable interest in this;
dh) To make precise the rights and obligations between the plaintiff and a public organ;
e) To oblige a public organ to perform or to prohibit the performance of another administrative action necessary for the protection of the rights or interests of the plaintiff;
ë) To determine the organ that is competent to resolve a concrete issue in its competence, also ordering, as the case may be, the repeal of an act issued by a non-competent organ;
f) To compensate extra-contractual damage according to a separate law;
g) To resolve labour disputes, when the employer is an organ of the public administration.

2. The court resolves disputes in conformity with the legal provisions and other norms in force that are mandatory. It makes an exact characterisation of the facts and actions related to the dispute, without being tied to the determination that the parties might propose.

Article 18
**Time limits to bring a lawsuit**

1. A lawsuit against an administrative action is submitted in court within 45 days. This time limit begins from:
   a) The date of notification, in the manner defined by law, of the administrative act of the superior organ that has examined the administrative appeal;
   b) The date of notification, in the manner determined by law, of the administrative act, in cases when the act is appealed directly to court;
   c) The date of publication of the administrative act, in cases when the law provides the obligation to publish the act;
   ç) The date of receipt of knowledge of the unlawful interference of a public organ over the legal interests and rights of the subject, with any kind of action that does not meet the conditions and form of the administrative act;
   d) The date of the end of the legal time limit for the issuance of the administrative act in cases of failure of an administrative organ to act, when the administrative act that was asked to be issued is appealed directly to court;
   dh) The date of the end of the legal time limit for the examination of the administrative appeal, in cases of the failure of the higher administrative organ to act.
2. The above time limit is one year, in cases when the administrative act does not clearly show the right and time limit of the lawsuit. In case of failure to submit the lawsuit within one year because the instructions in the administrative act do not give accurate information about the right to a lawsuit, the lawsuit is even submitted after one year, but in any case, no later than 30 days from the date when the plaintiff has received knowledge of the existence of the right to a lawsuit and only when the plaintiff gives credible explanations about those circumstances in his lawsuit.
3. A lawsuit against a normative subordinate legal act should be submitted to court within three years from the date of entry of the act into force.
4. Lawsuits for the compensation of extra-contractual damage are submitted to court according to the time periods provided in the separate law.

5. Lawsuits for disputes in the field of labour relations are submitted to court according to the time periods provided in the legislation that regulates labour relations.
6. A lawsuit for the resolution of disputes of competences between different administrative organs is submitted within six months from the arising of the dispute.
7. The above time periods are fixed, and a violation of them causes the loss of the right to a lawsuit. These time periods are examined by the court even on its own initiative.
8. A lawsuit for finding the absolute invalidity of an administrative act may be brought at any time.

Article 19
**Other conditions**

In addition to the conditions defined in the articles of this chapter, the lawsuit should also meet the specific conditions set by law for particular cases.

## CHAPTER V
## JUDICIAL EXAMINATION AT FIRST INSTANCE

Article 20
**Public proceeding**

1. The examination of a case by the court in judicial session is open to the public.
2. The court may decline to permit the participation of the media and the public from the judicial session, or from part of it, with the reasoning of the protection of public morals, public order, national security and commercial secret, the right to private life or personal rights.

Article 21
**The lawsuit and the acts that are attached**

1. A lawsuit should meet the requirements of articles 154 and 156 of the Code of Civil Procedure. In addition to those requirements, the plaintiff in the lawsuit should indicate precisely:
   a) His address or that of his representative to which notifications and acts should be sent to by the court;
   b) A telephone number for him or his representative to which the court can make notification, an electronic address for him or his representative if there is such, as well as a declaration of the acceptance of notification by telephone or electronically.
2. Except for the contested administrative act, the plaintiff does not have the obligation to attach probative acts to the lawsuit, but, if he submits them, he should also submit copies of them for the defendant.
3. The plaintiff is obliged to identify accurately the contested administrative act or failure to act.
4. The plaintiff is obliged to submit a list of the persons whom he seeks to be called to the trial, in the quality of expert or witness, also giving their address accurately.
5. For every later change of his address, telephone number and electronic address, or of his representative, the plaintiff is obliged to notify the court. A violation of this obligation makes claims of invalidity of the notification unacceptable.

Article 22
**Notifications**

1. In addition to the ways and means of notification provided in the Code of Civil Procedure, when it considers it beneficial and when the parties have given consent to the acceptance of notification, the court orders:
   a) The notification of the parties or their representatives, by the judicial bailiff, through the court telephone specified for this purpose by order of the chancellor of the court. This notification should be reflected in a special official written record that should show the telephone number to which the notification is made, the exact date and hour of communication, the person with whom the judicial bailiff communicates and the purpose of the notification. The official record is drawn up by the court secretary and signed by him and the judicial bailiff assigned to make notifications. This official record becomes part of the trial file;
   b) The notification of the parties or their representatives by the judicial bailiff to an electronic address in compliance with the law "On the electronic document" and the legislation on electronic communications. Documents may also be communicated to the parties in this way.
2. Detailed rules for the manner of electronic notification according to paragraph 1 of this article are set by order of the Minister of Justice within three months from the entry of this law into force.

Article 23
**Joinder and separation of requests**

Several requests may be set out in a single lawsuit, if the court is competent for all the requests. When the court considers that their joint examination causes obvious difficulties in the conduct of the trial, it decides for them to be examined separately.

Article 24
**Joinder of lawsuits**

When lawsuits are being examined in a single court in which the same persons take part as plaintiffs or defendants, or lawsuits that have a connection between them, the court may join them into a single trial and give a joint decision for all of them.

Article 25
**Preparatory actions**

1. For holding the trial according to the principle of a regular judicial process and within rapid and reasonable time periods, the chairing judge performs these actions within seven days from the date of submission of the lawsuit:
   a) He asks the plaintiff to complete the defects of the lawsuit, setting a time period of up to ten days for him. When the plaintiff does not complete the defects of the lawsuit within

the time period set, the judge gives a decision returning the lawsuit and the acts attached to it. A special appeal is permitted against this decision.

b) He notifies the defendant of the lawsuit and the acts accompanying it, setting a time period of up to ten days for it from the date of receipt of this notification for depositing objections in writing with the secretariat, the list of persons that the defendant seeks to be called to the trial in the quality of witness or expert, and their addresses, as well as full written acts, on which the performance of the administrative act and the examination of the administrative appeal were based. In the case of a lawsuit with defects, the judge sends this notification to the defendant on the date the defects are completed by the plaintiff.

c) He takes a decision for the performance of expertise, when he thinks that there is a need for special knowledge for the resolution of the case. In this decision he specifies the field of expertise, the expert from the court list, the respective duties as well as the time period for performing the expertise, which as a rule cannot be longer than 20 days.

The expert has the right to become familiar with the acts of the case and may not refuse, without a lawful reason, the assigned duty. The decision for the performance of expertise is made known immediately to the parties and to the expert.

Together with the decision for the performance of the expertise, the court asks the expert to fill out and sign a personal declaration of his knowledge about the criminal responsibility in case of false expertise and invites him to take an oath that he will perform the duties entrusted to him well and with honour, for the sole purpose of making the truth known to the court. This declaration is delivered to the court together with the act of expertise. The form and content of the declaration are approved by order of the Minister of Justice.

Within three days from notification of the decision, the parties may submit their claims in writing in connection with the impartiality [and] special knowledge of the expert in the respective field and ask for his exclusion when the conditions defined in article 72 of the Code of Civil Procedure exist.

The act of expertise should be deposited by the expert in the secretariat of the court in the time period set by the court. The parties have the right to take copies of the act at least three days before the date of the judicial session;

ç) He also performs other actions provided by article 158/a of the Code of Civil Procedure, to the extent they are compatible with the articles of this law.

2. All these actions of the chairing judge are performed with intermediate decisions and are documented in the minutes of preparatory actions that are compiled by the judicial secretary and signed by him and by the chairing judge.
3. The failure of the parties to appear in the preliminary actions does not constitute a reason for dismissing the trial of the case, even when they were called and notified regularly.

Article 26

**Failure of the public organ to submit evidence**

1. The submission of evidence by the parties is done, in every case, before the first judicial hearing. On the written, reasoned request of the public organ, submitted within the time limit set according to letter “b” of paragraph 1 of article 25 of this law, the court sets a second-time limit for it, which should end no later than five days before the date of the judicial hearing. In case of the failure to submit evidence even within the second-time limit, the examination of the

case continues only on the acts submitted.

2. An unjustified violation of the obligation to submit evidence by the public organ even within the second-time limit set constitutes a reason for the court, at the request of the party, or on its own initiative, to impose a fine on the head of the public organ. The amount of the fine is equal to 20 percent of the minimum pay on the national level, for every day of lateness.
3. If the public organ does not submit evidence up to the date of the judicial session, then the court, evaluating the other evidence and the circumstances of the case, may consider the facts claimed by the other party, for the proving of which that evidence was requested, to be proven.

Article 27
**Order setting the judicial session**

1. After it is assured of the performance of all the preparatory actions, the court immediately issues an order setting the judicial session. The time limit for holding the judicial session may not be longer than 15 days.
2. The order setting the judicial session contains:
   a) The date, hour and place of holding the judicial session;
   b) The parties and, as appropriate, the witnesses and experts requested by the parties who are to take part in the judicial session;
   c) The experts designated by the judge;
   ç) The notification and manner of notification of the parties and persons who are to take part in the session.
3. The notification to the parties should contain a warning that failure to submit evidence before the first session causes its non-acceptance. The notification to the witnesses and expert should contain a warning of the sanctions according to law for failure to appear in the session without a lawful reason.

Article 28
**Securing the lawsuit**

1. With the submission of the lawsuit, the plaintiff may ask the court to take measures to secure the lawsuit in cases when he shows that during the time necessary for the proceeding, until the taking of a decision on the merits is reached, the possibility exists of incurring serious and irreparable damage that comes from the execution of the administrative action.
2. The request for securing the lawsuit, because of the circumstances of the case, may also be submitted before the lawsuit is brought. In those cases, when the court permits the securing of the lawsuit, it also sets a time limit, no longer than 10 days, within which the lawsuit should be brought.
3. A request for securing the lawsuit according to paragraph 1 and 2 of this article should be examined within five days from the date of the submission to court. As a rule, the request is examined in the presence of the parties, but in urgent cases, it may be examined even without the parties being called.
4. A decision for securing the lawsuit is given at any phase and level of the judicial examination, so long as the decision has not become final. In all cases, the court should reason its decision. The decision is given by the court where the lawsuit is located.

Article 29
**Conditions for securing the lawsuit**

The court decides to secure a lawsuit if the following conditions are met:

a) A reasonable suspicion exists, based on written documents, of the possibility of the causing of a serious, irreparable and immediate damage to the plaintiff;
b) The public interest is not seriously violated;
c) If it is seen necessary by the court, the plaintiff gives a guarantee, in the type and amount set, for the damage that might be caused to the defendant from securing the lawsuit.

Article 30
**Types of measures for securing the lawsuit**

The lawsuit is secured through:

a) The suspension of implementation of the administrative act, administrative contract or other administrative action;
b) The taking by the court also of other appropriate measures, in cases when suspension alone does not offer sufficient protection.

Article 31
**Revoking or changing measures for securing the lawsuit**

1. On its own initiative or at the request of the parties, when circumstances change, the court may revoke or change the decision for securing the lawsuit.
2. A request to revoke or change the measures for securing the lawsuit is not accepted for circumstances and facts that have not changed yet. The same condition is also valid for a request submitted again for a security measure previously refused by the court.

Article 32
**Appeal**

1. A special appeal to the higher court may be taken against a decision of the court accepting or refusing a request for securing the lawsuit [or] for the removal, change or substitution of the decision for securing the lawsuit.
2. An appeal against a decision that permits a security measure does not suspend the execution of the measure. An appeal against a decision by which a security measure is changed, substituted or removed suspends its execution. An appeal against the above decisions does not constitute a reason for suspension of the trial of the case.

Article 33
**Execution**

Decisions for securing a lawsuit are executed according to the rules provided in this law for the execution of administrative judicial decisions.

Article 34
**Judicial session**

1. The judicial session is held according to the articles of the Code of Civil Procedure, to the extent that they are compatible with this law.
2. The failure of the parties to appear in the session does not cause the postponement or dismissal of the adjudication.
3. The examination of the case by the court in judicial session is done in writing, but the parties may ask to present their explanations orally. In this case, the court instructs the parties to cite only the factual and legal issues that in its opinion are important for the rendering of the decision even if they were not referred to in the lawsuit previously submitted.
4. An expert requested by the parties appears in the judicial session to explain orally his special knowledge about the nature of the dispute. The rules of the Code of Civil Procedure for witnesses are applied for questioning him. The probative value of his affirmations is the same as the value of the statements of a witness. He answers the questions posed by the parties and the court. In order to help his memory, the expert may read the documents prepared by him. In special and complicated cases, the court may decide that the expert shall present his explanations in writing within 10 days.
5. An expert designated by the court appears in the trial with the act prepared in writing, according to the duties set by the chairing judge in the preliminary actions. He responds orally to the questions posed by the parties and the court.
6. If the court has set a time limit for the submission of final claims of the parties in writing, the failure to present them in writing within the time limit designated does not constitute a reason to postpone the judicial examination.

Article 35
**Burden of proof**

1. The public organ has the obligation to prove the legality of the administrative act, administrative contract and other administrative action issued not on the request of the plaintiff as well as the facts that it has set out and put at the basis of the activity that is contested in court.
2. The organ of the public administration has the obligation to prove the legality of the actions in labour relations from which a dispute has arisen that is the object of the adjudication.
3. In other cases, the party has the obligation to prove the facts on which it bases its claim. But even in those cases, the court, even on its own initiative, by intermediate decision, may order the transfer of the burden of proof to the public organ, when there are reasonable suspicions, based on written evidence, proving that the public organ is hiding or is wilfully not submitting facts and evidence important for the solution of the dispute. This decision is appealed together with the final decision.

Article 36
**Getting Acquainted with the file acts**

1. The parties and their representatives have the right to get acquainted with and, at their own

expense, get copies of the documentation submitted to the judicial secretariat.

2. The court may permit anyone to get acquainted with the content of the judicial file and obtain at his own expense copies of the acts, if he shows that he has a lawful interest or important reasons and if this is not in violation of the rights and interests protected by law of the parties in the proceeding.
3. The court may refuse a request submitted according to paragraph 2 of this article in cases when the judicial examination might be conducted behind closed doors.
4. Notwithstanding the conditions of prohibition defined in points 2 and 3 of this article, the court may permit a person to get acquainted with the acts and take copies in case of a request submitted by the person in the exercise of his state duty and who shows a lawful interest in receiving the data. In this case, the court instructs and warns the person of the disciplinary or criminal responsibility that he bears.

Article 37
**Case examination limits**

1. The court examines the legality of the contested administrative action based on the evidence submitted by the parties and the legal and factual situation that existed at the time of performance of the concrete administrative action.
2. In cases when the plaintiff requests or the substantive law requires the issuance of an administrative act, the court bases its decision on the factual and legal situation at the time of taking the decision.
3. In a case when the law gives the public organ the right to alternative choices in the issuance of an administrative act or the performance of another administrative action, the court also examines whether:
   a) The choice by the public organ was made in conformity with the objective and purpose of the law;
   b) The choice by the public organ was made only to reach the purpose of the law;
   c) The choice by the public organ is in a correct relation with the need that dictated it.
4. In the case of a normative subordinate legal act, the court examines the legality of the contested act, evaluating the three criteria defined in paragraph 3 of this article.
5. For disputes in the field of labour relations, the court applies the legislation that regulates labour relations.

Article 38
**Incidental adjudication**

1. During the judicial examination of an administrative action, the administrative court, ex officio or at the request of the parties, orders that a normative subordinate legal act based on which the administrative action being examined was performed shall not be applied, when it considers that the subordinate legal act is unlawful.
2. The court decides in this manner even if the primary adjudication of the normative act is not in its competence.
3. This decision contains the reasons of illegality found by the court in a detailed manner.

## CHAPTER VI
## DECISION OF THE COURT

### Article 39
### Non-final decisions

1. An administrative court gives non-final decisions only in the case of non-acceptance of the lawsuit and dismissal of the adjudication.
2. The court decides not to accept a lawsuit when the lawsuit does not fulfil the formal conditions of its submission. This decision is given so long as an intermediate decision for the examination of the evidence has not been given.
3. The court decides the dismissal of the adjudication when the plaintiff withdraws from the trial of the lawsuit.
4. By its non-final decision, the court also decides to lift the securing of the lawsuit.

### Article 40
### Final decisions

1. In its final decision of acceptance of the lawsuit, wholly or in part, the court decides:
   a) The repeal of the administrative act wholly or in part;
   b) The amendment of the administrative act wholly or in part or the obligation of the public organ to amend an administrative act;
   c) The finding of absolute invalidity of the administrative act;
   ç) The obligation of the public organ to perform an administrative action that has been refused or as to which the public organ has been silent although it has had a request;
   d) The finding of illegality of an administrative action that no longer produced legal consequences, if the plaintiff has a reasonable interest for this;
   dh) The making precise of the rights and obligations between plaintiff and the public organ;
   e) The obligation of the public organ to perform or to prohibit the performance of another administrative action necessary for the protection of the rights or interests of the plaintiff;
   ë) The determination of the organ that is competent to resolve the concrete case, also ordering, as the case may be, the repeal of an act issued by the non-competent organ;
   f) The compensation of extra-contractual damage, according to a separate law;
   g) The resolution of labour disputes, when the employer is an organ of the public administration.
2. By a final decision of acceptance of the lawsuit, wholly or in part, the court also decides the measure of securing the lawsuit to be legitimated.
3. The court decides to refuse a lawsuit when it considers that the administrative action is lawful and grounded.
4. The court also decides to refuse a lawsuit when it judges that notwithstanding procedural violations found in the administrative activity, the consequences would have been the same.
5. By final decision refusing the lawsuit, the court also decides the lifting of the measure of securing of the lawsuit, which is applied when the decision becomes final.

Article 41
**Content of the decision**

In addition to what is provided in the Code of Civil Procedure, the decision of the administrative court also contains:

a) In the reasoning part, a clear definition of the issues evaluated according to article 37 of this law.
b) In the ordering part, a determination that when a concrete obligation of the defendant is foreseen, it is executable by the judicial bailiff. In this case, the court determines the time limit and manner of execution of the decision.

Article 42
**Announcement and deposit of the decision**

1. Regardless of the form of the adjudication, the decision must be reasoned [lit. should mandatorily be announced with reasons].
2. In exceptional cases and only for a reason of absolute impossibility, the court postpones the reasoned announcement of the decision for up to five days.
3. Within seven days from the announcement of the decision, the file is delivered to the judicial secretariat.

Article 43
**Obligation of publication**
*(Paragraph 2 amended by Law no. 49/2021, Article 2)*

1. All the decisions of the court are published in an appropriate manner and with appropriate means.
2. The decision repealing the normative sublegal act shall, after the completion of the adjudication before the High Court, be published in full, in the same way as the one provided for in the legislation in force for the publication of the act.

**CHAPTER VII**
**APPEAL**

Article 44
**Means and time limits of appeal**

The means and time periods of the appeal of decisions of the administrative courts are the same as those provided in the Code of Civil Procedure, except when it is provided otherwise in this law.

Article 45
**Decisions that cannot be appealed**

An appeal is not permitted against final decisions of an administrative court for lawsuits with the object:

a) Objection to a sentence for the commission of administrative infractions with a value less than twenty times the minimum pay, on the national level;
b) Objection to an administrative act that contains a monetary obligation with a value less than twenty times the minimum pay, on the national level;
c) Objection to an administrative act that has refused to award an obligation in cash with a value less than twenty times the minimum pay, on the national level;
ç) Disputes related to the protection of constitutional and legal rights, freedoms and interests that come from social and health insurance, economic aid and disability pay with a value less than twenty times the minimum pay, on the national level.

Article 46
**Acts attached to the appeal**

1. The following should be submitted together with the appeal:
   a) Copies of the appeal and other documents in a number that is as many as there are persons taking part in the case as parties;
   b) The representation act, when that act is not part of the file of the trial.
2. If the appeal does not meet the conditions provided in paragraph 1 of this article, or when the appeal has not been signed, does not show the parties in the case, the decision against which the appeal is taken or what is asked for in the appeal, the single judge notifies the party to correct the defects within five days. The examination of the appeal, according to this article, is done in chambers.
3. When the appellant does not complete or correct the defects within the time limit, the appeal is considered not to have been submitted and is returned to the appellant with a decision, together with the other acts submitted by him. A special appeal to the Administration Court of Appeal may be taken against the decision of the single judge for the return of the appeal.
4. When the defects of the appeal have been completed in time, it is considered submitted as of the date of its registration in court.

Article 47
**Submission of new evidence in an appeal**

New facts cannot be submitted in an appeal nor can new evidence be requested, except when the appellant proves that without his fault, it was not possible to submit those facts or ask for that evidence in the examination of the case in the administrative court of first instance, in the time periods provided in this law.

Article 48
**Appeal to the Administrative Court of Appeal**
*(Paragraph 1/1 added by Law no. 49/2021, Article 3)*

1. The court where the appeal has been submitted sends the appeal, together with the acts attached to it, the decision of the judge on acceptance of the appeal, the acts of communication

of the appeal as well as the file of the trial to the Administrative Court of Appeal within 15 days from the date the appeal is deposited.

1/1. The rapporteur of the case in the Administrative Court of Appeal, when he/she deems that the flaws of the appeal have not been identified by the sole judge, the rapporteur shall, according to article 46 of this law, through a decision shall notify the party to correct the flaws within 5 (five) days, by informing on the legal implications in case of non-correction of the flaws of the appeal within the assigned time limit. When the flaws of the appeal have not been corrected within the time limit, the rapporteur shall, in consultation chamber, decide to return the appeal. A special recourse is permitted against the decision of the rapporteur of the case in the Administrative Court of Appeal for returning the appeal.

2. The Administrative Court of Appeal examines the case within 30 days from the date the appeal comes from the court where the appeal was submitted.

3. The Administrative Court of Appeal sends the file to the administrative court of first instance no later than three days after notifying the decision to the parties.

Article 49

**Trial in administrative appeal in chambers**

*(Paragraph 2 amended by Law no. 100/2014)*

1. The appeal in the Court of Appeal as a rule is examined based on documents in chambers.

2. The chair of the judicial panel prepares the report and sets the date and hour for examining the case in chambers, ordering the notification of the parties. The court secretary duly notifies the parties, according to the procedural rules on civil adjudication in the High Court, of the composition of the judicial panel, the date, hour and place of the examination of the case at least 15 days in advance. The parties have the right, up to five days before the hearing of examination of the case, to make submissions in writing in connection with the causes raised in the appeal and the counter-appeal.

3. Minutes are kept by the judicial secretary of the examination of the case in chambers.

Article 50

**Decision of the Administrative Court of Appeal in chambers**

The Administrative Court of Appeal decides in chambers:

a) Not to accept the appeal, in cases when the appeal does not meet the conditions of acceptability and the administrative court of first instance has not done such a thing;

b) To leave the decision of the court of first instance in force;

c) To amend the decision;

ç) To reverse the decision and return the case for re-trial, in cases when the procedural violations are serious and for which the law expressly provides invalidity of the decision or of the procedure of adjudication;

d) To reverse the decision and dismiss the adjudication of the case, in cases when the case does not fall within the judicial jurisdiction or when the lawsuit could not be raised or the trial could not be continued.

Article 51

**Trial in administrative appeal in judicial session**

1. The court decides, in chambers, to examine the case in judicial hearing with the presence of the parties, if it thinks that judicial debate is necessary to evaluate that:
   a) New facts should be verified and new evidence received for finding the factual situation in a full and accurate manner, when the conditions of article 47 of this law exist;
   b) The decision against which the appeal was submitted was based on serious procedural violations, or on a wrongly found factual situation or in an incomplete manner;
   c) For correctly finding the factual situation, it should repeat the taking of some or all the evidence received from the court of first instance.
2. The above decision, date and hour of the judicial hearing are duly made known to the parties by the judicial secretariat at least 10 days before the date of holding of the judicial hearing.

Article 52

**Notice of examination of the case in the administrative appeal**

*(Amended by Law no. 100/2014)*

Notice of the examination of the case in the administrative appeal is given in accordance with the procedural rules applicable to civil hearings in the Court of Appeal.

Article 53

**Decision of the Administrative Court of Appeal in judicial hearing**

The Administrative Court of Appeal After it examines the case in judicial hearing, decides:
a) To leave the decision of the administrative court of first instance in force;
b) To amend the decision;
c) To reverse the decision and dismiss the case;
ç) To reverse the decision and sent the case for re-trial to the administrative court of first instance, in the cases provided in article 54 of this law.

Article 54

**Remanding a case retrial**

The Administrative Court of Appeal reverses the decision of the administrative court of first instance and sends the case back for retrial to the competent organ when:
a) The administrative court of first instance has violated the provisions about jurisdiction and subject matter and functional competence;
b) The composition of the judicial panel was not regular or the decision or judicial minutes were not signed according to the law;
c) The court decided to dismiss the case in violation of law;
ç) The court violated the provisions of this law related to notifications of the parties and the acts and such violation has affected the rendering of the decision;
d) The court has violated the provisions related to the representation of the parties.

Article 55

**Announcement and deposition of decision**

1. The decision, regardless of the form of the trial, must be reasoned.
2. In exceptional cases and only for a reason of absolute impossibility, the court postpones the reasoned announcement of the decision for up to five days.
3. Within seven days from the announcement of the decision, the file is delivered to the judicial secretariat.

## CHAPTER VIII
## RECOURSE TO THE HIGH COURT

### Article 56
### Decisions that cannot be appealed to the High Court

A recourse against final decisions of the Administrative Court of Appeal is not allowed for lawsuits with the object:

a) Objection to a sentence for the commission of administrative infractions with a value less than forty times the minimum pay, on the national level;
b) Objection to an administrative act that contains a monetary obligation with a value less than forty times the minimum pay, on the national level;
c) Objection to an administrative act that has refused to award an obligation in cash with a value less than forty times the minimum pay, on the national level;
ç) Disputes related to the protection of constitutional and legal rights, freedoms and interests that come from social and health insurance, economic aid and disability pay with a value less than forty times the minimum pay, on the national level.

### Article 56/a
### Contents of the recourse
*(Added by Law no. 49/2021, Article 4)*

1. The recourse shall contain:
   a) the parties to the case;
   b) the decision being contested;
   c) a succinct presentation of the facts of the case;
   ç) the reasons for which the quashing of the decision is requested, as well as the arguments that support the allegation that there are reasons for recourse according to the provisions of Article 58 of this law;
   d) the power of attorney of the advocate representing the party.
2. The recourse may be submitted in accordance with the format approved by the decision of the Council of the High Court.

### Article 57
### Acts that are attached to the recourse
*(Paragraph 1 letter "b" repealed, paragraph 2 and paragraph 3 second sentence amended by Law no. 49/2021, Article 5)*

1. The following documents should be submitted together with the recourse:
   a) copies of the recourse and other documents in a number that is as many as there are persons taking part in the case as parties;
   b) *(repealed)*.
2. In case the recourse does not meet the conditions provided for in paragraph 1 of this Article, as well as when it is not signed or submitted in accordance with Article 56/a of this law, the sole judge or rapporteur who issued the decision notifies the party to rectify the flaws within 7 days. The examination of the recourse under this Article shall be conducted in the consultation chamber.
3. When the appellant does not complete or correct the defects within the time limit, the recourse is considered not to have been submitted and is returned to the appellant with a decision, together with the other acts submitted by him. A special recourse may be filed against the decision of the judge for returning the recourse.
4. When the defects of the recourse have been completed in time, it is considered submitted as of the date of its registration in court.

Article 58

**Causes for Recourse**

*(Amended by Law no. 39/ 2017, Article 5)*

Decisions of Administrative Court of Appeal may be appealed by recourse to the High Court, in cases provided in this Law:

a) in the event of a wrong implementation of the material or procedural law, which is of a fundamental importance in view of the unification, legal certainty and/or the development of the judicial practice;
b) when the appealed decision deviates from the practice of the Administrative Chamber or of the Joint Chambers of the High Court;
c) when a serious violation of the procedural law has the consequence of the invalidation of the adjudication's decision.

Article 59

**Counter-recourse**

1. The party against whom recourse is taken may oppose the claims raised in the recourse within 15 days from the communication of the recourse.
2. The counter-recourse should meet the formal conditions of recourse provided in article 57 of this law.
3. Failure to submit a counter-recourse within the time period provided in paragraph 1 of this article brings the loss of the right to submit claims in a later phase in the High Court.
4. The counter-recourse together with the attached documents is communicated to the party that has made the recourse, which within seven days has the right to submit in court arguments about the reasons set out in the counter-recourse that has been deposited, without adding new reasons.

Article 60

**Sending the recourse to the High Court**

*(Paragraph 1 amended, paragraph 1/1 and*
*second sentence of paragraph 2 added by Law no. 49/2021, Article 6)*

1. The administrative court, which issued the challenged decision, sends to the High Court the recourse together with the accompanying acts, the decision of the judge or rapporteur for acceptance of the recourse, the acts of communication of the recourse, the counter-recourse, as well as the case file, within 10 days from the date of termination of the communications.

1/1. When the flaws of the recourse have not been ascertained by the lower court, the rapporteur of the case at the High Court shall, by way of decision, notify the party to rectify the flaws within 5 (five) days. When the flaws of the recourse are not rectified within the set time limit, the rapporteur shall, in the consultation chamber, decide to return the recourse. No appeal is allowed against the decision of the rapporteur of the case at the High Court on returning the recourse.

2. The High Court examines the case within 90 days from the date the recourse and attached acts come to it from the court where the recourse was deposited. This time limit is 45 days when the recourse is filed against a decision of the Administrative Court of Appeal regarding the adjudication of the normative sublegal act.

Article 60/1

*(Added by Law no. 39/2017, Article 6)*
*(Repealed by Law no. 49/2021, Article 7)*

Article 61

**Trial in the Administrative College of the High Court**

*(Paragraph 2 partially repealed by Law no. 100/2014)*
*(Paragraph 2 partially amended by Law no. 49/2021, Article 8)*

1. The examination of a recourse in the Administrative College of the High Court is done, as a rule, on the basis of documents in chambers.
2. The reporting judge sets the date and hour for examining the case in chambers, ordering the notification of the parties. The court secretariat gives notice by proclamation, the day and hour of examination of the recourse as well as the composition of the judicial panel at least 15 days before.
3. The reporting judge prepares an explanatory report, reflecting in it among other things the content of the appealed decision, the claims and reasons raised in the recourse, the objections submitted in the counter-recourse, an examination of the facts that are important for taking a decision and his proposal for the legal resolution of the case.
4. Minutes are kept by the judicial secretary for the examination of the case in chambers.

Article 62

**Trial in judicial session**

*(Paragraph 1 letters "b" and "c" amended by Law no. 49/2021, Article 9)*

1. The court, in chambers, decides to examine the case in judicial session with the presence of the parties if:
   a) the recourse was submitted against a decision of administrative appeal related to the adjudication of a normative subordinate legal act;
   b) the case is of significance in terms of law for unifying or developing the judicial practice;
   c) is deemed necessary by the Administrative Chamber to summon and hear the parties due to the nature of the problem or complexity of the case, in the instances defined in letters "b" and "c", of Article 58, of this law.
2. The above decision, the date and hour of the judicial session are made known to the parties by the judicial secretariat, at least 15 days before the date of holding of the judicial session.

Article 62/a

**Unifying and amending the judicial practice**

*(Added by Law no. 49/2021, Article 10)*

1. The Administrative Chamber, ex officio or upon the request of the parties, may decide to initiate trial proceedings to unify or change the judicial practice. The initiation of the procedure for changing the judicial practice may also be decided by the President of the High Court.
2. The interim decision of the Administrative to pass the case over to a judicial hearing shall determine the issues raised for unification or the unified court practice that should be changed and is published immediately after being reasoned, on the website of the High Court.
3. The trial for the unification of judicial practice is conducted by the Administrative Chamber with a judicial panel of 5 judges, wherein participate the judicial panel that is examining the recourse and two other judges of the chamber, appointed by lot.
4. The decision to change the unified judicial practice is made by the Joint Chambers of the High Court. The President of the High Court, as the President of the Joint Chambers, sets the date and time of the adjudication of the case for changing the judicial practice. The Joint Chambers shall adjudicate according to the rules laid down for the chamber when not less than two-thirds of all members of the High Court participate.
5. The date and time of the hearing shall be notified to the parties by the judicial secretary in accordance with the general rules of notification, at least 15 days before the date of the hearing.
6. The Administrative Chamber or Joint Chambers, ex officio or at the request of the parties, may decide to amend the issues raised for unification or changing the judicial practice. This interim decision shall be published on the website of the High Court.
7. Due to the interest raised from the unification or amendment of the judicial practice in these adjudications, the High Court may, accordingly, request the opinion in writing from the State Advocacy, as well as from public or private legal people, who are deemed to have special knowledge on the legal cases presented for the unification or the amendment of the judicial practice. The High Court shall, in its request for providing an opinion in writing, determine a time limit within which the opinion may be provided, which in any case shall not be less than 14 days. The opinions in writing are not mandatory and shall be published on the electronic webpage of the High Court.
8. The decision of the Administrative Chamber and of the Joint Chambers is binding on the

courts in adjudicating similar cases.

Article 63
**Decisions of the High Court**
*(Amended by Law no. 39/2017, Article 7)*
*(Amended by Law no. 49/2021, Article 11)*

1. After the examination of the case, the Administrative Chamber or the Joint Chambers of the High Court decide:
   a) non-admission of the recourse, in the instances where it has been made for reasons other than those provided for in Article 58 of this law;
   b) quashing the decision of the Administrative Appeal Court and upholding the decision of the first instance court;
   c) quashing the decision of the Administrative Appeal Court and remitting the case for re-trial to this court by another adjudication panel;
   ç) quashing the decisions of the Administrative Court of Appeal and the administrative court of first instance and remitting the case for retrial to the first instance when the non-final decision of the court of first instance was taken at variance with the law and this violation was not found out by Administrative Court of Appeal;
   d) quashing the decision of the administrative court of appeal and the administrative court of first instance and terminating the adjudication of the case without returning it for reconsideration;
   dh) amending the decisions of the administrative court of appeal and the administrative court of first instance, and resolving the case on the merits, when the application of the procedural or material law is not dictated by the need to re-evaluate the facts or evidence of the case;
   e) upholding the decision of the Administrative Court of Appeal;
2. In cases where the Administrative Chamber or the Joint Chambers of the High Court decide on the unification or changing the judicial practice, the court formulates in its decision the rule of law for each issue raised for settlement in the interim decision taken during the adjudication of the case. In this case, the decision is published in the Official Journal.

Article 64
**Announcement and deposit of the decision**

1. Regardless of the form of the trial, the decision should be announced with reasons.
2. In exceptional cases and only for a reason of absolute impossibility, the court postpones the reasoned announcement of the decision for up to ten days.
3. Within 10 days from the announcement of the decision, the file is delivered to the judicial secretariat.

**CHAPTER IX**
**EXECUTION OF DECISIONS**

Article 65

**Obligation for execution of decision**

1. A final decision of the administrative court that has become final, and a decision for securing the lawsuit, are put into execution by the judicial bailiff at the request of the creditor.
2. Every act issued or action performed by the defendant public organ, after the decision of the administrative court has become capable of execution, and which is in violation of the ordering provisions of the decision of the court, is absolutely invalid and does not hinder the execution.

Article 66
**Mandatory execution**

1. During the procedure of mandatory execution, the judge or chairman of the judicial panel that rendered the decision, at the request of the parties or of the judicial bailiff, in chambers, without the presence of the parties, orders the performance of special actions and the taking of other necessary measures, determining the time periods and manner of their performance.
2. The tariff for putting the judicial decision into execution is not prepaid by the creditor. The expenses of the execution procedure and the tariff for putting [the decision] into execution are considered part of the judicial expenses as to which the court gives an expression in its final decision. They are calculated by the judicial bailiff and paid by the debtor.
3. The state judicial bailiff's service, through the competent bailiff's office, as well as the private judicial bailiff service are obliged to execute decisions of the administrative court according to the rules of this law.

Article 67
**Other court actions during the execution of a decision**

1. In cases when the decision of the court for the issuance of an administrative act or to amend the act that is the object of the lawsuit has not been fulfilled after the passage of the time period for voluntary execution, notwithstanding the measures taken according to this law, the court in chambers, without the presence of the parties, if during the judicial examination it has found that all the facts necessary for issuance of the act have been proven, takes a decision that substitutes for the administrative act, which produced all the necessary legal consequences.
2. In cases when the decision of the court for the obligation of the public organ to perform another administrative action or to prohibit the performance of another administrative action has not been fulfilled during the time period for voluntary execution, at the request of the plaintiff, and notwithstanding the measures taken according to this law, the court orders the judicial bailiff, in conformity with the dispositive part of its decision, to perform or to prohibit the action.
3. In implementation of the orders of the court, the judicial bailiff, when necessary, is supported by the State Police.

Article 68
**Sanctions for not executing a decision or order of the court**

1. At the end of the time limit of mandatory execution set by the judge, the judicial bailiff notifies the

judge in writing of the actions performed by the debtor public organ.

2. In case of the failure, with fault, to perform the obligations according to the decision or orders of the court, without justified reasons, even on his own initiative the judge imposes a fine against the head of the debtor public organ. The amount of the fine is equal to 20% of the minimum pay, on the national level, for every day of lateness in execution.
3. In cases of a finding of the failure to execute decisions, without justified causes, the judge asks for disciplinary measures to be taken and, as the case may be, also submits a criminal denunciation against the responsible persons.

Article 69
**Objection to execution actions**

Actions performed by the judicial bailiff in violation of the measures or orders of the court are appealed according to the provisions of article 610 of the Code of Civil Procedure.

**CHAPTER X**
**TRANSITIONAL AND FINAL PROVISIONS**

Article 70
**Beginning of functioning of the administrative courts**

1. The administrative courts of first instance, the Administrative Court of Appeal and the Administrative College of the High Court begin their functioning at the same time.
2. The number of judges of the High Court that will be added to the current number of members of that court to create the Administrative College is defined in law no. 8588 dated 15 March 2000 “On the organisation and functioning of the High Court”.
3. The functioning of the administrative courts begins after:
   a) The entry into force of the legal regulations in law no. 8588 dated 15 March 2000 “On the organisation and functioning of the High Court” for the creation of the Administrative College of that court;
   b) The creation of the infrastructure necessary for the normal exercise of their activity.
4. The Council of Ministers is charged with taking the measures necessary to meet the obligation that derives from paragraph 3/b of this article.
5. The date of starting of the functioning of the administrative courts is set by decree of the President of the Republic, on the proposal of the Minister of Justice. The Minister of Justice makes the proposal after the requirements of paragraph 2 of this article have been fulfilled and after having first received the opinion of the High Council of Justice.

Article 71
**Subordinate legal acts**

1. The High Council of Justice is charged with issuing a subordinate legal act in implementation of article 5 paragraph 4 of this law within three months from the entry of this law into force.
2. The Ministry of Justice is charged with exercising its competences provided in article 4 of this law for the organisation and creation of the administrative courts within three months from the

entry of this law into force.

Article 72
**Repeals and amendments**

1. On the date when the administrative courts begin to function, the following amendments enter into force:
   a) In law no. 8116 dated 29 March 1996 "Code of Civil Procedure of the Republic of Albania", amended:
      i) In article 35, letter "b" is repealed;
      ii) In article 320, letter "a" is repealed;
      iii) The articles from 324 to 333 are repealed.
   b) In law no. 8927 dated 25 July 2002 "On the prefect", in article 14 subdivisions "i" and "ii", in article 15 paragraph 2, as well as in article 18 paragraph 4, where the words, respectively, "of the court, under the jurisdiction of which the organ of local government is located", "the court under the jurisdiction of which the organ of local government is located", "of the court" and "of the court, under the jurisdiction of which the interested subject is located", respectively, are found, they are replaced by the words "the competent administrative court".
2. Whenever reference is made in separate laws to administrative sections or to the chapter "Adjudication of administrative disputes" of the Code of Civil Procedure or to the competent court, the reference will be considered as having been made to this law and to the administrative court that is competent according to it.
3. All the time periods for the submission of a lawsuit against an act or other administrative action are 45 days, except when it is otherwise provided in separate laws.

**Transitional provision**
*(Added by Law no. 39/2017, Article 9)*

Legal assistants, including legal assistants of the administrative courts of first instance, will remain in office in accordance with Article 165 of the Law on the status of judges and prosecutors in the Republic of Albania.

**Transitional provision**
*(Added by Law no. 39/2017, Article 10)*

Disputes on labour relations of employees of the public administration, at the court or prosecution office, whose labour relationship is regulated in accordance with the Labour Code, that are in adjudication process before the administrative courts on the day of entry into force of this law, shall continue to be adjudicated in accordance with the provisions of the law in force, before the entry into force of the law.

**Transitional provision**
*(Added by Law no. 39/2017, Article 11)*

Current cases pending before the High Court shall continue to be adjudicated in accordance to provisions of the law in force, before the entry into force of this law.

**Transitional provision**

*(Added by Law no. 49/2021, Article 12)*

1. The composition of the adjudication panels, as well as the adjudication procedure in the High Court is regulated according to the provisions of this law, despite the different provisions in other laws.
2. The submitted, but still not examined, recourses are considered admissible if they meet the provisions of the law applicable at the time of their filing.

Article 76

**Entry into force**

This law enters into force 15 days after publication in the Official Journal.

Approved on 3.5.2012

**Promulgated by decree no. 7461 dated 11 May 2012 of the President of the Republic of Albania, Bamir Topi.**

ANNEX

**ON THE ORGANISATION OF THE QUALIFYING TEST FOR THE APPOINTMENT OF ADMINISTRATIVE JUDGES OF THE FIRST INSTANCE AND OF APPEAL**

*(Repealed by Law no. 39/ 2017, Article 8)*