

COLLEGIAL BODIES, LAW *ORGANET KOLEGJIALE, LIGJ*

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Unofficial translation of the law on the collegial bodies of the state administration and public entities

Date of last check 2016 04 06

Law

No. 8480, date 27.5.1999

ON THE FUNCTIONING OF COLLEGIAL BODIES OF THE STATE ADMINISTRATION AND PUBLIC ENTITIES

Based on articles 78 and 83 point 1 of the Constitution, upon proposal of the Council of Ministers

ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED

Article 1

Definitions

The collegial bodies of state administration and public entities within the meaning of this law shall be defined all those institutions of public law, which exercise their executive and decision-making activity in a collegial manner.

Within the meaning of this law, public entity means all non-state institutions of the public law, established by law and aiming at the achievement of public interests.

Article 2

Chairman and Secretary

1. Every collegial body has a chairman and a secretary, who are elected among members of this body, unless otherwise provided by law.
2. The Chairman of a collegial body in addition to other functions, chairs the meeting, presides over the discussions and ensures the implementation of the law and the making of fair decisions.
3. The Chairman may adjourn or close a meeting, when the situation legitimates this action. In these cases, a reasoned decision, which shall be registered in the meeting minutes, should be taken.
4. The chairman or any member of a collegial body is entitled to file a lawsuit in the court against the decisions issued by this body and as well to request their suspension when he/she deems the decision is unlawful.

Article 3

Temporary replacement of the chairman and of the secretary

1. Unless otherwise provided by law, the chairman and the secretary of a collegial body may be temporary replaced, by the eldest member and the newest member in duty, both of them enjoying the right to vote.
2. When the members who enjoy the right to vote have served as a member for the same period of time, the temporary replacement shall be made respectively by the eldest and the youngest member.

Article 4

Ordinary Meetings

1. The Chairman decides on the date and the time of meetings, unless otherwise decided by the collegial body itself.
2. Any change on the date and time fixed for the meeting shall be announced to all members of the collegial body in order for them to receive knowledge of those changes.

Article 5

Extraordinary Meetings

Extraordinary meetings are convened by the chairman, unless otherwise provided by law.

Article 6

Convocation of the meetings

1. The Chairman is obliged to convene a meeting when this is required in writing by at least 1/3 of the members enjoying the right to vote, determining the issues for which the meeting is convened.
2. The notifications concerning the date fixed for meetings shall be made within 15 days following the request of 1/3 of the members with the right to vote, or at least 48 hours before the date fixed for the meeting.
3. The notification concerning the request for the meeting shall indicate in a clear and detailed manner the issues to be discussed.

Article 7

Agenda

1. Unless otherwise provided by law, the Chairman decides the agenda of all ongoing meetings. The agenda shall include the issues proposed by the members of collegial body enjoying the right to vote and those falling under jurisdiction of this body. The request for adding an issue to the agenda shall be made in writing, at least five days before the date fixed for the meeting.
2. The agenda shall be delivered to all members, at least 48 hours before the date and time fixed for the meeting.

Article 8

The making of decisions

The collegial body makes decisions only on issues that are included in the daily agenda of the meeting, with the exception of the cases when at least the 2/3 of the members decide to review and decide over those issues which are not included in the daily agenda.

Article 9

The open meetings

1. Meetings of the non-elected collegial bodies are not openly held, unless otherwise provided by law.

2. When the meetings are openly held, the date, hour and place of the meeting should be notified, in order that the notification of the interested parties is guaranteed, This notification shall be made at least 48 hours prior to the meeting's date.

Article 10

Convocation of meetings contrary to the rule

The meeting of the collegial body is valid even in those cases when the foreseen procedures on its calling and holding are not respected, only if all members with the right to vote participate in that meeting, if they approve in advance the holding of the meeting.

Article 11

The Quorum

1. The meeting of the collegial body is valid when more than half of its members are present.

2. When at the opening of the meeting most of the members are not present, the Chairman decides to call the meeting on another day, at least 24 hours after the first. In this case, the meeting is valid if there are present at least half of the members with the right to vote.

Article 12

Obligatory voting

The members of the collegial body that are present in the meeting, who do not have any legal impediment for voting, may not abstain from voting, with the exception of elected bodies and when it is differently provided by law.

The chairman of the collegial body is the last to vote.

Article 13

The form of voting

1. Decisions are taken through open ballot, unless otherwise provided by legal provisions.

2. Decisions, which contain evaluations on the behaviour or qualities of an individual, are taken through secret ballot.

3. Those members of the collegial body that have any legal impediment should not be present during discussions and voting session.

Article 14

The necessary majority to make decisions

1. Decisions are taken by a majority of votes of the members, which have the right to vote and are present at the meeting, except for those cases when a qualified majority is required by law.

2. When a qualified majority is required and this is not achieved, a second voting is held. When even in the second voting the same situation is repeated, the decision is adjourned up until the next meeting in which a simple majority would be sufficient.

Article 15

Equality of votes (tie vote)

1. When votes are equally divided and there was not a secret ballot, the vote of the chairman is decisive.

3. In case of a secret ballot in which the votes are equally divided, a second voting will take place. When even in the second voting there is an equality of votes; the decision will be postponed until the subsequent meeting. If even in the first voting of the subsequent meeting, there is an equality of votes, then it shall be open ballot, and except those cases foreseen in point 2 of article 13.

Article 16

The minutes of the meeting

1. During every meeting, the minutes of everything that was said are kept, the date and the place of the meeting, the members that participated, the issues discussed, the decisions taken, as well as the form and the results of the voting.

2. The minutes are kept by the secretary and are presented for approval to all members at the end of the meeting or in the beginning of the following meeting. After the approval the minutes are signed by the Chairman and the Secretary together.

3. In those cases when the collegial body itself deems it reasonable and the meeting is split in sessions, the minutes are approved immediately after the termination of the respective session.

4. The non-normative decisions of collegial bodies enter into force only after the respective minutes are approved.

Article 17

Inclusion of "contra" votes in the minutes

1. The members of the collegial bodies may request that the fact and the reasons of the contra vote over the decision issued by that body be included in the minutes.

2. The members, who voted against a decision and have requested this fact to be included in the minutes, according to paragraph one of this article, do not hold any responsibility which may arise from this decision.

When decisions shall be sent to the highest administrative body, these decisions shall be accompanied with declarations of all members' votes.

Article 18

All those collegial bodies of state administration and public entities, which operate based on special laws, shall continue to operate based on the existent laws as far as these laws shall be effective. The activity of existent collegial bodies shall be subject to the provisions of this law only for those issues, which are not regulated by any special law.

Article 19

This law enters in force 15 days after its publication in the official gazette.

Proclaimed by decree no. 2389, date 7. 6. 1999 of the President of the Republic of Albania, Rexhep Meidani.

