Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 05/L-031

ON GENERAL ADMINISTRATIVE PROCEDURE

The Assembly of the Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

LAW ON GENERAL ADMINISTRATIVE PROCEDURE

PART I
GENERAL PROVISION

CHAPTER I
PURPOSE AND SCOPE

Article 1
Purpose

This Law aims to ensure the effective pursuance of public authority in the service of the public interest whilst guaranteeing the protection of the rights and legitimate interests of the persons.

Article 2
Scope

1. This Law shall apply whenever a public organ while exercising public authority:

1.1. decides on rights, obligations or legitimate interests of persons, or whenever the law explicitly calls for an administrative act;

1.2. concludes an administrative contract; or

1.3. exercises their competencies through other administrative actions in relation to any person's rights, obligations or legitimate interests.

2. This Law shall also apply whenever another public entity, or private person acting in the pursuance of public organ upon an explicit authorization by a law or based on a law, decides in accordance with paragraph 1. of this Article.

3. The general principles set forth in this Law shall also apply mutatis mutandis any action of a public organ under private law.

4. A special law may provide special rules for certain aspects of specific administrative proceedings. Such provisions must comply with the general principles of this law, and cannot lower the level of protection of rights and legal interests of parties as granted by this Law.

Article 3
Administrative actions and proceeding

1. The will of public organ in the pursuance of the public organ is formed in the administrative proceeding and manifested in the form of one of the following administrative actions:

1.1. administrative act;

1.2. administrative contract; or

1.3. real act.

2. An administrative proceeding is a unified sequence of procedural and material actions aiming at the preparation and the adoption of concrete administrative actions, their review through administrative legal remedies and the execution of administrative acts.

CHAPTER II
GENERAL PRINCIPLES

Article 4
Principle of lawfulness

1. Public organs shall act in accordance with the Constitution, legislation in force, as well as with the applicable general administrative rules, within their competencies and in conformity with the goal for which these competencies have been granted.

2. All administrative actions capable of affecting the subjective rights or legitimate interests of any person must be authorized by a law.

3. When the law authorizes a public organ to exercise discretion in decision making (hereinafter "discretion"), the latter shall be lawfully exercised when the following conditions are met:

> 3.1. it does not exceed the limits of the power granted by the law allowing the discretion;
>
> 3.2. the choice by the public organ was made only to achieve the objective for which the discretion was granted under the law, and the option chosen is in compliance with the general principles of this Law, in particular with the principle of proportionality, and
>
> 3.3. the chosen alternative does not contradict the universally accepted norms of science or technique and does not offend the elementary principles of justice, logic or convenience.

4. Discretionary power referred to in paragraph 3. of this Article is the power, granted explicitly or implicitly by a law to a public organ, to decide through choosing between two or more possible lawful actions in order to pursue a public interest goal in the most appropriate manner.

Article 5
Principle of proportionality

1. Any administrative action that for the purpose of public interest protection may restrict a right or may affect a legitimate interest of a person must be proportional to the goal of public interest that it seeks to produce.

2. An administrative action is deemed proportional only if it meets the following conditions:

> 2.1. it is necessary to attain the purpose prescribed by law;

2.2. it is suitable to attain the purpose prescribed by law; and

2.3. restriction or violation of the law or legal interest is not in disproportion with the realization of the purpose pursued.

Article 6
Principle of equality and non-discrimination

1. Public organs shall abide by the principle of equality and non-discrimination.

2. Persons that are in the same situation shall be treated in a similar manner. Any differences of treatment shall be deemed justified in as much as that they are in conformity with objective differences of the relevant case.

3. The public organ shall in particular avoid any unjust discrimination, as defined in the Law against Discrimination.

Article 7
Principle of objectivity and impartiality

1. The public organ shall act in an objective and impartial manner.

2. The actions of the public officials shall never be guided by personal, amicable or family interests or by political pressure.

Article 8
Principle of legitimate and reasonable expectations

1. The actions of public organs shall be consistent and respect the legitimate and reasonable expectations of the persons.

2. Administrative actions shall not diverge without justifying reasons from previous administrative practice by the same public organ in relation to same similar situations.

Article 9
Principle of open administration

1. Public organs shall act with transparency.

2. A public organ shall guarantee the right of a party to be informed on the progress of the administrative proceeding, to access its files and to be notified by appropriate means of public organ actions, in accordance with this Law.

3. The rights provided for by this Article shall be limited by the law when is necessary to protect classified information, personal data and data relating to the business or professional activity of others as protected by law.

Article 10
Principle of non-formality and efficiency of the administrative proceeding

1. An administrative proceeding shall not be tied to specific form unless otherwise provided by law.

2. Public organ shall conduct an administrative proceeding as fast as possible and with as little costs as possible, for the public organ and for the parties, but at the same time in such a manner as to obtain everything that is necessary to a lawful and effective outcome.

Article 11
Principle of information and active assistance

1. A public organ conducting an administrative proceeding shall ensure that the ignorance of a party shall not result in weaker protection to its rights and legitimate interests. Public organs shall, in particular, inform the parties of their rights and obligations in the administrative proceeding and indicate the legal consequences of their actions or inactions during the proceeding.

2. A public organ when conducting an administrative proceeding shall assist the parties in order to protect and fulfil their rights and legitimate interests as easily as possible, without affecting the rights and legal interests of other persons.

3. A public organ shall provide interested persons with correct and understandable information concerning:

3.1. the manner how to initiate a specific administrative proceeding within the respective field of competence;

3.2. legal substantial requirements, as well as proceedings and formalities required for the issuance of the administrative act or real act requested, including the documents and declarations that have to be submitted;

3.3. time limit to notify a final decision; as well as

3.4. legal remedies available to the party and the way of its exercise.

4. The obligation of the public organ to provide information and active assistance, under this Article, consists in giving general information on the way how provisions on the information referred to in paragraph 1. and 3. of this Article are usually interpreted or applied, but does not include the legal assistance for individual cases.

Article 12
Principle of gratuity of the proceeding

1. For the party, administrative proceedings are free, unless otherwise provided by law.

2. If the payment is foreseen by law, it shall not be higher than the necessary average cost for carrying out that type of administrative proceeding.

3. When conducting a proceeding, a public organ may decide to exempt a party, either completely or partially, from paying the fee as provided by the law, if it considers that the party cannot afford it because its income or family incomes are under the minimum income level. The public organ, on party`s request, shall issue a special administrative act for exemption from payment according to this paragraph.

Article 13
The principle of the right to legal remedies

Except when explicitly excluded by law, any person has the right to use the legal administrative and judicial remedies, as provided by law against any administrative action or omission, which affects his subjective right or legitimate interests.

PART II
THE SUBJECTS OF ADMINISTRATIVE PROCEEDING

CHAPTER I
THE PARTY AND ITS REPRESENTATION

Article 14
The party

1. A party in the administrative proceeding might be any natural or legal person or group of persons joined by a common interest:

1.1. upon whose request a public organ has initiated an administrative proceeding;

1.2. against whom an administrative proceeding is in progress, or whose rights or legitimate interests may be affected by the outcome of the administrative proceeding.

2. A party is also the holder of a public interest authorized by special law as well as the holder of collective interests or of broad interests of the public, in case these interests might be affected by the outcome of the administrative proceeding.

Article 15
Capacity and legal representation

1. Unless explicitly provided otherwise by this Law, the provisions of the civil law shall apply, as appropriate, for the capacity to act in the administrative proceeding of the natural and legal persons.

2. A group of persons joined by a common interest that has no legal personality shall act in an administrative proceeding through a representative appointed by them.

3. A public organ, party to an administrative proceeding, shall act through its head, or a legal or authorized representative determined by law.

Article 16
Ex-officio representative

1. If no legal representative has been appointed to a natural person with no or limited capacity, if the appointed legal representative has a conflict of interest with that person or the legal representative is obviously not acting with due diligence, the public organ shall suspend the proceeding and shall request the appointment or the substitution of the legal representative to the organ competent for appointing the legal representative.

2. In the cases provided in paragraph 1. of this Article, if there is urgency and when the interests of a party require so, the public organ may appoint an ex-officio representative until a legal representative has been appointed or substituted accordingly.

3. The public organ conducting the administrative proceeding may also appoint an ex officio representative in the following cases:

3.1. when communication with the party is impossible;

3.2. the party is objectively prevented from looking after its interests and has not appointed a representative; or

3.3. the party has no known residence or domicile in Kosovo and has not appointed a representative within the deadline set by the public organ.

4. The public organ shall notify, without delay, the party about such appointment of representative. In the cases provided under subparagraph 3.1 and 3.3 of this Article, public organ shall notify about the appointment of representative through public announcement referred to in Article 122 of this Law.

5. The ex-officio representative, in compliance with paragraph 2. of this Article shall participate and represent the party only in the procedural action for which he has been explicitly appointed or until the appointment or substitution of the legal representative. In the case provided for in paragraph 3. of this Article, the ex officio representative shall take part in the proceedings until the appearance of the party or his authorized representative.

6. The ex-officio representative appointed by the public organ according to paragraphs 2. and 3. of this Article works on a voluntary basis but may request from the public organ the reimbursement of the unavoidable expenses caused by undertaking the assigned procedural actions.

Article 17
Authorized representative

1. A party may authorize a representative to act on behalf of the party either for the entire administrative proceeding or only for specific procedural actions, except when the law requires the personal intervention of the party.

2. The act of authorisation may be granted, only for a limited period of time.

3. Unless otherwise provided by law, authorisation of the representative shall be valid only if issued in writing and signed by the party, or verbally stated by the party and registered in the records of public organ.

4. Unless explicitly provided otherwise by this Law, relevant provisions of the civil law on representation shall apply mutatis mutandis to the administrative proceeding.

Article 18
Joint representative

1. Unless otherwise stipulated by law, two or more parties with identical interests may appear jointly in the same administrative proceeding. In such a case they shall appoint one of them as their joint representative or shall appoint another joint representative as provided under Article 17 of this Law.

2. Even when the parties appoint one of them as a joint representative, each of them retains the right to participate personally in the proceeding, to give statements and to use other legal remedies independently.

Article 19
Eligibility to be a representative

1. Except where otherwise provided by law, any natural person having legal capacity under civil law may act as a representative.

2. Except as specified under paragraph 1. of this Article, when appointing an ex-officio representative in compliance with paragraph 2. and 3. of Article 16 of this Law, the public organ shall carefully select a person, who has all necessary attributes to ensure that the rights and interests of the represented party will be properly safeguarded.

Article 20
Performance of procedural actions

1. When a party acts through a representative, the public organ shall perform procedural actions and communicate with the representative.

2. The public organ may request from the parties to perform one or more procedural actions, when required in accordance with the law. In such case, the parties' representative should be informed.

3. Even when represented, when it deems necessary, the party may personally carry out procedural actions or give statements or undertake other actions relevant for the administrative proceeding.

4. When the authorised representative makes a verbal statement, the party present may immediately invalidate or revoke it.

CHAPTER II
THE PUBLIC ORGAN

SECTION I
Competence

Article 21
Subject-matter competence

1. Subject-matter competence of the public organ shall be determined by law.

2. If subject-matter competence is not regulated by law, nor is it possible to determine it by the nature of the matter, the public organ performing supervision over the

implementation of the pertinent material law shall be deemed competent in relation to that matter.

Article 22
Territorial Competence

1. If the territorial competence of a public organ is not regulated explicitly by law or secondary legislation, it shall be determined:

1.1. in matters relating to immovable property or to a right or legal relationship related to a piece of immovable property- according to the location of the property;

1.2 in matters relating to business or professional activities of the party - according to the place of the party's headquarters or the place where the business is conducted or should be conducted;

1.3. in other matters - according to the residence of the party. If the party does not have residence on the territory of the Republic of Kosovo, territorial competence is determined according to the party's temporary residence, and if the party has no temporary residence on the territory of the Republic of Kosovo, territorial competence shall be determined according to the place of the last residence or temporary residence of the party.

2. When the criteria fail to determine territorial competence according to the provisions of paragraph 1. of this Article, it shall be established by considering the place where the reason for the conduct of administrative proceedings arose.

Article 23
Determination of competence and the mandatory nature of competence

1. Competence is determined at the moment when the administrative proceeding begins. Every legal or factual change that might happen later on has no effect, except in cases when the organ, in which the proceeding is on-going:

1.1. ceases to exist;

1.2. ceases to be competent.

2. If a public body has initiated an administrative proceeding without having the necessary authority and later this authority has been granted to the public body, it shall be considered competent as from the very beginning.

3. The exercise of competence is mandatory. Except as provided under paragraph 2. of Article 25 of this Law, the public organ or parties are not authorized to determine or modify it by any means.

Article 24
Competence for urgent actions

1. In cases the public organ having the competence is not able to act immediately, to avoid imminent grave and irreparable damage for public interest, rights or legitimate interests of persons, any other public organ, ex officio or upon request, may undertake an urgent action to avoid such damage.

2. The other public organ shall without delay inform the competent organ of the measures taken, as well as of the reasons for the intervention.

Article 25
Verification and conflict of competence

1. The public organ ex officio or on request by a party shall verify its competence.

2. Except when provided otherwise by law, the concurrence of competence shall be resolved by unanimous agreement of the concurrent public organs.

3. In case the public organs in conflict do not reach an agreement, the conflict of competence shall be resolved by the common superior public organ, which has control or supervising competence upon the organs in conflict.

4. The common superior organ, referred to under paragraph 3. of this Article, in case of conflict between two different ministries or between a ministry and a central organ under the subordination of the Prime Minister shall be the Government of the Republic of Kosovo.

5. Except when provided otherwise by law, the concurrence of competence in case no common superior organ exists shall be ruled by the competent court for the administrative disputes.

6. The resolution of the conflict of competencies is requested by any of the organs involved upon taking cognizance of the latter.

7. The resolution of conflict of competencies according to paragraph 3. of this Article is done within ten (10) days.

SECTION II
Responsible Official

Article 26
Responsible official for the administrative proceeding

1. A competent public organ shall act in an administrative proceeding through the responsible official assigned in accordance with the rules provided in this article.

2. If not determined directly by special law, by secondary legislation or by the internal administrative rules of organization, the head of public organ shall preliminarily determine, in accordance with the rules on the internal organization, a responsible unit for each type of administrative proceeding under its competence. The decision is made public by appropriate means including website of the public organ.

3. The head of the responsible unit, determined as provided by paragraph 2. of this Article, assigns to himself or delegates to another official within the unit the responsibility to conduct the administrative proceeding (hereinafter referred to as "responsible official"). Head of responsible unit is presumed to be the responsible official until such responsibility is assigned to another official, as per this paragraph.

4. The collegial public organ may delegate to one of its members the duty to conduct administrative proceeding and decide if that is explicitly stipulated by special law. In such a case, the authorized member shall act as responsible official and shall inform the collegial organ about results of the administrative proceeding, unless otherwise provided by Law.

Article 27
Responsibility for the proceeding and the decision

1. If not provided otherwise by law, the responsible official conducts the proceeding, decides on the case and signs the decision, as well as ensures the notification to the party.

2. If the legal provision provides that the final decision is taken and signed by an official of the public organ other than the responsible official, the latter conducts the proceeding, prepares a written report summarizing the course of the proceeding and presents it together with a draft administrative act or an administrative contract respectively to the official authorised to sign the decision determined by law or sub-legal act.

3. If the other official does not agree with the proposed draft-act/contract, he/she is responsible to amend or replace the proposed draft-act/contract and its signature. The report and first draft-act/contract proposed by the responsible official shall be included in the case file.

Article 28
Exclusion of sub-delegation and the power of delegators

1. The other official referred to in paragraph 3. of Article 26 or the authorized member of the collegial body referred to under paragraph 4. of Article 26 of this Law, appointed as responsible official on the procedure, cannot delegate further.

2. The assignment of the responsible unit and the delegation, pursuant to Article 26 of this Law, shall cease by an act of revocation under the same form as the act of assignment or delegation;

3. The head of the institution, the delegating head of the responsible unit, and the delegating collegial organ respectively may issue instructions that are mandatory to the responsible official, regarding the exercise of delegated decision-making competences.

SECTION III
Exclusion from the administrative proceeding

Article 29
Cases of exclusion from proceeding

1. An official shall not be involved in any administrative proceeding whenever he has a direct or indirect personal interest in the case in question; this is in particular the case:

1.1. if he is related to the party, to his legal representative or authorized representative, by blood in a direct line to any degree, or indirectly to the fourth degree, or if it is a spouse or in-law up to the second degree, regardless if the marriage has been terminated or not;

1.2. his spouse or cohabiting partner or his relatives to the second degree, have a direct or indirect personal interest in the case in question;

1.3. the official himself is party, legal or authorised representative of the party or is debtor, co-debtor, creditor or co-creditor with a party has participated as a witness, expert, adviser or lawyer in the case in question;

1.4. the official or any person referred to in sub-paragraph 1.2. of this Article has a direct or indirect interest in a case similar to the case in question;

1.5. any person referred to in sub-paragraph 1.2. of this Article has participated as a witness, expert, adviser or lawyer in the case in question;

1.6. a judicial process has been initiated between the officials or persons mentioned in sub-paragraph 1.2 of this Article and the parties;

1.7. if acting as a superior organ in resolving of an appeal against his own decision or a decision of persons referred to in sub-paragraph 1.2. of this Article;

1.8. the official or persons mentioned in sub-paragraph 1.2. of this Article has received gifts or services for a price substantially below market value, from any party before or after the administrative proceeding;

1.9. the official is in a foster care, adoptive or alimentary relationship with the party, representative or authorised representative of the party;

1.10. any other situation explicitly established by law, or that may cast doubt on his impartiality.

Article 30
Declaration and request of exclusion

1. If an official or member of a collegial organ is or is suspect of being in a situation referred to under Article 29 of this Law, he shall, immediately after becoming aware of it, withdraw from participating in the proceeding and shall notify his superior or the collegial organ, respectively.

2. Any official, who is aware that another official is in conflict of interests according to Article 29 of this Law, is obliged to notify the organ provided in paragraph 1. of this Article.

3. Until the final decision is taken, a party may request the exclusion from participation of an official or member of the panel in administrative proceeding, stating the reasons why the party is requesting such an action.

Article 31
Decision and effects of expelling

1. The superior or the collegial organ who has become aware of a case of exclusion, as per Article 30 of this Law, shall issue a decision within five (5) days from becoming aware of that or from the submission of the party's request.

2. In case of an exclusion decision, the official shall be substituted without delay by another official, or by the superior himself, if the latter so decides.

3. In case of exclusion of the head of public organ, his direct superior shall assign an official of the same organ to continue the proceeding and undertake measures to avoid any further conflict.

4. In case of exclusion of a member of a collegial organ, the organ shall function as such but without the participation of the excluded member. The quorum and decision making

is calculated without taking into account the participation or the vote of the excluded member.

SECTION IV
Administrative Cooperation

Article 32
Joint decision of public organs

1. When in accordance with the law, two or more public organs decide in a single proceeding or in different proceedings that pertains to one single activity, or that shall result in one single outcome, they shall agree, which of them will issue the joint administrative act comprising also the decision of the other public organ.

2. Notwithstanding paragraph 1. of this Article, each of the involved organs shall decide, in accordance with its own competence.

3. Unless otherwise provided by law, the disagreement between the two public organs, related to paragraph 1. of this Article, shall be resolved in accordance with Article 25 of this Law.

4. When in accordance with the law, one public organ shall rule upon prior opinion, consent or approval by another public organ, the latter shall decide and inform the first organ within fifteen (15) days following the date of formal request unless another deadline is stipulated by special provisions.

5. When the public organ whose consent, confirmation, approval, or opinion is necessary for issuing a decision, fails to act within the deadline set under paragraph 4. of this Article, such organ is considered to have delivered a positive reply, if not specified otherwise by a special law. The public organ that failed to respond in time as well as its superior body are to be notified that the proceeding was continued on the basis of a fictitious positive response.

6. A public organ that issues a decision is required to refer in his decision to the act by which the other public organ has given or refused the opinion, consent or approval, or to note its failure to deliver such opinion, consent or approval in time, if that is the case.

Article 33
Point of single contact

1. When in accordance with the law, two or more public organs are involved in a single proceeding all the procedural steps and formalities shall be dealt with by a point of single contact.

2. The existence of a point of single contact does not affect the order of competence of public organs and the right of the parties to communicate directly with the competent organ.

3. The tasks and duties of points of single contact are:

3.1. to advise the applicant in the same way the competent public organ is obliged to, and to provide the information and active assistance in accordance with Article 11 of this Law. This includes information on means and conditions for accessing public registers and databases and means of legal remedy.

3.2. to receive the requests for the issuance of administrative acts or the performance of other administrative actions needed, as well as any other submission as stipulated in Article 77 of this Law and forward it to the competent public organ accordingly,

3.3. to communicate during the proceeding with the parties about all procedural requirements, and

3.4. to notify the parties any administrative act or action issued by the competent public organ including procedural acts or actions.

4. The services specified in paragraph 3. of this Article must be provided upon request directly at the premises of the point of single contact as well as by mail or by electronic means. This shall not apply to on-site investigation or other physical or personal examination required by law.

5. A request of the party is submitted timely when it arrives before expiration of the deadline set by law either at the point of single contact or the competent organ. Whilst a deadline that runs in favour of the party in accordance with this Law or with special law shall start running from submission of the complete request to the point of single contact regardless of the time needed to forward it to the competent organ.

6. As a rule, among the public organs involved, the one competent for the most important administrative step or formality shall act as the point of single contact. The designation or establishment of points of single contact may be agreed upon by one or more public organs involved in the proceeding or by the decision of Government of the Republic of Kosovo.

7. The establishment of the point of single contact as stipulated in paragraph 6. of this article shall include the modality of communication between the point of single contact and the other public organs involved in the proceeding.

8. As a rule, all the administrative proceedings and formalities under the competence of different public organs, that pertain to the access and exercise of a given service activity shall, also, be dealt with by a point of single contact. The provisions of paragraph 1. to 7. of this Article shall apply mutatis mutandis. The Government of Kosovo shall determine

the specific service activities as well as the administrative proceedings and formalities which shall be dealt with through a point of single contact.

SECTION V
Assistance among public organs (Administrative Assistance)

Article 34
Administrative assistance

1. A public organ may request the assistance (herein after referred to as "administrative assistance") from another public organ, for the performance of one or more necessary procedural actions, within an administrative proceeding.

2. The administrative assistance is requested:

2.1. if for justified reasons such actions cannot be performed by the requesting organ;

2.2. if the performance of such actions by the requesting organ is not effective, or if its costs would be significantly higher than those that would result from the performance by the organ whose assistance is requested;

2.3. when knowledge of facts, documents or other evidence in the possession of the other organ is required.

3. If not provided otherwise by law, a public organ may choose the organ to be requested for administrative assistance, based on the cost-efficiency principle.

Article 35
Obligation to provide administrative assistance

1. The organ, whose assistance has been requested, can not refuse to render such assistance, except in cases of objective impossibility to perform the requested actions. In such case, the requesting organ shall be notified without delay.

2. Disagreements shall be resolved by the superior organ of the organ whose assistance has been requested.

Article 36
Proceeding of administrative assistance

1. The assisting organ shall be subject to the procedural rules and obligations required by the law, which would be applicable to the requesting organ, and shall perform the requested actions as soon as possible.

2. The requesting organ shall inform the other organ of the procedural rules and obligation that shall apply, in accordance with paragraph 1. of this Article.

SECTION VI
Collegial Organs

Article 37
Collegial public organ

1. A collegial public organ (hereinafter: the collegial organ) is a group of persons assigned by law to participate in an administrative proceeding with a decision-making or advisory competences.

2. Collegial public organs proceed pursuant to the provisions of this section, unless special legislation provides otherwise.

Article 38
Chairperson of Collegial Organ

1. Except when otherwise provided by law, the collegial public organ elects from among its members a chairperson and deputy chairperson, and for the event that the chairperson is unable to exercise his/her functions, a deputy chairperson shall replace him/her.

2. The chairperson of the collegial organ shall open, chair and close the meeting, and he/she shall be responsible to keep peace and order during the meeting.

3. The chairperson is in charge of calling the meeting, determining its location and time and drafting the agenda. The members of the collegial public organ shall receive the notice of a meeting including its agenda in due time, but at least forty-eight (48) hours prior to the meeting.

4. The chairperson is obliged to convene a meeting, if it is decided by a collegial body or requested in writing by at least one third (1/3) of the members. The request of one third (1/3) of the members shall determine matters required to be discussed.

Article 39
Meetings of the collegial organ

1. As a rule meetings take place through physical presence of the members of the collegial organ. Meetings may also be held with participation of members through video conferences or other appropriate technical means of immediate communication in the distance if the majority of the members if the collegial organ does not object.

2. Meetings of collegial bodies shall not be public, unless special legislation provides otherwise.

3. For public meetings their dates, hours and locations shall be published properly, so as to allow attendance by interested parties.

Article 40
Quorum

1. Collegial public organs shall constitute a quorum when all the members have been duly summoned and more than half of them are present.

2. If a matter of official business has been deferred due to lack of a quorum and the collegial organ is again summoned to take action on the same subject, the collegial organ shall constitute a quorum when more than 1/3 (one third) of the members are present as long as this provision has been indicated according to the law in the summons including the notification that the second meeting shall be valid with this quorum. The deadline of Article 38 paragraph 3. of this Law is applicable.

Article 41
Voting

1. The decision of the collegial public organ shall be taken openly by voice or signal or any other appropriate form. Decisions of collegial organ may also be taken in a written proceeding if no collegial organ member objects.

2. Elections of individuals shall be done by secret ballot.

3. A written proceeding, according to paragraph 1. of this Article, enables the members of the collegial organ to vote individually in writing without the necessity of a meeting of collegial organ.

Article 42
Decision-making

1. Decisions of collegial organ shall be taken by a majority of votes of the members present. Decisions in a written proceeding require the majority of the members of the collegial public organ.

2. Abstentions of voting and spoiled ballot papers count as no-votes.

3. In the case of a parity of votes, the chairman shall have the casting vote as long as he is eligible to vote; otherwise a parity of votes shall be considered a rejection of the proposal.

4. For elections of candidates according to paragraph 2. Article 41 of this Law the candidate who receives the greatest number of votes cast shall be elected. In the case of a parity of votes, the election shall be decided by drawing a lot.

Article 43
Minutes

1. In each meeting minutes of the meeting shall be kept and shall contain the following information:

1.1. time and place of the meeting;

1.2. members present,

1.3. subject dealt with and the motions presented;

1.4. resolutions passed;

1.5. election results.

2. Members of collegial organs can demand their dissenting vote and its reasons to be recorded on the minutes.

3. The minutes shall be submitted to the approval of the collegial organ at the end of the meeting or at the beginning of the following one; once approved, the minutes shall be signed by the chairperson and the person, who took the notes.

PART III
ADMINISTRATIVE ACTIONS

CHAPTER I
ADMINISTRATIVE ACT

SECTION I
Definitions, form and mandatory elements of an administrative act

Article 44
Administrative Act

1. An administrative act shall be any manifestation of will of a public organ, regulating unilaterally a concrete legal relationship under administrative law, intended to produce legal effects and which:

1.1. is addressed to one or several individually defined persons (hereinafter referred to as, respectively, "individual administrative act" and "collective administrative act"), or

1.2. is directed to a group of persons, defined or definable on the basis of general characteristics (hereinafter referred to as "general administrative act"), or

1.3. determines the status under administrative law of an object, or its use by the public (hereinafter referred to as "administrative act in rem")

Article 45
Administrative act subject to a term, condition or obligation

1. An administrative act which a person is entitled to claim (hereinafter referred to beneficial administrative act) may be subject to a time limit (hereinafter: term) or a condition or combined with an obligation only when this is permitted by law or when it is necessary to ensure the fulfilment of the legal requirements for the issuance of the requested administrative act.

2. In an administrative act subject to a term, the right or benefit granted by the act shall begin, shall end at determined date, or shall respectively last for a determined time period.

3. In an administrative act subject to a condition, the right or benefit granted by the act shall begin or shall end at the occurrence of a future and uncertain event.

4. In an administrative act subject to an obligation, the party shall be obliged to perform, cease, omit or bear a certain action.

Article 46
The form of administrative act

1. Except when provided otherwise by law, an administrative act may be issued in written, oral or in any other appropriate form, including signs or other technical means.

2. The written form shall also be fulfilled by an electronic document in accordance with the law regulating the electronic document.

3. On request, the public organ without delay shall confirm in written the content of the verbal act or the act approved in silence defined under Article 70 of this Law, without prejudice to the rules on the effectiveness of administrative acts. Paragraph 2. of this Article shall apply mutatis mutandis.

4. The confirmation referred to under paragraph 3. of this Article, although not an administrative act itself, shall consist of the statutory elements as provided by Article 47 of this Law.

Article 47
Structure and statutory elements of the written administrative act

1. A written administrative act shall consist of:

1.1. the introductory part, which indicates the name of the issuing public organ, legal basis, the name of the addressee, a brief note on the subject of the proceeding and date of issuance;

1.2. the decisional part (Decision), which indicates what was decided including the term, condition or obligation (if applicable) as well as the costs of the proceedings, if any. The decisional part may be divided into more points. The costs of proceedings are quantified under a separate point of the decisional part;

1.3. reasoning part (rationale);

1.4. the concluding part, indicating when the act enters into force, legal remedies, including the public organ or the court where the legal remedy may be lodged, its form, the deadline for lodging and the way such deadline is calculated(legal advice). In case the lodging of an administrative appeal, according to the law, does not suspend the enforcement of the administrative act, the concluding part shall also contain this information as well as the reference to legal grounds for such exception.

2. If the law does not provide otherwise, the written administrative act, shall also contain the signature or the written name and surname of the responsible official or the chair of the collegial body and the minutes-taker or in case if the latter is unable to sign, by any other member of the collegial organ.

3. The signature requirement regarding electronic documents, under paragraph 2. of this Article shall be considered as fulfilled by an electronic signature in accordance with the special law. The electronic signature shall be based on a qualified certificate in which the identity of the public organ is expressed.

4. The Government of the Republic of Kosovo may define by special decision another safe method that secures the authenticity and the integrity of the sent electronic document, and its particulars. An electronic document secured according to a decision of the Government shall be deemed as signed.

Article 48
Reasoning of a written administrative act

1. The reasoning shall provide the party with the opportunity to properly understand the administrative act. The reasoning shall contain:

1.1. short description of the request of the party;

1.2. explanation of the factual situation upon which the decision was taken;

1.3. reasons that have been crucial to the assessment of the evidence;

1.4. legal grounds for the decision and reason why they are applicable to each concrete case;

1.5. reasons for which any of the requests of the parties were denied;

1.6. in case of a discretionary power, explanation why it was exercised in the manner as done in the decision.

2. An obviously insufficient, inappropriate, contradictory or incomprehensible reasoning shall be deemed as lack of reasoning.

Article 49
Dispensability of reasoning

1. A reasoning of written administrative act shall not be required when:

1.1. explicitly excluded by law;

1.2. the issued administrative act, fully granting the request of a party, does not infringe rights or legitimate interests of third parties, or

1.3. the issued administrative act, does not affect any right or legitimate interest of any party, issued ex officio.

2. In the cases referred to under sub-paragraph 1.2 and 1.3 of this Article, the act may consist only in the decisional part written in the form of a note on the request itself.

Article 50
Correction of obvious errors in an administrative act

1. The public organ may at any time, ex officio or upon request, correct typographical mistakes, errors in calculation and similar obvious inaccuracies in an administrative act.

2. The public organ shall be entitled to request presentation of the written administrative act and all certified transcripts for correction.

SECTION II
Legal Effect of an Administrative Act

Article 51
Beginning and the end of legal effects of an administrative act

1. An administrative act shall start producing legal effects in relation to the party to whom it was address or who is affected by it upon the notification of its content.

2. Fictitious administrative acts shall start producing legal effects upon the expiration of the time limit for the notification of the administrative act, as provided by Article 98 and 99 of this Law.

3. An administrative act may start producing legal effects at another date explicitly defined in the act, but in no case before the notification of a party in accordance with paragraph 1. of this Article. In this case, date from which it starts producing the effects shall be explicitly included in the decisional part of the written administrative act.

4. An administrative act shall produce legal effects for as long as it is not annulled or revoked ex officio or as result of an administrative or judicial legal remedy, does not expire because of time or with achievement of objective, or does not cease to produce its effects for any other reason provided under the law.

Article 52
Unlawfulness of an administrative act

1. An administrative act is unlawful when:

1.1. it was issued without legal authorisation according to paragraph 2. Article 4, of this Law;

1.2 the issuing public organ acted without having the competence;

1.3 it came into being through the infringement of provisions regulating the proceeding;

1.4 it contradicts the provisions regulating the form or the statutory elements of the act;

1.5 it violates substantive law;

1.6 discretion was not lawfully exercised, or

1.7 it does not comply with the principle of proportionality;

SECTION III
Annulment and revocation of Administrative Act

Article 53
Proceeding and legal effects of annulment and revocation

1. An administrative act may be annulled or revoked ex officio by the public organ that has the competence to issue the act, by its superior organ or by another organ explicitly determined by law.

2. The annulment of an administrative act has retroactive legal effect, whereas the revocation produces legal effects for the future only. Both the annulment and revocation may be total or partial.

3. The annulment or revocation shall be done by a new written act, which annuls, amends or supplements the previous act.

Article 54
Obligatory annulment of an unlawful administrative act

1. An unlawful administrative act shall be annulled if:

1.1. it has been issued under coercion, extortion, blackmail, fraud, threat, bribery or other criminal acts;

1.2. its object legally or materially impossible; or

1.3. its enforcement would result in a criminal offence.

Article 55
Discretionary annulment and revocation of an unlawful administrative act

1. An administrative act, which is unlawful on other grounds than those provided under Article 54 of this Law, may be either annulled or revoked, for the purpose of aligning it with the law.

2. An unlawful beneficial administrative act may not be annulled but only revoked if the beneficiary party was in good faith.

3. The beneficiary party shall not be deemed in good faith when it was aware of the grounds of unlawfulness of the act or was unaware thereof due to gross negligence or the act is issued based on substantially incorrect or incomplete information provided by the party.

Article 56
Annulment of a lawful administrative act

1. A lawful administrative act may be annulled, only if:

1.1. the annulment is beneficial to all parties, or if it is partial and it only affects a part of the act that is not beneficial to the party, or

1.2. the party in an administrative act subject to an obligation, as provided by paragraph 4. of Article 45 of this Law, has not met fully the obligation or has not done so within the given time limit.

Article 57
Revocation of a lawful administrative act

1. A lawful administrative act may be revoked, because of the change of factual or legal situation or circumstances, or because of other reasons provided by law, without prejudice to paragraph 2. of this Article.

2. Unless otherwise provided by law, a lawful beneficial administrative act may be revoked only if it is necessary in order to prevent serious danger to the life and health of

people or to public safety, and this could not be done by other means, which would interfere less with the acquired subjective rights or legitimate interests of the party.

3. The beneficiary party, in the case of revocation referred to under paragraph 2. of this Article shall be entitled to monetary compensation when it has made financial arrangements which he can no longer cancel, or can cancel only by suffering a disadvantage which cannot reasonably be asked of him.

4. The compensation shall be to an amount not to exceed the interest of the party on the continuation of the revoked act. The party cannot benefit compensation for the lost profit.

Article 58
Deadline for revocation and annulment

1. The annulment pursuant to Article 55 of this Law, as well as revocation pursuant to paragraph 1. of Article 57 of this Law may be done at any time.

2. The revocation or annulment in any other case other than the one referred to under paragraph 1. of Article 53 of this Law, may be made within thirty (30) days from the date the public organs gains knowledge of facts, which justify the annulment or revocation, at latest five (5) years after the notification of the administrative act.

Article 59
Reimbursement in case of annulment

1. Any payments or contributions, which have been made either by the party and/or by the public organ based on an annulled act, shall be returned.

2. The amount of reimbursement, provided in paragraph 1. of this Article shall be included in the act of annulment based on relevant provisions of civil law on surrendering of undue enrichment and shall be stipulated in the annulment act.

CHAPTER II
ADMINISTRATIVE CONTRACT

Article 60
Administrative contract and its admissibility

1. An administrative contract is a contract in which at least one of the contracting parties is a public organ and which constitutes, amends or terminates a concrete legal relationship under administrative law.

2. A public organ may conclude an administrative contract, in pursuit of a public interest and without infringing the rights of a third party in the cases explicitly provided by law.

Article 61
Form of administrative contract

1. An administrative contract is concluded in written form except where another more demanding form is required by law.

2. The contract is signed by the parties or their representatives. The signature requirement regarding electronic documents shall be considered as fulfilled by an electronic signature in accordance with the special law. An electronic signature given on behalf of a public organ shall be based on a qualified certificate in which the identity of the public organ is expressed.

Article 62
Administrative contract replacing an administrative act (substituting contract)

1. A public organ may conclude an administrative contract with a party to whom it would otherwise direct the administrative act, if the public interest pursued by the organ can be better achieved through a contract.

2. In the substituting contract, the non-public organ party is obliged to perform or not to perform an action or give something (hereinafter: prestacio) for the performance of an action by the public organ.

3. Prestacio of the party is agreed for a certain purpose, defined under the contract, which serves the public organ to accomplish public authority and which should be materially connected to the action of the public organ in proportion with it.

4. The justification that public interests can be better achieved through the contract, in accordance with paragraph 1. of this Article, shall be included in the text of the contract.

Article 63
Compromise administrative contract

1. A public organ may conclude a compromise contract with the person to whom it would direct an administrative act, in order to eliminate uncertainties by mutual compromise, if after due consideration it is concluded that the facts of the case or the legal solution are not certain, and that no further clarification is objectively possible.

2. The compromise contract determines the content of the final administrative act and upon its conclusion the public organ issues a final administrative act in accordance with

the contract. The administrative act shall refer to the contract in its introductory part, based on which this act was issued.

Article 64
Administrative contract among public organs

Public organs may conclude administrative contracts among themselves to regulate their relations while pursuing activities of common interest.

Article 65
Invalidity of an administrative contract

1. An administrative contract is invalid for one of the following reasons:

1.1. it is not observed by Law, as provided in Article 60 of this Law;

1.2. the form required by law is not admitted by the law, in accordance with provisions of Article 61 of this Law;

1.3. the conditions for the conclusion of a substituting or compromise contract, as provided by Article 62 and 63 of this Law, are not observed;

1.4 an administrative act with equivalent content would be unlawful in accordance with this Law.

2. If only a part of the contract is invalid, the entire contract will be invalid, unless it can be assumed that it would also have been concluded without the invalid part.

Article 66
Adjustment and termination of an administrative contract

1. If due to circumstances occurred after the conclusion of the administrative contract, which could have not be foreseen at the time of conclusion of the contract and due to which the fulfilment of obligations becomes extremely difficult for one of the contracting parties, the contracting parties may agree to adjust or terminate the administrative contract.

2. A public organ may terminate unilaterally an administrative contract, other than a compromise contract, only in order to avoid or eliminate a serious damage to public interest. In this case the party, non-public organ, shall be entitled to compensation of eventual damages.

3. If the change of circumstances makes the performance of an earlier compromise contract inadequate in regard to public interest, or if a subsequent legislative change

makes it unlawful, the public organ shall be entitled to terminate the contract unilaterally, with no obligation to compensate the party, except if such change of circumstances is due to organ's action or omission, or if termination is not justified by any objective reasons of public interest.

4. The unilateral termination, as provided in paragraph 2. and 3. of this Article, shall be enacted through an administrative act. The administrative act for unilateral termination shall be in written form and shall include the reasoning according to this law.

Article 67
Applicability of other legal provisions

As far as Articles 60, 61, 62, 63, 64, 65 and 66 of this Law do not provide otherwise, the remaining provisions of this Law on the administrative acts, as well as provisions of the law, which regulate civil obligations shall apply mutatis mutandis in relation to the interpretation, validity and execution of administrative contracts.

Article 68
Disputes

1. According to paragraph 4. of Article 66 of this Law, non-public party may file appeal against an administrative act related to unilateral termination of the contract, in accordance with this Law.

2. Any other dispute between contracting parties, arising under an administrative contract shall be resolved directly by the competent court for administrative disputes.

CHAPTER III
OTHER ADMINISTRATIVE ACTIONS

Article 69
Real act

1. Real act is any action of a public organ under administrative law other than administrative act or administrative contract, which can affect a right or legitimate interest of a person (such as public information, statements, record keeping, issuing certificates, enforcement actions and other factual actions).

2. Public organs shall perform real acts in accordance with the principles and provisions of this law, applicable to real acts mutatis mutandis.

Article 70
Provision of public services of general interest

1. In cases when public services of general interest are provided either by a public or private service provider under private law, the regulatory, supervisory or licensing body (hereinafter referred to as "regulatory organ") as provided in law, by exercising its supervisory responsibility shall ensure the continuity, uniformity, affordability and adequate quality of service, transparency of proceedings and non-discrimination of public service users.

2. Provision of public services of general interest, under private law, must not lead to less legal protection of public service users compared to cases when the service was performed by the public organ under administrative law.

PART FOUR
GENERAL RULES OF ADMINISTRATIVE PROCEEDING

CHAPTER I
LANGUAGE AND TRANSLATION IN THE ADMINISTRATIVE PROCEEDING

Article 71
Use of languages

1. The public organ shall guarantee that the administrative proceedings shall be conducted in a language as defined under the Law on the Use of Languages of the Republic of Kosovo.

2. The parties are entitled to communicate and to receive all communications related to the proceeding in their own language, provided that it is one of the languages referred to under paragraph 1. of this Article.

3. Pursuant to the paragraph 1. of this Article, in all communications with a party the public organ shall adopt the language requested by the party or that it adopts in its first submission.

4. The competent public organ must guarantee the right provided under paragraph 1. of this Article, at no additional cost to the party.

5. Once the language of communication within the proceeding has been established in accordance with paragraph 3. of this Article, no administrative act or any other administrative action shall produce any legal effects against the party, unless it has been communicated to it in another language from the one determined according to paragraph 1. of this Article.

Article 72
Other languages and translations

1. When a party makes a submission in a language other than determined by the Law on Language Use in the Republic of Kosovo, the public organ, without delay shall ask the party to provide translation within a reasonable deadline and informs him/her on the legal consequences if the translation, under paragraph 2. of this Article, is not submitted.

2. If the party submits no translation within the deadline established under paragraph 1. of this Article, the submission shall be deemed abandoned.

3. If the party provides the translation within the established deadline, according to paragraph 1. of this Article, the proceeding shall be deemed initiated at the date of the original submission for all legal purposes, except in relation to the deadline for the completion of the administrative proceeding, which shall only start counting from the date of submission of the translation.

4. If upon receiving a submission in a language other than determined by the Law on the Use of Languages of the Republic of Kosovo the public organ fails to act in accordance with paragraph 1. of this Article, the deadline for the completion of the administrative proceeding shall, with all legal consequences, start counting from the date of such submission, which shall be deemed valid.

CHAPTER II
REQUEST AND ITS SUBMISSION

Article 73
Form and content of the request

1. Except in cases when the law foresees a specific form, a request initiating an administrative proceeding may be done:

1.1. in writing;

1.2. by verbal declaration in front of public organ and to be recorded by the public organ;

1.3. in any other appropriate and possible form.

2. Except in cases when the law foresees a certain content, a request should be clear enough to enable the addressed public organ to identify the requestor, the content of the request and its purpose.

3. The written form, under paragraph 1. of this Article, shall be deemed complete with another electronic document in accordance with the special law regulating the electronic document.

4. The public organ shall try to understand the purpose of the request and if necessary shall contact the applicant for further clarification or completion of the request.

Article 74
Submission of request

1. A request may be submitted directly to public organ to which it is addressed as well as to any of its local branches or offices, if any.

2. A request may be submitted, also, directly to:

2.1. diplomatic representatives or consular offices of the Republic of Kosovo where the requester has its residence or is physically found;

2.2. command of the armed forces, where the requester is serving;

2.3. administration of the institution of detention, where the requester is detained;

3. The bodies, provided in paragraph 2. of this Article, shall without delay, but not later than in two (2) days from the reception, forward the request to public organ to which it is addressed.

4. A written or verbal request may be submitted directly, in accordance with paragraph 1. and sub-paragraph 2.1. of this Article, only during the working hours.

5. A written request may be submitted also by mail or electronically, directly to the official address of the organ to which is addressed to. If the sent document is not readable, public organ shall inform the sender without delay and shall require him to submit the request in another suitable form.

6. A written request may also be submitted to the mail box of public organ to whom it is addressed.

7. Short and urgent verbal requests may be made by phone, if this is possible by the nature of things.

Article 75
Submission of requests to non-competent public organ

1. When a public organ receives a written request for which it is not competent, it shall forward it without delay to the competent organ and notify the submitter about it.

2. In case of a wrongful attempt to submit a verbal statement to be recorded by a non-competent organ, the latter shall inform the submitter and refer him to the competent organ. The respective organ shall issue to the submitter a written official note certifying the attempt and evincing the competent organ. Paragraph 2. of Article 46 of this Law shall apply mutatis mutandis.

Article 76
Registration and certification of submission of requests

1. The receipt of the statement shall be registered by the organ where it was submitted according to the order of submission. The statements that come in the same postal delivery are considered as submitted at the same time.

2. A certificate, which includes the receipt confirmation, date, object of the statement and a list of attached documents, if any, shall be issued to the submitter.

3. A statement submitted by registered mail is certified by the post certification, which contains the same data as provided in paragraph 2. of this Article.

4. In cases of submission by regular mail or electronically, the certification, as provided in paragraph 2. of this Article, shall be sent without delay to submitter's same address and by the same means.

Article 77
Other submissions

Provisions of this Law on the form, content and the submission of an initial request shall apply mutatis mutandis to any other application, petition, proposal, appeal, complaint, statement, or any other kind of submission the parties address to the public organ.

CHAPTER III
RULES ON DEADLINES

SECTION I
Deadlines for procedural actions of the parties, extension and restoration into a deadline

Article 78
Determining and extending procedural deadlines

1. A deadline for implementation of a certain procedural action by the party (hereinafter referred to as "the procedural deadline") is determined by law or sub-legal act.

2. If the deadline is not stipulated in the law or the sub-legal act, the public organ conducting the proceeding shall stipulate the deadline with respect to Article 10 of this Law.

3. A procedural deadline stipulated in the law or sub-legal act may be extended only if the respective provision explicitly allows such extension or in the cases dealt with under Article 79 of this Law,

4. While a deadline set by the public organ may be extended upon request of interested party submitted prior to the expiry of deadline, provided there are reasonable grounds for extension.

Article 79
Reinstatement into a deadline

1. Except when explicitly excluded by law, in cases when for justified reasons with no fault of his own a party has been prevented from observing a procedural deadline, it may request the reinstatement into the last original deadline.

2. The reinstatement can be requested for the deadline for the submission of the initial request, for lodging a legal remedy, for the performance of a certain procedural actions during the administrative proceeding as well as on any other deadline which runs in disfavour of the party.

3. The request for reinstatement may be submitted within 15 (fifteen) days from the elimination of obstacle but not later than 1(one) year from the expiration of the respective deadline.

4. In case, a party has been prevented because of force majeure, the request for reinstatement may be submitted within 15 (fifteen) days from the elimination of obstacle, despite the time elapsed from the expiration of the lost deadline.

5. The procedural action which the party failed to carry out must be performed within the same deadline for requesting the reinstatement as provided in this Article.

Article 80
Decision and effects of reinstatement

1. The request for reinstatement should be submitted to and decided by the competent public organ. The latter shall decide within 10 (ten) days from the submission of the request.

2. If the public organ grants the reinstatement, administrative actions conducted as consequence of exceeding the deadline shall be considered annulled ex lege.

SECTION II
Rule on calculation of deadlines

Article 81
Calculation of deadlines

1. Except when otherwise stipulated in the law, the deadlines shall be defined in days, months or years. The expiry of a deadline may, also, be marked by a certain calendar date.

2. When the deadline is set in days, the day on which the event happened shall not be counted.

3. A deadline set in months or years shall expire at the end of the day, month or year which by its name and number corresponds to the day of the event from which the time started to be counted. If such day does not exist in the last month, the deadline shall expire at the end of the last day of that month.

4. Saturdays, Sundays and official holidays shall not prevent the beginning and duration of time to deadlines. If the last day of a deadline should fall on a Saturday, Sunday or on an official holiday, the deadline shall expire at the end of the first working day after that.

Article 82
Observance of deadlines

1. Except when otherwise provided by law, the day of submission of a request shall be deemed as the day:

1.1. of the submission at the post office;

1.2. of the submission to the mail box of the respective institution;

1.3. of the submission to a branch, an office of the institution, or to the diplomatic representatives or consular offices;

1.4. of the submission to the command of armed forces or to the institution of detention;

1.5. when the electronic document has been recorded by the device dedicated to receive such messages.

2. A deadline running against a party shall be deemed as observed if the submission in accordance with paragraph 1. of this Article has been done until the end of the last day.

3. Except when otherwise provided by this Law, the day provided by paragraph .1 of this Article shall be equally deemed as the day of receipt of request for counting of deadlines applicable to public organs.

4. In case of wrongful submitted requests, as provided by paragraph 1. of Article 75 of this Law, the deadline running against the submitter shall be deemed as observed if the request was timely submitted to the non-competent public organ, whilst the respective deadline running against the public organ shall start calculating three (3) days upon when submitted to the non-competent organ.

PART V
COURSE OF ADMINISTRATIVE PROCEEDING

CHAPTER I
INSTITUTION OF ADMINISTRATIVE PROCEEDING

Article 83
Institution of administrative proceeding

1. The administrative proceeding shall be instituted either on request of a party or ex officio.

2. In matters in which a request of the parties is required by the law or as a result of the nature of the issues at stake, the public organ may only act upon such request.

3. The ex officio institution of a administrative proceeding is legally at the discretion of the public organ except when:

3.1. the law explicitly establishes the obligation to initiate a proceeding;

3.2. the public organ becomes aware of facts requiring administrative initiative in order to protect public interests.

4. The administrative proceeding is deemed to have been instituted by any procedural action undertaken by the public organ in case of proceeding instituted ex officio or upon submission of the request, in case a proceeding is instituted upon request.

Article 84
Joining matters into a single proceeding

1. The competent public organ may join administrative proceedings into one single proceeding, if right and obligation of the parties are based on the same or similar state facts or legal grounds.

2. Joining the proceedings shall not affect the right of the party to submit different requests.

Article 85
Preliminary issues

1. When the public organ conducting the proceeding comes across an issue the resolution of which is a precondition for resolution of the matter, and which constitutes an independent legal issue for resolution of which is competent the court or other organ (hereinafter referred to as "preliminary issue"), the public organ conducting the administrative proceeding shall stay the proceeding till the preliminary issue is decided upon and shall notify the party thereof

2. When the resolution of a preliminary issue requires a request of the party, the notification about the stay of proceeding shall also contain an instruction on this requirement

3. When the resolution of a preliminary issue requires the ex officio initiative of the other public organ, the organ conducting the proceeding shall request the other organ to initiate the proceeding for resolution of a preliminary issue.

CHAPTER II
ADMINISTRATIVE INVESTIGATION

SECTION I
Principles of administrative investigation

Article 86
Ex-officio investigation

1. The public organ shall ex officio investigate all facts and assess all circumstances necessary for resolving the administrative case.

2. The public organ shall independently determine the type and scope of administrative investigation and assess whether a fact or circumstance is relevant for the solution of the case.

3. Except when provided otherwise by a legal provision, documents that certify acts, facts, qualities or subjective situations, necessary to conduct an administrative investigation, shall be obtained ex officio by the public organ conducting administrative proceeding, whenever they are in its possession or in the possession of other organs. The

public organ may request from parties only the necessary elements for the identification of documents.

Article 87
Cooperation of the party

1. The party shall cooperate with bona fides with the public organ in establishing facts and circumstances necessary for the resolution of the case (hereinafter referred to as "duty of general cooperation").

2. The party shall be obliged to supply evidence, provide information and written statements, and to appear personally to make statements before the public organ only where this is explicitly required by law (hereinafter referred to as "duty of delivering evidence").

3. As a rule, the party may make statements either in verbal or written form. In complex matters the public organ may request the party to submit a written statement. The party shall not be summoned to appear personally before the public organ if a statement can be taken in other ways as effectively.

4. Non-compliance with the duty of general cooperation or to deliver evidence, as provided under this article, shall be freely assessed by the public organ, along with all the other particular circumstances of the case, and it shall in no case exempt the public organ from the duty of ascertaining facts and of issuing a final decision.

SECTION II
Evidences

Article 88
Means of evidence

1. The public organ, in order to establish facts and circumstances relevant to the case may use any means of evidence recognized by the law on civil procedure.

2. Facts already known to the public organ or commonly known facts (widely, notorious) or facts assumed by law, need no further evidence.

Article 89
Assessment of evidence

The public organ shall asses, by its own conviction, which facts shall be taken as proved, based on a detailed assessment of each piece of evidence separately and of all evidence together, and based on the results of the entire proceeding.

Article 90
Securing evidence

1. If there is reasonable concern that specific pieces of evidence may not be presented at a later time or that its administration might be difficult or impossible, public organ ex officio or upon request, may decide to proceed in securing the evidence.

2. The securing of evidence may be done at any phase of the proceeding, even before it has been instituted. The responsibility for insuring the evidence falls under the competence of public organ conducting the proceeding.

Article 91
Presentation of evidence before other organs

1. If presenting necessary evidence by the public organ is difficult, requires time or has a high cost, public organ may ex officio or at the request of the party decide that the evidence or some pieces of evidence to be presented before another public organ.

2. In this case, provisions of this Law on administrative assistance between public organs shall be applied mutatis mutandis.

CHAPTER III
PARTICIPATION OF THE PARTY IN THE PROCEEDING

Article 92
Right of the party to inspect the files and receive information

1. The party, at any phase of the proceeding, has the right to inspect the file of the administrative proceeding and to take copies of the documents therein.

2. Within five (5) days of the request, the public organ shall provide the conditions, in its own facilities, for the party to inspect files and to take copies of documents in accordance with paragraph 1. of this Article. In special cases when it is more appropriate for the party, documents may also be inspected at the facilities of another organ or in diplomatic or consular offices of Republic of Kosovo.

3. When documentation is administered electronically, the public organ shall provide the necessary technical means for the inspection of documents. It may make electronic files accessible on the Internet, as long as it does not breach anyone's privacy as protected by law.

4. The party has also the right to request and receive information on the status and progress of the administrative proceeding and for any procedural action carried out by the

public organ during such proceeding. The public organ conducting the proceeding shall provide the information to the party without any delay and by any appropriate means.

5. The right to inspect files and to receive copies of documents and information, as provided in this Article, shall be limited only if and for as long as the documents or information are classified under the legislation for protection of classified information, contains personal data or when it contains data related to business or professional secrets protected under the applicable legislation.

Article 93
Right to amend and withdraw the request

The party may amend the submitted request, provided that the object of the amended request is based on essentially the same factual situation as that of the initial request, or may even completely withdraw it, until the decision has been issued. The other parties, if any, shall be notified thereof.

Article 94
Right to submit opinions, explanations or evidence

A party, in any phase of the administrative proceeding, has the right to submit opinions or explanations on facts, circumstances or legal issues, related to respective proceeding, together with material evidence and documents supporting them, and to submit proposals on the resolution of the case.

Article 95
Right to be heard

1. Before a final decision is taken, the public organ conducting the proceeding shall notify the party about its right to be heard.

2. The notification foreseen in paragraph 1. of this Article shall include an indication of the results of the administrative investigation, of the expected results of the proceeding, as well as information on how to exercise the right to be heard.

3. The right to be heard may by exercised in writing or verbally to be recorded by the public organ.

4. When hearing each of the involved parties according to paragraph 3. of this Article is impractical because of their large number, the hearings shall be conducted through any adequate means of public consultation.

Article 96
Exception from the right to be heard

1. Decision may be rendered without granting the party the right to be heard, only when:

1.1. it is evident that the decision shall be in favour of the party or shall constitute a complete endorsement of its request;

1.2. taking a final decision is urgent in order to protect a public interest, which may be harmed by any delay;

1.3. the party has already fully expressed, during the proceeding, its opinions on the result of the administrative investigation and expected result of the proceeding; or

1.4. the hearing of the party it is explicitly excluded by law.

CHAPTER IV
TERMINATION OF THE ADMINISTRATIVE PROCEEDING

SECTION I
Principle of termination of an administrative proceeding

Article 97
Termination of an administrative proceeding

1. An administrative proceeding, instituted upon request, shall be terminated by notification of an administrative act or conclusion of administrative contract.

2. The termination of an administrative proceeding instituted ex officio is under the discretion of the public organ, except when provided otherwise by law, and shall be done by administrative act.

3. An administrative proceeding shall be terminated also in the presence of the cases provided by Articles 101 to 104 of this Law. In this case, termination of the administrative proceeding shall be done by an administrative act that does not express the essence of the administrative matter.

SECTION II
Deadlines for the termination of administrative proceedings and silent consent rule

Article 98
Deadlines for termination of administrative proceedings

1. An administrative proceeding, instituted upon request, shall be terminated as soon as possible, but no later than within the deadline established by law for that type of proceeding.

2. In case the special law provides no deadline, as provided under paragraph 1. of this Article, the general deadline applicable to the conclusion of administrative proceedings shall be forty five (45) days from the date of its institution.

3. If the law establishes the obligation of a party to submit a document or perform a procedural action as a part or together with the submission of an initial request, the deadline determined in accordance with paragraph 1. or 2. of this Article shall start running from the complete filing of initial request.

Article 99
Extension of the time limit at the first instance proceeding

1. Except when explicitly forbidden by law, if required because of the complexity of the concrete administrative case, the public organ may extend the original deadline for the conclusion of the administrative proceeding only once, under Article 98 of this Law.

2. The extension, according to paragraph 1. of this Article, shall be introduced for the period necessary to conclude the proceeding, considering the complexity of each concrete case, but never longer than the original deadline.

3. Within the original deadline, the party shall be notified of the decision to extend the deadline, with the indication of the new expiration date, as well as of the reasons for the extension.

Article 100
Fictitious administrative act

1. If the party has requested the issuance of a written administrative act and the public organ does not notify the party of its administrative act within the original deadline and fails to notify of the extension or fails to notify the act within the extended deadline, defined in accordance with Articles 98 and 99 of this Law, the request made by the party shall be considered to be fully granted (hereinafter referred to as “fictitious administrative act”).

2. Paragraph 1. of this Article is not applicable when otherwise regulated by law.

3. The party is entitled to receive a written confirmation of the content of the fictitious administrative act from the competent making organ, as provided under paragraph 3. of Article 46 of this Law.

4. The provisions of this Law pertaining to the validity of administrative acts, revocation, annulment, as well as to proceedings for legal remedies shall also apply mutatis mutandis to fictitious administrative acts, too.

SECTION III
Grounds for declaration of termination without a final decisions

Article 101
Repetition of the administrative proceeding

1. A public organ shall declare the termination of an administrative proceeding, in any phase, if it finds out that:

1.1. within less than two (2) years prior to the date of submission of the request, it has ruled on the same request made by the same party with the same object and based on the same grounds, or

1.2. if a previously filed request bearing the similarities referred to under the previous paragraph is still being dealt with in another unfinished proceeding.

2. Paragraph 1. of this Article does not apply in cases when the administrative proceeding was terminated according to Article 103 of this Law.

Article 102
Death of a party and termination of a juridical person

1. Should a natural person die in the course of the administrative proceeding dealing with matters personally related to him ("intuitu personae") the public organ shall close the file and terminate the proceeding by a decision.

2. In any other case than the one provided under paragraph 1. of this Article, when a natural person dies in the course of administrative proceeding of which he is a party, if the public organ considers the participation of the party as necessary, it shall temporarily suspend the proceeding until the legal successor is appointed.

3. Except when the law provides otherwise, in case of extinction of a legal person who is a party of the proceeding, when another legal person takes over its rights and obligations in accordance with the law, the public organ shall continue the proceeding with the latter.

In any other case, the public organ shall close the file and declare the termination of the proceeding.

Article 103
Withdrawal and abandonment of request

1. If in an administrative proceeding instituted upon request, the party that submitted the request withdraws it, the proceeding shall be declared terminated.

2. The administrative proceeding instituted upon request shall be declared terminated also when the circumstances evidence, beyond all doubt, that the party has no more interest in its continuation and has abandoned it.

3. The withdrawal or abandonment does not affect the continuation of the proceeding, if the public organ considers that its continuation is of public interest, except when that proceeding can be instituted only upon request.

Article 104
Impossibility

The administrative proceeding is also declared terminated when the competent public organ assesses that the object for which the proceeding was initiated or its goal has become impossible or useless.

CHAPTER V
CERTIFICATION OF FACTS AND DOCUMENTS

Article 105
Certification of facts and documents of the organ itself

1. An interested person is entitled to receive from the public organ certification of the facts for which the public organ is authorised to keep official records as well as true copies or extracts of documents under its administration.

2. The certification, true copy or extract, as provided by paragraph 1. of this Article, shall be issued to the interested person.

3. Except when provided otherwise, the certification, the true copy or extract of a document, provided by paragraph 1. of this Article, shall be issued, with no delay but not later than five (5) days from the submission of the request.

4. In case of refusal or silence of the public organ, the interested person may file an administrative objection in accordance with this Law.

5. In case the interested person considers that a certification issued is not in accordance with the data from the official records, he may submit an administrative appeal in accordance with this Law.

Article 106
Rules on the certification of documents

1. The certification as true of a copy or extract provided by paragraph 1. of the Article 105 of this Law, shall be done by means of a certification note placed at the end of the copy. This note must contain:

1.1 an exact description of the document of which a copy or extract is being certified;

1.2 a statement that the certified copy is identical to the original document or that it is an extract of such document;

1.3 the place and date of certification;

1.4 the name of the certifying public organ and its official stamp.

1.5 the name and the signature of the official responsible for the certification;

2. A document shall not be certified if the original document contains changes, corrections, additions, deletions, or indecipherable words, figures or signs, or where the continuity of a document composed of several sheets has been interrupted.

3. By exception, in the cases provided by paragraph 2. of this Article, when that original is the only existing exemplar of the document, a copy may be certified as true by making a relevant note on the respective defects.

4. Paragraphs 1. to 3. of this Article shall apply mutatis mutandis to the certification of other documents stored by photographic, recording or any other technical means.

5. Paragraphs 1. to 3. of this Article shall apply mutatis mutandis to the certification of paper copies of an electronic document connected with an electronic signature, of the copies of an electronic document produced to reproduce an written document as well as the certification of the copies of an electronic document in another technical format than the original document connected with an electronic signature.

Article 107
Certification of documents issued by other public organs

1. A public organ is authorized to certify copies or extracts of documents issued by other organs, if the copy is necessary for the submission to the certifying organ itself and the interested person presents the original of the document issued by the other organ.

2. The rules on certification provided by Article 106 of this Law shall also apply for certification of the acts of another organ. The certification note shall also define the identity of the person that presented the original document and the fact that the certification is valid only for the body that submits it.

3. Paragraphs 4. and 5. of Article 105 of this Law shall apply, mutatis mutandis, also for certification of acts of another organ, under this Article.

PART VI
NOTIFICATION

CHAPTER I
GENERAL RULES OF NOTIFICATION

Article 108
The principle of appropriate way of notification

1. The notification is the intentional utterance of an administrative act or procedural action by the public organ to another party or person involved in the administrative proceeding (hereinafter in this Chapter referred to as" party").

2. Unless otherwise explicitly provided by law, the public organ is free to determine the most appropriate form of notifying an administrative act or of any other notice related to the development of administrative proceeding, legal remedies or execution.

3. The method of notification is determined by taking into consideration the legal protection that the party is entitled to, as well as transparency and cost-effectiveness.

Article 109
Forms of notification

1. The notification to a party present can be done orally or in any other appropriate form of communication.

2. A written document can be notified (hereinafter: the document) by sending it by mail, electronically, or by formal notification, under this Law.

3. Exceptionally short and urgent notifications may also be done by phone.

Article 110
Addressee of notification

1. The party shall be notified personally, unless it has informed the public organ of the authorization of a representative or a special notification agent, in which case the notifications shall be addressed to the latter.

2. A notification addressed to the representative or to the other person is considered as having been addressed to the party in person, under paragraph 1. of this Article.

Article 111
Joint representative agent for receiving the notification

1. Whenever appropriate, the public organ shall advise the parties that participate in a proceeding with identical claims and without a joint representative, to nominate a joint agent for notifications.

2. In case more than ten (10) parties participating in a proceeding with identical claims do not have a joint representative, the parties are obliged to appoint a joint agent for notifications within a deadline set by public organ. If no joint notification agent is appointed within the set deadline, the public organ shall, ex officio, appoint a joint agent for notifications, and shall notify the parties thereof.

3. The act of notification to the joint agent shall indicate all parties to whom the notification is addressed.

Article 112
Site of notification

1. The site of notification may be:

1.1. the place where the recipient is present,

1.2. its place of residence or domicile,

1.3. its main office, if the recipient is a legal person, or any place where it exercises the activity;

1.4. place of work;

1.5. place where the activity is exercised or the office of recipient;

1.6. any other appropriate place chosen by the party and communicated to the competent organ.

Article 113
Notification to a professional representative or agent

Notification to a representative of a party or to an agent for notification who exercises this task as a profession, may also be done by handing over (hereinafter: "handing over") such notification to any employee in the office of the above mentioned.

Article 114
Notification in special cases

1. Notification to foreign countries, international organizations and persons enjoying diplomatic immunity shall be done through the Ministry of Foreign Affairs, unless otherwise provided in the law.

2. Notification to citizens of the Republic of Kosovo residing abroad is done through delivery in person or indirect delivery through diplomatic and consular missions of the Republic of Kosovo abroad.

3. Notification to military personnel, police officers, may also be done through their command.

4. Delivery of documents to persons deprived of their liberty is carried through the correctional facility where they are held under custody.

Article 115
Mistakes in notification

If due to a mistake made by the public organ in sending a notification, the legal situation of the receiving party is deteriorated, the notification is deemed to have been accomplished on the day which is proved it was received by the recipient.

CHAPTER II
NOTIFICATION BY POST AND ELECTRONIC NOTIFICATION

Article 116
Notification by post

1. Notification by post is done through common or certified mail.

2. A written document sent by regular or certified mail for the purpose of this Law, shall be deemed notified on the fifth day after posting the document, for addresses within Republic of Kosovo, and on the seventh day, for addresses abroad.

3. Paragraph 2. of this Article shall not apply if the recipient proves that the document was not received or was received at a later date.

Article 117
Notification by electronic means

1. The electronic notification can only be carried out when the requirements of the special law regulating the electronic document are meet.

2. A document sent electronically shall be deemed notified in the moment the receipt of the document has been verified according to special law regulating the electronic document, but at the latest on the third day after sending the document.

3 Paragraph 2. of this Article shall not apply if the recipient proves that the document was not received or was received at a later date, according to the special law governing electronic documents.

4. If the notification is illegible, the recipient may request the public organ to resend the notification in another more appropriate format.

CHAPTER III
FORMAL NOTIFICATION

Article 118
Formal notification

1. The notification of a written act or document has to be done by formal notification if this is stipulated by law or upon the decision of the public organ.

2. The formal notification is done by through certified mail, delivery in person or through a third person or public announcement, as well as by electronic or official publication, in accordance with this Law.

Article 119
Delivery in person

1. The delivery in person is done by a public organ official, by handing over the document to the recipient in person to one of the notification places provided under this Law. The delivery in person shall be certified with a delivery slip which is signed by both the recipient and the deliverer– official of the public organ (hereinafter: "deliverer").

2. If the recipient is not found at the place of notification, the official makes a second attempt to deliver in person, not earlier than twenty four (24) hours and not later than seventy two (72) hours after the first attempt.

3. If the recipient is not found on the second attempt or in case he refuses to receive, the public organ official takes appropriate note and, when possible, certifies such situation with the signatures of two (2) witnesses present at the site.

4. In the case referred to under paragraph 3. of this Article, the public organ official displays a notice at the place of notification, specifying the recipient and the place where the document can be received. The note shall also specify the date and hour when the notice was left, and the date that will be considered date of delivery in accordance with paragraph 5. of this Article. The display and notice information are also reflected in the delivery note which is certified with the signatures of two (2) present witnesses.

5. The delivery, under paragraph 4. of this Article, shall be considered done after three (3) days from placing the notification.

6. If the recipient is illiterate or cannot sign, the deliverer, in the presence of two (2) witnesses who sign the receipt, will mark his name and date of delivery and make note why the recipient has not put his signature.

7. The delivery shall be done only during the working days and between 7:00 to 19:00.

8. The public organ whose document must be delivered, for particularly important reasons can determine that the delivery is to be done on non-working days, national holidays and other holidays, even after 19:00, if this is needed without delay.

Article 120
Indirect Delivery

1. In cases where delivery in person is not obligatory and the addressee has not been found at the place of delivery, the document may be handed over through third persons that accept to deliver it to the recipient in the following order of preference:

1.1. to any adult member of the family of the addressee, or neighbours in case of sub-paragraph 1.2. Article 112 of this Law, or

1.2. to an employee or the doorman in case of sub-paragraph 1.3. – 1.5. Article 112 of this Law.

2. No indirect delivery, pursuant to paragraph 1. of this Article, shall be done to a person participating in the same proceeding with an adverse interest.

3. The person who receives the notification shall sign the delivery report undertaking the commitment to deliver it to the addressee. In the delivery record the official must also note the relationship of that third person with the addressee, the date of handing over to third person and data for identification of document to be delivered.

4. In case the third person does not accept to receive the notification, the document shall be left in the mail box of the addressee or in a suitable place for notifications. In this case, the delivery time and date and legal consequences as stipulated under paragraph 5. of this Article, shall be noted on the envelope and also reflected in the delivery record.

5. Delivery shall be considered completed upon the expiry of three (3) days after the day of receipt from the third person or from the moment the document was left in the letter box.

6. Paragraph 7. of Article 119 of this Law shall be implemented, mutatis mutandis, also for the notification under this Article.

Article 121
Notification by electronic retrieval

1. The notification of an electronic document can be done by downloading from a server closed to the public, only when the addressee has guaranteed access through authentified electronic means and is preliminarily notified about the date or period of stockage in that server.

2. The notification of a document in accordance with paragraph 1. of this Article shall be deemed completed at the moment of its download from the server. If the document is not downloaded in the specified date or period, the public organ shall send a second notice to the party. If the document is not downloaded in the date or period specified in the second notice, it will be notified for the decision by other appropriate means.

Article 122
Public Announcement

1. Public announcement shall be done when:

1.1. place of notification cannot be identified;

1.2. any other form of notification is impossible or inappropriate; or

1.3. in any other cases explicitly stipulated by law.

2. The public announcement is done by displaying the document on the notice board of the public organ and in its branches or local offices, in the prefecture or in another place according to the local customs, and where it is considered that the recipient can be notified.

3. The public announcement shall be considered to have been completed after ten (10) days from the date of publication, under paragraph 1. of this Article. For justified reasons, this deadline may be extended by the public organ. Announcement date and end date of the ten (10) days deadline is defined in the announced document.

4. In addition to the public announcement of the document in places stipulated in paragraph 2. of this Article, public organ shall publish it on its website and may also publish it on daily press.

5. In case of notification for an administrative act, the text of publication shall contain all mandatory elements as provided by Article 47 of this Law with the exception of descriptive-reasoning section and shall include information about the place, office and way how people may know about the descriptive - reasoning part.

Article 123
Official Publication

1. The announcement through publication in the "Official Gazette" or in the official bulletin of a local self-government unit is mandatory:

1.1. in cases of administrative acts foreseen in Article 44 sub-paragraphs 1.2 and 1.3 of this Law, when their publication through any other means is impossible; and

1.2. in other cases stipulated by law.

2. Provisions of paragraph 5. Article 122 of this Law applies mutatis mutandis for official publication too.

3. The announcement through official publications shall be considered as completed upon expiry of ten (10) days from the date of publication, except when provided otherwise by specific laws.

PART VII
ADMINISTRATIVE LEGAL REMEDIES

CHAPTER I
GENERAL RULES ON ADMINISTRATIVE LEGAL REMEDIES

Article 124
Locus standi and grounds to an administrative remedy

1. A party shall have the right to legal remedy against every administrative action or inaction, if it claims that its right or legitimate interests are infringed by such action or inaction. A member of a collegial organ shall have the right to legal remedy against procedural actions or inactions, if it claims that a provision established in Articles 37 to 43 of this Law was infringed by such action or inaction.

2. Unless otherwise provided by law, administrative remedy may be filed on the grounds of unlawfulness of the action.

3. Ordinary administrative remedies shall be:

3.1. administrative appeal;

3.2. administrative complaint.

4. Exceptional administrative remedies shall be the reopening of the proceeding.

5. A party is not entitled to a second ordinary administrative remedy on the same case.

6. The exhaustion of respective ordinary administrative remedy is a preliminary requirement for any dispute before a competent court for administrative disputes. Direct access to the court without preceded administrative remedy is allowed, when:

6.1. a superior organ does not exist;

6.2. a third party claims that its rights or legitimate interests are infringed by an administrative act resolving an administrative remedy; or

6.3 explicitly provided by law.

CHAPTER II
APPEAL

SECTION I
General rules and eligibility terms of the appeal

Article 125
Administrative appeal

1. Unless otherwise provided by law, an administrative appeal, may be submitted against an administrative act. It may also be submitted against administrative inaction, if the public organ has kept silent within the established deadline (hereinafter referred to as "appeal against administrative silence").

2. A procedural action of public organ may be challenged by appeal only when explicitly provided by law.

3. A procedural action, referred to in paragraph 2. of this Article shall be any action, decision or omission of public organ during the proceeding, which is not a final administrative act or the act of termination of proceeding, as provided by Article 97 of this Law.

Article 126
Content and form of the administrative appeal

1. The appeal should specify the administrative act or administrative silence that is challenged, the grounds of the appeal and the public organ competent for the act.

2. Any request even if not explicitly labelled as appeal, shall be deemed as such if the intention of the party to challenge or attain an administrative act or administrative silence is sufficiently clear.

3. Article 73 of this Law shall be applicable, to the extent possible, for the form and contents of the appeal.

Article 127
Deadlines for filing an administrative appeal

1. An administrative appeal shall be filed within thirty (30) days from the date when the aggrieved party was notified of the administrative act.

2. Third parties who did not participate in the administrative proceeding but are affected by the administrative act may challenge it by appeal within thirty (30) days after

obtaining cognizance, but at latest within six (6) months after issuance of the administrative act.

3. If the administrative act was issued without or with insufficient information regarding administrative legal remedies (legal advice), the deadline, provided in paragraph 1. of this Article is three (3) months.

4. An administrative appeal against the administrative silence shall be filed not earlier than seven (7) days and not later than two (2) months upon expiry of the deadline for issuance and notification of the administrative act.

Article 128
Organ to whom the appeal shall be addressed

1. Unless provided otherwise by law, an administrative appeal against an administrative act may be filed with the public organ that issued or that has the competence to issue the act (hereinafter referred to as "competent organ"), public organ that is superior to the competent organ or to another public organ provided by law (hereinafter referred to as "superior organ"). If the appeal has been filed with the superior organ, the latter shall forward it without delay to the competent organ.

2. An appeal against administrative silence may be filed with the superior organ. If filed with the competent organ, the latter shall forward it without delay to the superior organ accompanied with the case file and a written report indicating reasons of silence.

Article 129
Admissibility conditions of the administrative appeal

1. An administrative appeal shall be admissible if it meets the following requirements:

1.1. it is not explicitly excluded by law;

1.2. the appellant has the locus standi in accordance with Article 124 of this Law;

1.3. it is submitted within the deadline provided by Article 127 of this Law; and

1.4. any other conditions explicitly provided by law.

SECTION II
Suspensory effect of the appeal

Article 130
Suspending effect of an administrative appeal

1. Unless otherwise provided by law, the submission of an administrative appeal suspends ex lege the legal effects of the administrative act, until the decision on the appeal is notified.

2. If the challenged administrative act involves two or more parties with similar interests, administrative appeal filed by any of these parties shall suspend the legal effects of the administrative act to all parties involved.

3. The public organ that decides on the appeal may decide to stop the suspensory effect if a delay in its enforcement would cause an immediate and irreparable damage to public interest or to the interests of a third party. The decision on abolishment of the suspending effect, in addition to what is provided in Article 47 of this Law, shall include the justification of existence of conditions provided under this paragraph.

4. The party may submit an appeal against the decision to abolish the suspensory effect, at the competent court for administrative disputes, within five (5) days from its notification.

5. The competent court shall decide within five (5) days and to cancel the abolishment because of the inexistence of conditions provided for in paragraph 3. of this Article or due to disproportionality of abolishment.

SECTION III
Procedure of reviewing the appeal against an administrative act

Article 131
Procedure of reviewing the appeal by the competent public organ

1. An appeal against an administrative act shall, in the first place, be reviewed by the competent organ.

2. The competent public organ shall review firstly whether the appeal is admissible and only if the appeal is admissible it shall review the lawfulness and expediency of the challenged administrative act. If necessary, the competent public organ may carry out additional administrative investigation.

3. When annulment or amendment of the challenged administrative act would harm a third party, the competent organ should give such party the possibility to be heard in accordance with Article 95 of this Law, prior to the decision on administrative appeal

4. When the competent public organ considers the administrative appeal to be admissible and entirely grounded, it shall, with a new administrative act, annul or amend the challenged act or respectively issue the refused act, as requested by the party.

5. When the competent organ considers the appeal not admissible or not entirely grounded, it shall without delay, forward the appeal to the superior organ, accompanied with all relevant files and a written explanation thereof.

Article 132
Procedure of reviewing the appeal by the superior public organ

1. The superior organ shall examine the administrative appeal, forwarded in accordance with paragraph 5. of Article 131 of this Law and if necessary shall conduct additional investigation or order the competent organ to conduct such investigations and inform it thereof. Paragraph 2. and 3. of Article 131 of this Law shall apply accordingly.

2. The superior public organ, by administrative act, shall reject the appeal, when it finds that the appeal is inadmissible or unfounded legally or accordingly.

3. When the superior organ considers the challenged administrative act to be lawful but the given reasons are other than those stated by the competent public organ in the original act, or finds that the grounds are not complete, it shall reject the appeal and present a new reasoning or respectively will complete reasoning of challenged administrative act.

4. When the superior organ considers the administrative appeal to be admissible and founded, the organ shall, with a new administrative act, annul or amend, completely or partially the challenged act, respectively issue the requested act by the party.

5. If necessary, the superior organ may order the competent organ to prepare the decision on the basis of instructions given by the superior organ.

6. An appeal shall not change the legal situation to the detriment of the party that has lodged the appeal unless this is explicitly stipulated otherwise by law.

SECTION IV
Procedure of reviewing the appeal against an administrative silence

Article 133
Appeal against an administrative silence

1. An appeal against administrative silence shall be reviewed by the superior organ, which shall immediately request from the competent public organ to present without delay the entire case file and a written report on reasons of administrative silence.

2. The superior organ shall firstly review whether the appeal is admissible and only if the appeal is admissible it shall decide on the request of the party as submitted to the competent organ.

3. The superior organ shall review the appeal on the basis of the case file or if necessary shall conduct additional investigation or instruct the competent organ to conduct such investigation on its behalf and inform it about that.

4. Except when provided otherwise by law, the superior organ shall resolve the issue with its own final decision. Paragraph 5. of Article 131 of this Law shall apply.

SECTION V
Content, legal effects and deadline for resolving the appeal

Article 134
Content and effect of the decision on appeal

1. In addition to the requirements of Article 48 of this Law, the statement of grounds of decision on administrative appeal shall, in particular, contain assessments of all claims of the administrative appeal presented by the party.

2. Unless explicitly otherwise stipulated by Law, the act solving the administrative appeal shall have retroactive effect. If the act solving the appeal violates other parties' interests, paragraph 2. and 3. of Article 55 of this Law shall apply mutatis mutandis.

Article 135
Deadline for appeal decision

1. Except when the law explicitly defines a different deadline, the appeal decision shall be made and notified to the party, within thirty (30) days from the filing of the appeal.

2. The deadline, provided in paragraph 1. of this Article, may be extended when additional investigation is needed. Article 99 of this Law shall apply mutatis mutandis for the extension of such a deadline in accordance with paragraph 1. of this Article.

3. The legal fiction of Article 100 of this Law does not apply.

CHAPTER III
ADMINISTRATIVE COMPLAINT

Article 136
Object of administrative complaint

1. A complaint is submitted against a real act or against omission of real act requested by the party. A party in the administrative complaint may request:

1.1. ceasing of performance of a real act;

1.2. revocation or correction of a public declaration,

1.3. declaration of unlawfulness of a real act and elimination of its consequences.

1.4. performance of real act, which the party is entitled to and has unsuccessfully applied for.

2. Except when otherwise foreseen by law, the administrative complaint of a member of a collegial public organ as stipulated in paragraph 1. Article 124 of this Law, second sentence is aimed at the declaration of unlawfulness of the procedural action or inaction and may be connected with the prohibitory injunction for the future, if there is a danger of happening that again. The complaint does neither suspend the progress of the administrative proceeding, during which the challenged procedural action or inaction occurred, nor affect the validity of the administrative acts and administrative contract respectively issued by the collegial organ at the result of this proceeding.

3. A party in the administrative complaint related to a public service of general interest may request that the supervisory public organ exercise its supervisory organ over the public service provider, in order to ensure that the complaining party benefits the service to which it is entitled to and that the service provider meets his legal obligations, in accordance with paragraph 1. of Article 70 of this Law.

4. The administrative complaint in the case of a public service of general interest is admissible only when for the matter in dispute there is no direct legal remedy under administrative law against the public service provider.

Article 137
Form, submission and deadline for administrative complaint

1. The provisions of this Law on the form and content of the administrative appeal shall apply mutatis mutandis for administrative complaints.

2. The administrative complaint shall be submitted to the competent public organ in case of a real act or respectively to the supervisory organ in the case of a complaint related to a public service of general interest.

3. The complaint shall be filed within the period of fifteen (15) days from the date the party had the opportunity to become aware of the disputed matter but no later than six (6) months from its performance, or respectively within the period of two (2) months from the submission of request for performance of real act, in case of inaction by the public organ.

Article 138
Proceeding of reviewing the administrative complaint against real acts

1. The complaint against a real act or omission thereof shall be processed by a separate organizational unit or a collegial body of the competent public organ. The public official responsible for the challenged real act or omission shall not participate in the proceeding.

2. The reviewing unit or collegial body respectively shall decide by administrative act that will be issued and notified within fifteen (15) days after filing the complaint. Paragraph 2. of Article 135 of this Law shall be implemented in this case, too.

3. In case the complaint is resolved in favour of the party, the competent public organ shall with no delay implement the administrative act issued in accordance with paragraph 2. of this Article.

Article 139
Proceeding the review of the administrative complaint in the case of public service of general interest

1. If the administrative complaint related to a public service of general interest is founded, the regulatory body that reviews the administrative complaint shall be obliged to undertake within its competence the necessary measures to ensure without delay all requirements of the service stipulated in paragraph 1. of Article 70 of this Law.

2. The regulatory body shall inform the complainant in writing within thirty (30) days from filing of the complaint about the measures undertaken in response to the complaint.

CHAPTER IV
REOPENING OF THE PROCEEDING

Article 140
Reopening of the proceeding

1. In order to challenge an administrative act, for which the deadline for lodging an appeal has expired, the party may request the reopening of the proceeding, if after expiration of the said deadline the party becomes aware that one of the following cases occurred:

1.1. the factual or legal situation on which the issuance of the administrative act was based, has subsequently changed in favour of the party.

1.2. new evidence has appeared, which could have been relevant for the issuance the challenged administrative act.

1.3. the administrative practice for the same or similar administrative cases has changed after the issuance of the challenged administrative act.

2. The party is not entitled to request the reopening of administrative procedure, if the unawareness of reasons foreseen under paragraph 1. of this Article was a result of the party's negligence.

Article 141
Deadline and the request

1. The request for reopening the proceeding shall be submitted within ninety (90) days from the date when the party became aware of the grounds for reopening the proceeding but no later than three (3) years after the notification of the challenged administrative act.

2. The request shall be addressed to and decided by the public organ competent for the challenged administrative act.

3. The provisions of this Law on the form and content of the administrative appeal shall apply mutatis mutandis for the request for reopening the administrative proceeding.

Article 142
Decision on reopening

1. The competent public organ, where it considers that the administrative act would have been unlawful when issued under the now prevailing circumstances, shall annul the act, amend it or respectively issue the refused act. In the contrary case it shall refuse the request for reopening of the proceeding.

2. The decision taken under paragraph 1. of this Article can be challenged directly to the competent court for resolving the administrative disputes.

PART VIII
ENFORCEMENT OF ADMINISTRATIVE ACT

Article 143
Enforcement of an administrative act

1. An administrative act obliging a party to the payment of a certain amount of money (here in after referred to as "pecuniary obligation"), to the performance of a certain action or ceasing of the performance of such an action (here in after referred to as "non-pecuniary obligation"), not voluntarily implemented by the obliged party, shall be executed in accordance with the provisions of this Law.

2. A public organ shall not pursue any enforcement action that violates or may violate a legal right or interest of an individual, without issuing in advance an administrative act that has become enforceable, except the case specified under Article 153 of this Law.

3. The enforcement of an administrative act, when possible, is carried in the manner and by using such means that while assuring the realization of the obligation shall cause the minimal possible harm to the subjective rights and legitimate interests of the subject of enforcement.

Article 144
Enforceability of administrative acts

1. A first instance administrative act shall become enforceable:

1.1. when the deadline for an appeal has expired and no appeal has been lodged;

1.2. when the party is notified of the act, and according to the law, no appeal is permitted;

1.3. when the party is notified of the act and according to the law, the appeal has no suspending effect;

1.4. upon the notification of the decision to abolish the suspensory effect of the appeal in accordance with paragraph 3. of Article 130 of this law;

1.5. when the party is notified of the administrative act rejecting the appeal.

2. A second instance administrative act by which the first instance administrative act has been altered shall become enforceable after notification of the party.

3. An administrative act shall not be enforced after 5 (five) years from the date on which the administrative act has become enforceable and no enforcement action has been undertaken or if the last enforcement action was undertaken more than 3 (three) years ago.

Article 145
Subject of the enforcement

The enforcement shall be carried out against the person who has to fulfil an obligation imposed by an administrative act or against his legal successors when the obligation is not strictly personal (hereinafter: "subject of enforcement").

Article 146
Time of enforcement

1. Enforcement of administrative acts shall be undertaken on working days in the period between 08:00 and 20:00 hours.

2. Enforcement of an administrative act on public or official holidays, and from 20.00-08:00 hours, may be only carried out in emergency cases with a justified written order issued by the enforcement organ.

Article 147
Competent organ for enforcement

1. Unless another organ is explicitly stipulated for this purpose by law, the enforcement shall be performed by the public organ competent to issue the administrative act even if the act may have been substituted or amended by the appeal decision of the superior organ or of the competent court for administrative disputes.
2. The enforcement of pecuniary obligations derived from an administrative act issued by an organ of state administration shall be enforced by the state tax administration.

3. Independent public institutions and agencies established in accordance with the constitution upon agreement may delegate to the tax administration the competency to enforce pecuniary obligation deriving from administrative acts.

4. The public order organs, upon request of the competent organ for enforcement, shall assist the public organ in the enforcement procedure.

Article 148
Procedures of enforcement

1. The enforcement of non- pecuniary obligation shall be enforced through one of the

procedures provided in Article 150 to 152 of this Law.

2. The enforcement of pecuniary obligations shall be performed by the competent organ for the enforcement defined under Article 147 of this Law, in compliance with the procedures for enforcement of tax duties as provided in the Law on Tax Procedures, which shall apply mutatis mutandis.

Article 149
The order of enforcement proceeding

1. In addition to cases foreseen under Article 153 of this Law, the competent organ shall preliminarily issue an order of enforcement.

2. The order of enforcement shall contain time, place, procedure and the description of the means of enforcement. The order of enforcement may set an additional time limit for fulfilment of the obligation or establish that the obligation must be met immediately.

3. In case the enforcement is done in accordance with the provisions of Article 150 of this Law, the estimated costs of the enforcement must be included in the order of enforcement, if possible, while if the enforcement is done in accordance with the provisions of Article 151 of this Law, the order must indicate the amount of fine, too.

4. The order of execution is an administrative act, under this law. The order shall be issued in written form and notified to the execution entity through formal notification, under the provisions of this Law.

5. In cases where the competent public organ sees founded reasons that the subject of the enforcement is not willing to fulfil his obligations, it may include the order of enforcement already within the content of the administrative act

Article 150
Enforcement of non-monetary obligations through third persons

1. If the non-monetary obligation of the subject of enforcement comprises execution of an action, which can be executed by another person, such an action shall be executed by the competent public organ itself or through third persons.

2. In the case defined in paragraph 1. of this Article, the costs of enforcement shall be borne by the subject of execution. The public organ that is carrying out the enforcement may issue an administrative act ordering to deposit in advance an amount necessary to cover the costs of the enforcement.

3. The final amount of the expenditure of the enforcement shall be determined by an administrative act. The obligation for enforcement expenditures shall be executed in accordance with the rules for enforcement of pecuniary obligations.

Article 151
Enforcement of non-monetary obligations through monetary fines

1. If the execution of a non-monetary obligation through a third person, as provided for by Article 150 of this Law, is not possible or appropriate, the competent organ for execution will impose a coercive fine to the execution entity for each day of delay in execution.

2. The amount of a coercive fine shall be part of the warning or determined by a separate administrative act.

3. The amount of the coercive fine against a natural person shall be from ten percent (10%) to one hundred percent (100%) of the minimal approved salary in Kosovo for each day of delay, whilst against a for-profit legal person it shall be from one percent (1%) to ten percent (10%) of the monthly turnover calculated as an average of the last year. In case of a further non-execution of the obligation, another and higher fine shall be determined. The fine may be applied several times if necessary.

4. Coercive fines shall be enforceable in accordance with the rules for the enforcement of a pecuniary obligation.

Article 152
Enforcement of non-monetary obligations through direct coercion

1. The use of direct coercion to enforce administrative acts is only admissible in relation to non-monetary obligations that cannot be enforced through third persons, and only if the purpose of enforcement of such obligations cannot be achieved exclusively with the use of the means referred to in Article 151 of this Law.

2. The enforcement of positive obligations (obligation of adopting a conduct) may only be carried out through direct coercion where explicitly allowed by law.

3. The enforcement of negative obligations (obligation to abstain from a conduct or to tolerate an action or situation) may be carried out through direct coercion where it is not excluded by law.

Article 153
Immediate enforcement

1. The competent public organ may apply the means of enforcement of Article 150 and 152 of this Law without issuing an administrative act before, only if the following criteria are fulfilled jointly:

1.1. due to extremely urgent matter an administrative act to realise the non-financial obligation cannot be issued in time, and

1.2. extremely urgent measures must be taken for the purpose of insuring public peace and safety or of eliminating immediate threat to human health or life or property.

2. Every action for immediate enforcement shall be documented by the enforcement organ in the minutes.

3. Upon request of the party the public organ must issue an administrative act from paragraph 1. of this Article in writing within eight (8) days at the latest upon submission of the request that explains the necessity of the undertaken immediate enforcement.

4. This request according to paragraph 3. of this Article may be submitted within two (2) months following the date of the enforcement.

Article 154
Termination and postponement of the enforcement

1. The enforcement shall be terminated ex officio and performed actions cancelled if:

1.1. the obligation has been fulfilled on the whole;

1.2. the administrative act on which the enforcement is based has been annulled or abrogated;

1.3. the enforcement was taken against a person under no obligation; or

1.4. the enforcement was not allowable at all.

2. Upon request of the party and in order to avoid damage that would be difficult to rectify, the public organ that rendered the administrative act may postpone enforcement and, if necessary, extend the postponement of enforcement until a final administrative act is rendered on the same matter, unless otherwise prescribed by law and if it is not contrary to the public interest.

Article 155
Consequences of enforcement/execution of an annulled or abrogated act

1. When enforcement based on an administrative act has been carried out, which is later annulled or altered, the subject of enforcement shall be entitled to request the return of the subject of enforcement to the previous status or to compensation for damages.

2. The public organ that has issued the writ of enforcement shall decide in accordance with paragraph 1. of this Article on the request by separate administrative act.

Article 156
Appeal against actions of enforcement

1. Without prejudice to the parties' right to appeal against the enforced act as a whole, a party may lodge a separate administrative appeal against the order of enforcement. The appeal may only concern time, place or means of enforcement and has no suspending effect on the enforcement.

2. The appeal provided for by paragraph 1. of this Article, shall be resolved directly by the superior organ of the organ competent for the enforcement, within five (5) days from its submission.

3. A party may lodge an administrative complaint when considers the actions performed for the enforcement exceeded the mandatory part of the act that is enforced or when the actions of enforcement are pretended to be unlawful.

4. The administrative complaint, provided for by paragraph 3. of this Article, shall be resolved, within five (5) days from its submission, directly by the superior organ of the organ competent for enforcement and has no suspensory effect on the enforcement.

PART IX
TRANSITIONAL AND FINAL PROVISIONS

Article 157
Completion of initiated procedures

For the administrative proceedings pending on the date of entry into force of this Law, the previous legal provisions regulating the administrative proceedings shall apply.

Article 158
Transition related to electronic filling and processing

The Government shall determine for each public organ, the date from which, electronic filing and processing is permitted.

Article 159
References

Wherever in the legislation into force there is a reference to the Law No. 02/L-28 on Administrative Procedure or to its specific provisions, those references shall be considered to refer to this Law or to the respective provisions in accordance with this Law.

Article 160
Transitory provision related to the scope of silent consent rule

1. The silent consent rule as provided for by this Law shall become effective upon the entry into force of this Law, only to the administrative proceedings established by law or by decision of the Government of Kosovo.

2. The silent consent rule as provided for by this Law shall become effective to any other administrative proceeding in two (2) years from the entry into force of this Law, except when otherwise provided by law.

Article 161
Arrogations

Entry into force of this Law shall abrogate the Law No.02/L-28 on Administrative Procedure and any other provision contrary to this law.

Article 162
Entrance into force

This law enters into force one (1) year after the publication in the Official Gazette of the Republic of Kosovo.

Law No. 05/L-031
25 May 2016

President of the Assembly of the Republic of Kosovo

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Kadri VESELI