

LAW

on Administrative Disputes

**the law entered into force on 27 May 2006
and shall be implemented starting from 28 May 2007**

I. Basic Provisions

Article 1

In order to provide judicial protection of the rights and legal interests of natural persons and legal entities, and in order to safeguard lawfulness, the Administrative Court (hereinafter: the court) shall rule on the lawfulness of the acts of the state administration authorities, the Government Cabinet and other state authorities, municipalities and the City of Skopje, organizations established by law and legal and other entities when exercising public authority (agents of public authority), when deciding on rights and responsibilities in specific administrative matters, as well as acts issued in misdemeanor procedure.

Article 2

In administrative disputes, the court shall decide on the lawfulness of specific acts issued in election procedures and individual acts for election, nomination and dismissal of public officials if so determined by Law, as well as for acts of nomination, appointment, and dismissal of senior civil servants, unless otherwise regulated by Law.

In administrative disputes, the court shall decide on the lawfulness of acts of state authorities, the Government and the agents of public authority where said acts are expressed in the form of a regulation, provided they regulate specific relations.

In administrative disputes, the court shall preside and decide on disputes consequential to the implementation and enforcement of provisions of concession agreements, of public procurements agreements in the public interest, and of any agreement/contract where one of the contracting parties is a state authority, an organization invested with public authority, a

public utility enterprise, municipalities and the City of Skopje, and other agreements of public interest or on the account of performing public services (hereinafter: administrative agreements).

In administrative disputes, the court shall decide against specific acts of the state administration authorities, the Government, other state authorities, municipalities and the city of Skopje, organizations established by Law and legal and other entities exercising public authority (agents of public authority) whenever second-instance legal remedies against such acts have not been provided for.

In administrative disputes, the court shall decide on conflicts of jurisdiction among organs of the Republic, the municipalities and the city of Skopje, between the municipalities and the city of Skopje and in disputes of conflict of jurisdiction between the municipalities and the city of Skopje and agents of public authority, as stipulated by Law, unless different judicial protection is provided by the Constitution or other laws.

When the acts indicated in this Article are disputed in an administrative dispute, the provisions of this Law shall apply to the procedure, unless otherwise stipulated by another law.

Article 3

A natural or legal person shall have the right to instigate an administrative dispute acting as a complainant, if a certain right or a direct interest based in law is deemed to have been violated by the administrative act.

A state authority, a branch office or operating unit of the company, a settlement etc., or a group of people, although not being legal persons, shall be entitled to initiate an administrative dispute if they are eligible to be invested with the rights and responsibilities that are the subject of the ruling in the administrative procedure.

When an authority of the municipalities and the city of Skopje, or an authority of an organization has reached a first-instance decision in an administrative matter of primary or delegated authority, and a competent authority according to law has ruled on an appeal against such an act, administrative action against the second-instance act can also be initiated by the municipality the city of Skopje, i.e. the authority that ruled in the first-instance decision, if it deems that the second-instance act violates the right of the local government, i.e. the right to governance.

An administrative dispute may be initiated by the Public Procurator of the Republic of Macedonia in cases where an administrative act or an administrative agreement violates the law or the public interest, i.e. the institution represented by the Public Procurator according to law.

The complainant in an administrative dispute may be a trade union organization, if it deems that its member's right or direct interest based on law is violated by an administrative act.

When an administrative act violates a right or interest of an individual who is a member of an association that according to its policies is committed to protecting certain rights and interests of its members, the association may, in agreement with the member on his/her behalf, file a complaint and litigate an administrative dispute against such administrative act.

The Association indicated in Paragraph 6 of this Article may, at any stage of the procedure, with the rights and entitlements of a secondary involved party, take part in an active dispute from the side of the individual and act to his benefit undertaking all actions and using all legal remedies, provided such action does not conflict with the statements and the actions of the individual.

Article 4

The administrative disputes in Republic of Macedonia shall be settled by the following:
Administrative Court as the first-instance court; and
The Supreme Court of the Republic of Macedonia, acting upon special legal remedies.

Article 5

Judgments of the courts rendered in administrative disputes shall be binding and enforceable.

Article 6

Authorities (organs) under this Law are the authorities (organs) of state administration, the Government of Republic of Macedonia, other state authorities, administrative organizations, municipalities and the city of Skopje, public utility enterprises, companies, funds, institutions, organization and communities, citizens' associations and other organizations and communities when exercising public authority to rule in administrative matters.

Article 7

An administrative act, within the meaning of this law, is an act whereby the authorities (organs) indicated in Article 6 of this Law decide on the exercise of a right or obligation of a natural or legal person, or other person who may be party to an administrative matter, as well as acts issued in misdemeanor procedure.

II. ADMINISTRATIVE DISPUTE

Article 8

An administrative dispute may be initiated against a second-instance administrative act (final administrative act).

An administrative dispute may also be initiated against a first-instance administrative act, for which no appeal is permitted under the administrative procedure.

An administrative dispute may also be initiated when the competent authority, has failed to issue an appropriate administrative act upon request or appeal of the petitioner, under the conditions stipulated in this Law.

An administrative act may also be initiated for a violation of provisions of administrative contracts, in accordance with this Law.

Article 9

Administrative dispute can not be initiated:

1) Against acts issued on matters for which judicial protection other than administrative dispute procedure is provided;

2) Against matters for which the Assembly of Republic of Macedonia or the President of the Republic directly pass decisions based upon constitutional authority, except decisions on appointments and dismissals.

Article 10

The administrative act may be contested:

1) If the law is improperly applied;

2) If the act is issued by an unauthorized organ; and

3) If, in the procedure preceding the act, rules of the procedure have not been followed, especially if the factual situation has not been correctly established or an incorrect conclusion regarding the factual situation has been derived from the identified facts.

Article 11

In an administrative dispute the complainant may request return of seized property or compensation for damage inflicted on the claimant by the enforcement of the disputed act.

Article 12

The defendant in the administrative dispute shall be the authority whose act is disputed.

Article 13

A third person who may be directly harmed by an annulment of the disputed administrative act (interested person) shall be treated as a litigant.

Article 14

The complaint, as a general rule, shall not prevent the enforcement of the administrative act against which it is submitted.

Upon complainant's request, if enforcement would cause harm to the complainant that would be difficult to repair, whereas deferral of enforcement would not be against the public interest nor cause irreparable harm to the opposing party, the authority whose act is to be enforced may defer enforcement.

On each request, the authorized organ is required to issue a decision not later than three days upon receipt of the request.

The organ from Paragraph 2 of this Article may defer enforcement of the disputed act for other reasons, until a final court decision, if the public interest allows it.

III. TEMPORARY MEASURES

Article 15

If the competent authority that issued the administrative act from Article 14 proceeds with enforcement of the act before a court decision is rendered, the complainant may petition the court to issue a temporary measure for deferral of enforcement of the administrative act.

The complainant may also petition for a temporary measure of temporary regulation of the disputed legal relationship, if such regulation is deemed necessary, particularly in ongoing/enduring legal relationships, in order to avoid more difficult adverse consequences or an imminent threat of violence.

The court ruling on the complaint shall be competent to render the temporary measure indicated in paragraphs above.

The court shall decide on the temporary measure within seven days of the acceptance of the request, along with an explicated decision. The court may associate the temporary measure to a condition for insurance against potential damage for the opposing party that may be caused by the issuance of the measure.

The parties may file an appeal against the decision indicated in the previous paragraph to the competent court within three days; the court is required to rule on the appeal within three days of receipt.

IV. JURISDICTION AND STRUCTURE

1. Substantive Jurisdiction

Article 16

The Administrative Court in an administrative dispute shall rule on complaints against administrative acts.

The Supreme Court shall rule on special legal remedies against decisions of the Administrative Court.

The Supreme Court shall decide on conflict of jurisdiction between the Administrative Court and other courts.

Article 17

The Administrative Court shall decide on complaints against administrative acts issued by funds, public utility enterprises, institutions, organizations and communities, citizens'

organizations and other organizations and communities when, in exercising public authority, they decide in administrative matters and enter into administrative contracts.

The Administrative Court shall decide in the first instance complaints against the decisions of Mayors when the Mayors decide administrative matters or enter into administrative contracts.

2. Composition

Article 18

The Administrative Court shall comprise 19 judges.

The number of judges of the Administrative Court may be increased by a decision of the Judicial Council of the Republic of Macedonia.

The Administrative Court in administrative dispute shall rule by councils comprising three judges.

When the Supreme Court rules on special legal remedies, it shall rule by council comprising three judges.

V. PROCEDURE

1. Complaints Procedure

Article 19

An administrative dispute shall be initiated by filing a complaint.

Article 20

A complaint must be submitted within 30 days from the date of delivery of the administrative act to the complainant.

The deadline of paragraph 1 of this Article shall also apply to the authority entitled to submit a complaint, if the administrative act has been delivered. If the act has not been delivered,

a complaint may be submitted within 60 days of the day of delivery of the administrative act to the party benefiting from the act.

A complaint against the decision in Article 2 paragraph 1 of this Law other than individual acts issued in electoral procedures, shall be submitted within 30 days of the day of delivery of the act, or if the act has not been delivered, a complaint may be submitted within 30 days from the day of publication of the act or the decision of the Constitutional Court in the “Official Gazette of Republic of Macedonia“

A complaint against individual acts issued in electoral procedures shall be submitted within 3 days of enactment i.e. publication.

A complaint for non-performance of obligations under administrative contracts must be filed within 30 days of establishment of non-performance.

Article 21

The complaint shall be directly delivered to the court, or sent by mail. The date of delivery of the complaint by registered mail shall be considered as the date of receipt.

If the complaint is not delivered to the court, but to another authority and arrives in the Administrative Court after expiration of the submission deadline, it shall be considered filed on time, provided the submission to such authority may be attributed to ignorance or an obvious mistake of the complainant.

For personnel serving military duty in the Army of the Republic of Macedonia prescribed by law, the day of transmittal of the complaint to the military unit, i.e. to the military institution or headquarters, shall be considered as the date of receipt by the court.

Paragraph 3 of this Article pertains both to military personnel and civilians serving in the Army of the Republic of Macedonia, i.e. in military institutions or headquarters where no regular mail service is available.

Article 22

If the second-instance authority, within 60 days or a shorter timeframe defined with a specific regulation, fails to rule on the appeal disputing the first-instance decision, and fails to rule within seven days of receipt of a repeated request, the party may initiate an administrative dispute as if the appeal were denied.

The party may also act in the manner prescribed by Paragraph 1 of this Article, if the first-instance authority failed to rule on its request and where no appeal is available against the act of the first-instance authority.

If the first-instance authority whose act may be appealed within 60 days or a shorter timeframe defined by a specific regulation, failed to rule on request, the party may address the request to the second-instance authority. The party may initiate an administrative dispute against the second-instance authority's decision according to the conditions stated in paragraph 1 of this Article, even if the authority had not ruled,.

Article 23

The complaint must contain the name, the surname and the place of residence of the complainant, i.e. the name and the location of the legal entity as entered in the Central Registry, the administrative act against which the complaint is filed, the causes for the complaint, and the scope and direction of proposed annulment of the administrative act. The complaint must be accompanied by the original act or a copy.

If the complaint requests return of property or compensation damage, specifications for the item or the extent of damage must also be stated in the submission.

The complaint shall be also accompanied by a copy of the complaint and the attachments for the defendant and for each interested person, if any.

Article 24

The complainant may withdraw the complaint at any time before a decision is made; in case of withdrawal the court shall halt the proceedings.

Article 25

If the complaint is incomplete or ambiguous, the President of the Council shall invite the complainant, through another court if necessary, to remove all deficiencies of the complaint within a defined time frame. The summons shall provide guidance for what should be done and how, point out the necessity of legal representation and the consequences that would result for failure to comply with court's requirement.

If the complainant fails to remove the deficiencies in the complaint within the given timeframe, and those deficiencies are obstructing the work of the court, the court shall adopt a

decision rejecting the complaint as inadequate, unless it finds the disputed administrative act null and void.

Article 26

The court shall dismiss the complaint if it establishes:

1) That the complaint has not been submitted in a timely manner (Article 20) or if it is submitted ahead of time (Article 22);

2) That the act contested by the complaint is not an administrative act;

3) That it is obvious that the administrative act contested in the complaint does not affect the complainant's rights or the complainant's direct personal interest stipulated by Law. (Article 3);

4) That an appeal could have been filed against the administrative act contested in the complaint, but no such appeal has been filed, or it was not filed on time;

5) That the subject is an administrative matter not eligible for administrative dispute and

6) That there is already an effective decision in an administrative dispute concerning the same matter.

For reasons stated in paragraph 1 of this Article, the court shall dismiss the complaint at every stage of the procedure.

Article 27

If the court does not dismiss the complaint on the basis of Article 25 paragraph 2 or Article 26 of this Law, and decides that the contested administrative act contains substantial deficiencies preventing the assessment of the legitimacy of the act, it may render a decision to revoke the act even without submitting the complaint for a response.

Article 28

If during the court procedure the authority issues another act which modifies or invalidates the administrative act against which the administrative dispute has been initiated, or in the case stated in Article 22 of this Law, when a separate administrative act is passed, the issuing authority shall simultaneously inform the complainant and the court hearing the dispute. The court shall invite the complainant to declare within 15 days whether the newly adopted act is

satisfactory or the complaint is still active and to what extent, i.e. whether the complaint is expanded to cover the new act as well.

If the complainant declares satisfaction by the newly passed act, or if no declaration is made in the timeframe stated in paragraph 1 of this Article, the court shall halt the procedure.

If the complainant declares dissatisfaction by the new act, the court shall continue the procedure.

If during the court procedure the first-instance authority in cases stated in Article 30 has issued an administrative act, the court halt the procedure.

Article 29

If the complaint is not summarily dismissed according to Article 25, Paragraph 2 or according to Article 26 of this Law, nor the act annulled according to Article 27 of this Law, the court shall submit one copy of the complaint and attachments to the defendant for response and to the interested parties, if any.

The response shall be submitted within the time frame defined by the court and for each specific case. This time frame can not be less than 8, nor more than 30 days.

In the designated timeframe, the defendant is obliged to submit to the court all records relevant to the case. If the defendant even after the second notice fails to submit case records, or states that they can not be submitted, the court may rule without the records.

Article 30

In administrative disputes, as a general rule, the court rules in a non-public session.

The court shall hold a public hearing:

- Due to the complexity of the matter in dispute;
- In order to clarify the matter;
- When establishing facts;
- When deriving evidence;
- In cases indicated in Article 22 of this Law.

A party in the dispute can propose to hold a public hearing (oral arguments) for the same reasons.

Article 31

In matters demanding expertise for issues concerning the subject of the administrative dispute in the administrative-law procedure, the party shall be allowed to bring an expert to provide expert advice (expert assistant). This person shall not represent the litigant.

The litigant cannot call a person whose legal capacity is impaired or a person who engages the practice of law without a license to act as an expert advisor in the administrative-law procedure.

Article 32

If the competent council decides to convene a public hearing, the President of the Council shall decide the date of the hearing and summon the litigants and the interested parties, if any, to the hearing.

Article 33

The hearing shall be governed by the President of the Council.

Minutes of the hearing shall be kept only for essential facts and circumstances, as well as the statement of the court decision. The minutes shall be signed by the President of the Council and the minute taker.

Article 34

Absence of a party from the oral argument hearing shall not delay the court's work. The absence of the litigants can not be interpreted as waiver of claims; their submissions shall be read out.

If neither the complainant nor the defendant are present at the hearing and the hearing is not postponed, the court shall rule in the dispute without the presence of the parties.

Article 35

The member of the Council acting as rapporteur shall be the first to speak at the hearing. The rapporteur shall present the situation and the substance of the dispute, without giving his/her opinion. Afterwards, the floor shall be given to the complainant to explain the

complaint, followed by the representative of the defendant and of the interested parties, to explaining their respective positions.

Article 36

As a general rule, the court shall decide the dispute based on facts established in the administrative procedure, or based on facts established by the court.

If the court finds that the dispute cannot be decided based on facts established in the administrative procedure, due to contradiction in the established facts found in the records, if substantial points of fact are incomplete, if an incorrect conclusion regarding the factual situation is derived from the established facts, or if the court finds that rules of the administrative procedure that may have affected the matter have not been taken into consideration, then the court shall annul the contested administrative act by a judgment. In such cases, the competent authority shall be required to act as instructed by the judgment and pass a new administrative act.

If the annulment of the contested administrative act according to Paragraph 2 of this Article and repeating the procedure before the competent authority would cause irreparable harm to the complainant, or if based upon public documents or other evidence in the records of the case it is obvious that the actual situation is different than the situation established under the administrative procedure, or if the administrative act has already been annulled once in the same dispute yet the competent authority has failed to completely comply with the judgment, the court shall establish the factual situation and render a judgment or decision based on the factual situation so established.

In cases as stated in Paragraph 3 of this Article, the court shall determine the factual situation at a hearing via one of the members of the Council, or via another regular court or organ. The party shall be also summoned to the hearing.

Article 37

The legitimacy of the contested administrative act shall be investigated by the court within the scope of the complaint's request, without being bound by the causes for filing the complaint.

The court has an affirmative official duty to keep aware of invalidation of the administrative act.

Article 38

The court shall declare a judgment or decision by majority voting when ruling within the Council.

Separate minutes shall be kept of consultations and voting, to be signed by all members of the Council and the minute taker.

The consultations and voting shall be conducted without the presence of the parties.

Article 39

The court shall settle the dispute by a judgment.

The judgment indicated in Article 30 Paragraph 3 may be appealed.

The judgment may either grant the complaint as justified or deny it as groundless. If the complaint is granted, the court shall annul the contested administrative act.

Article 40

If the court finds that the contested administrative act should be annulled, it may settle the administrative issue by pronouncing a judgment, if the nature of the matter and the data in the procedure provide sound grounds. The court shall always act in this manner if:

- The law has been improperly applied (wrongly established legal matter);
- The matter concerns administrative contracts;
- The matter concerns acts issued in misdemeanor procedures by organs indicated in Article 1 of this Law;
- The procedure is delayed, and in the case in question the factual situation has been determined in the administrative-law court procedure;
- The administrative act has been previously annulled by a judgment, yet the issuing authority has failed to act according to the court's guidelines and opinions stated in the judgment;
- The competent authority upon annulment of the administrative act passes an administrative act contrary to the court's legal opinion, or contrary to the court's remarks regarding the procedure, thus the complainant submits another complaint;
- In cases indicated in Article 22 of this Law;

Such judgment shall replace the act of the competent authority in all respects.

In cases as indicated in Paragraph 5 items 4 and 5 of this Article, the court shall inform the supervising authority. The Supervising Authority shall suspend the authorized officer for failure to comply with a court order and shall initiate disciplinary proceedings against said officer.

By the judgment that annuls the contested administrative act, the court shall also decide upon complainant's request for return of property. With regard to compensation for damages, the court shall refer the complainant to settle his/her request in a civil action.

When a complaint is submitted in accordance with Article 22 of this Law, and the court finds it justified, a judgment granting the claims of the complaint and issuing guidelines for action by the competent authority shall be passed.

Article 41

If an oral arguments hearing is convened, the court shall announce the judgment or the decision, along with the most important justifications, upon conclusion of the hearing.

In complicated cases, the court may refrain from oral proclamation of the judgment or decision, but it shall pass such judgment or decision within eight days at the latest.

If a judgment or decision cannot be rendered after the conclusion of the oral arguments hearing due to the need to establish a fact, and no new hearing is required to establish that fact, the court shall render a judgment or decision without a hearing, within eight days of establishing said fact.

Article 42

The judgment or decision shall contain the name of the court, the name and surname of the President of the Council and the members of the Council and the minute taker, the names and the surnames of the parties and their representatives, a brief summary of the subject matter of the dispute and the day of issuance an announcement of the judgment or decision, the ruling, justification and guidance regarding appeal, if appeal is allowed. The ruling must be separate from the justification.

The original judgment or decision shall be signed by the President of the Council and the minute taker.

The judgment or decision shall be issued to the litigants as certified copy.

VI. SPECIAL LEGAL REMEDIES

Re-trial

Article 43

A case resulting in a final judgment or decision shall be re-tried upon request of a party:

1) if the party learns new facts, or finds or obtains an opportunity to use new evidence that may result in a more favorable outcome of the dispute for said party had those facts or evidence been disclosed or used in the original dispute procedure;

2) if the court's decision was a result of a crime committed by a judge or officer of the court, or the decision was obtained by fraud by the representative or attorney of the party, the opposing party or opposing party's representative or attorney, and such actions constitute criminal offenses;

3) if the decision is based on a judgment rendered on a criminal or civil matter, and that judgment has later been overturned and replaced by another decision with full effect;

4) if the document on which the decision is based is a forgery or has been fraudulently modified, or if the witness, expert witness or party have given false testimony at the hearing, and the decision of the court is based on that testimony;

5) if the party finds or obtains an opportunity to use the earlier decision rendered in the same administrative dispute;

6) if a person with legitimate interest in the case has been denied the opportunity to take part in the administrative dispute; and

7) upon decision of the European Court of Human Rights.

Due to circumstances in items 1 and 5 of Paragraph 1 of this Article, a re-trial shall be allowed only if the party has been unable, through no fault on its part, to disclose those circumstances in the original trial.

Article 44

A re-trial may be requested no later than 30 days from the date the party has learned of the cause for which re-trial is requested. If the party has learned of the cause for re-trial prior to finalization of the original procedure before the court, but has been unable to use that

information during the original procedure, a re-trial may be requested within 30 days from the date of delivery of the decision.

Re-trial may not be requested after expiration of five years from the date of entry into full force and effect of the decision.

Article 45

The complaint for re-trial shall be decided by the court that has rendered the decision that the cause for re-trial refers to.

Article 46

The complaint for re-trial shall be submitted to the competent court (Article 45).

The complaint must contain in particular:

- 1) the judgment or decision in the case requested to be re-tried;
- 2) legal grounds for re-trial (Article 43) and evidence or circumstances that support the credibility of such legal grounds;
- 3) circumstances implying that the complaint is filed within the legally prescribed timeframe and proof of those circumstances; and
- 4) scope and direction of proposed modification of the judgment or decision rendered in the case for which re-trial is sought.

Article 47

The complaint for re-trial shall be decided by the court in a non-public session.

The court shall reject the complaint if it finds that the complaint has been filed by an unauthorized person, or that the complaint is not timely or the complainant has failed to support the credibility of the legal grounds for re-trial.

If the court fails to reject the complaint pursuant to Paragraph 2 of this Article, it shall forward it to the opposing party and the interested parties and invite them to respond to the complaint within 15 days.

Article 48

Upon expiration of the deadline for response to the complaint (Article 47 Paragraph 3), the court shall decide by a judgment regarding re-trial of the case.

If a re-trial is allowed, the prior decision shall be annulled in whole or in part. Earlier procedural elements not affected by the cause for the re-trial shall not be repeated.

The judgment allowing the re-trial shall also decide the main matter.

Article 49

A petition for safeguarding lawfulness may be submitted against the decision of the court on the complaint for re-trial.

Article 50

Provisions of this law regarding procedure and legal remedies shall also be applicable in the re-trial procedure, unless otherwise provided by Articles 43 to 49 of this Law.

Article 51

If this Law does not contain provisions regarding administrative dispute procedure, the provisions of the Law on Civil Procedure shall apply respectively.

VII. BINDING JUDGMENTS

Article 52

When a court annuls an act subject to administrative dispute, the case shall be restored to the state prior to the issuance of the annulled act. If the nature of the matter requires issuance of a new act to replace the annulled administrative act, the competent organ is required to issue such act without delay, no later than 30 days from the date of delivery of the judgment. In this procedure, the competent organ shall be bound by the legal opinion of the court, as well as the court's remarks regarding the procedure.

Article 53

If, upon annulment of an administrative act, the competent organ fails to issue a new administrative act or an act for enforcement of the judgment pursuant to Article 40 Paragraph 5

of this Law immediately or within 30 days at the latest, the complainant may petition for issuance of such act by special submission. If the competent organ fails to issue such act after seven days of receipt of such petition, the complainant may request issuance of such act by the court that had rendered the judgment.

Regarding the requirement from Paragraph 1 of this Article, the court shall demand an explanation from the competent organ on the reasons for the failure to issue the administrative act. The competent organ is required to provide such explanation immediately, or within seven days at the latest. If the organ fails to perform this obligation or if the explanation provided does not justify, in the court's opinion, the non-enforcement of the judgment, the court shall issue a decision that entirely replaces the competent organ's act in every respect, if the nature of the matter allows it. The court shall forward this decision to the enforcement organ and duly inform the supervisory organ. The enforcement organ is required to enforce this decision without delay.

Article 54

When a judgment is rendered in an administrative dispute, and the competent organ has issued an administrative act to enforce said judgment, and a request is submitted to the competent organ to reinstate the administrative procedure concerning that administrative act, the reinstatement may be allowed if the cause for reinstatement has occurred in the organ issuing the act.

VIII. SPECIAL PROVISIONS

Article 55

Petitions for the protection of freedoms and rights guaranteed by the Constitution, if such freedom or right is violated by an individual final act and no other judicial protection is provided, shall be decided by the court competent for administrative disputes, in accordance with this Law.

Article 56

If the freedoms and rights guaranteed by the Constitution are violated by an action of an officer of a state administration organ, or an officer of a corporation, institution or other organization or community, where such action unlawfully prevents or restricts the exercise of any

right or freedom to an individual, organization or community, protection shall be provided in a procedure established in Articles 57 to 64 of this Law, unless other judicial protection is provided.

Article 57

The petition for protection from an illegal action shall cite the action, place and time the action was committed, the organ, organization, community or officer committing the action, evidence to support the claims and a request to remove the obstruction or restriction to the exercise of rights or obligations.

Article 58

The petition may be submitted while the action is ongoing.

If the person subject to the action is unable to submit a petition for protection from an illegal action, such petition may be filed by such person's spouse, child, parent or legal representative or attorney.

Article 59

The petition for protection from an illegal action shall be decided by the Administrative Court. The Court shall rule by a council comprising three judges.

Article 60

The Administrative Court shall act on the petition urgently and in a manner which, pursuant to basic principles of procedure, ensures efficient protection of the rights and interests of citizens and organizations or communities.

Article 61

The court shall forward the petition without delay and request response from the organ or officer committing the action. The response must be provided within the timeframe set by the court.

The court may, according to the circumstances of the case, render a decision on the petition immediately, without requesting a response to the allegations, if the information given in the petition provide a solid basis for such a decision.

Article 62

If a court grants the petition, it will render a decision ordering a halt to the action. Otherwise, the petition shall be rejected.

With the order, the court shall also determine what is needed to institute a lawful situation, prescribe a timeframe for compliance, and prescribe sanctions for non-enforcement of the order.

Article 63

A special appeal against the order described in Article 62 of this Law may be submitted to the Supreme Court of Republic of Macedonia within 3 days of the delivery of the order.

The appeal shall not defer the enforcement of the order, but the court may defer enforcement if it finds that the circumstances of the case warrant such deferral.

Article 64

In order to ensure enforcement of the order, according to the circumstances in each specific case, the court shall immediately take all necessary steps, and may also advise an officer of the supervising organ, Public Prosecutor or other organs, so that they may also undertake measures prescribed by the court.

Article 65

If the order is not enforced within the given timeframe, the court shall enforce the order directly or through another court or organ.

The cost of enforcement, according to the circumstances of the case, shall be borne by the organ, organization or community, i.e. by the officer committing the action.

For purposes of enforcement of the order, the court may submit to the competent authority a proposal for removal of the officer from duty, and may also, if needed, impose a fine

of up to 10.000,00 denars against the officer for failure to enforce the order in the prescribed timeframe, or impose other measures in accordance with the rules of the enforcement procedure.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 66

The procedure for complaints involving an administrative dispute filed in the Supreme Court before the date of entry into force of this Law shall be conducted in the following manner:

- administrative-law cases pending before the Supreme Court and not resolved by the date of entry into force of this Law shall be handed over to the Administrative Court.

The Supreme Court shall be required to resolve received cases involving special legal remedies in a reasonable amount of time.

An instruction on the handover of cases from the Supreme Court of the Republic of Macedonia shall be enacted by the Minister of Justice no later than 3 months from the date of entry into force of this Law.

Article 67

An appeal against a decision rendered in an administrative dispute by the date of entry into force of this Law may be submitted pursuant to current regulations if said regulations allow appeal in the applicable circumstances.

Special legal remedies are available against a final decision rendered in an administrative dispute by the date of entry into force of this Law, pursuant to regulations applicable prior to the entry into force of this Law.

Article 68

With the day commencement of application of this Law, the Law on Administrative Disputes ("Official Gazette of SFRJ" no. 4/77; 36/77 and " Official Gazette of the Republic of Macedonia " no. 44/2002) shall cease to be valid and applicable.

Article 69

This Law shall enter into force on the eighth day from the date of publication in the "Official Gazette of the Republic of Macedonia", and its application shall commence one year after entry into force.