

LAW ON THE GENERAL ADMINISTRATIVE PROCEDURE

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject of the Law

This Law regulates procedures to provide protection to rights and legal interests of physical, legal entities and other parties, as well this Law provides protection to the public interest obliged to appliance by ministries, bodies of the state administration, organizations established by law, other state bodies, legal and physical entities classified to execution of public authorizations. Integral part are the bodies of municipalities, of the city of Skopje and the municipalities in the city of Skopje upon execution of legal jurisdiction act, decide and undertake other administrative actions corresponding to administrative area.

Article 2

Appliance of the Law

(1) Appliance of this law is to all administrative actions by public bodies and by all providers of services.

(2) Certain laws regulate certain area distinctly, but not opposing to the basic principles and purpose of this law, and not decreasing protection to rights and legal interests of parties guaranteed by this law.

Article 3

Languages and Alphabets

(1) The Official Language in the Administrative procedure is the Macedonian Language and its Cyrillic Alphabet.

(2) Appliance of other languages and alphabets by a body of the State Administration or other state bodies or bodies within municipality or the city of Skopje and the municipalities of the city of Skopje or legal and other persons classified by law to execute public authorization in administrative procedure is in accordance to the Law on languages spoken by at least 20% of the population in Republic of Macedonia and the units of local self-government.

(3) Parties and other participants in the procedure absent of citizenship of Republic of Macedonia or failing to understanding the Macedonian Language and its Cyrillic Alphabet shall have the right to an interpreter.

Article 4

Terms and Terminology

Meaning of certain terms used in this law:

- **“Public body”** term is for ministries, bodies to the State Administration, organizations established by law, other state bodies, legal and physical entities/persons classified by law to act upon jurisdiction and bodies of the municipality, the City of Skopje, and the municipalities in the City of Skopje;

- **“Service Provider”** corresponds to all legal entities entitled by law to provide public services or services of general interest;

- **“Cooperative body”** is a body constituted of three or more than three members, and is by law entitled to act, decide and undertake other administrative actions corresponding to administrative area;

- **“Administrative area”** corresponds to all acts and actions admissible to presentation or conduction of jurisdiction by public bodies to decide or influence upon the rights, obligations or legal interests of physical persons, legal entities or other parties participating in the procedure, and any other area regulated as administrative by certain law;

- **“Administrative action”** enclose ruling administrative acts, administrative agreements, protection to beneficiarys of public services and services of common interest, and other administrative actions undertaken within the administrative area in accordance to the law;

- **“Administrative act”** corresponds to each single act the public body rules based on law enabling settlement to rights, obligations and legal interests of the parties. Administrative acts are titled as decision, settlement, order, license, permit, prohibition, approval and other;

- **“Record”** is a written identification document during oral hearing or other significant action within the procedure, or to significant oral statements provided by the parties or third persons in the procedure;

- **“Party”** refers to every physical or legal entity to requesting initiation of administrative procedure; persons subject of administrative procedure; persons participating in the procedure initiated ex officio; or persons obliged to protection of rights or legal interests admissible to

participate in the administrative procedure. A Party is a public body, office or other business unit of trading company, settlement or similar, or group of persons regardless the legal status;

- **“Submissions in the procedure”** are requests, declarations, drafts, appeals, objections, petitions, and other statements enabling parties address to the public body in correlation to a certain administrative area;

- **“Notification”** is an official announcement by the public body to the party or to other person participating in the administrative procedure;

- **“Administrative agreement”** is an agreement concluded between the public body and the party to provide execution of public authorizations in jurisdiction by the public body and being regulated by certain law;

- **“Real act”** such as public information, reception of declarations, records, issuance of certifications, actions of execution and other Real actions; is an act or action by the public body not corresponding to administrative act or to administrative agreement, but may impose legal action to the rights, obligations or legal interests of a person;

- **“Services of general interest”** are services to citizens provided by legal entities based on public authorization issued by a public body.

CHAPTER II

BASIC PRINCIPLES

Article 5

Principle of Legality

(1) The public authorities shall act in compliance with the Constitution of Republic of Macedonia, the laws and international agreements ratified in accordance to the Constitution of Republic of Macedonia.

(2) The public body is obliged to maintain legal safety, thus equal appliance of the laws in administrative area based on same or similar Real position.

(3) If the public body authorized by law is to decide by free assessment, the administrative act is ruled in the limits of the law providing authorization in accordance to the purpose of the issued authorization followed by detailed disclosure.

Article 6

Principle of Proportionality

(1) In the administrative procedure, the public body shall provide achievement and protection of the rights and legal interests to the party if the same fails violation to the rights and legal interests of other parties or third persons or fails violation to the public interest regulated by law.

(2) When imposing obligations to the parties in the procedure the public body is obliged to apply administrative actions beneficial to the parties if the same are sufficient to accomplish the purpose regulated by law.

Article 7

Principle of economy and efficiency of the procedure

The procedure shall be conducted in the simplest possible manner, with no delay and in the most cost-effective manner beneficial to the parties, but fully to provide complete respect to the rights and legal interests of the parties, and fully to determine the Real situation.

Article 8

Principle of equity, impartiality and objectivity

Bodies in the administrative procedure are obliged to provide equal, impartial and objective appliance of laws and other regulations to settlement of administrative area.

Article 9

Principle of service orientation of public bodies

Public bodies are service oriented to the accomplishment of the rights and interests of the parties to settlement of administrative area.

Article 10

Principle of material truth

(1) In the administrative procedure, the public body is obliged to determine all facts and circumstances of vital significance to regular decancellation of the Real situation.

(2) The public body is obliged ex officio to acquire, overview and to process information stored at the official records and registers, unless access to this information is prohibited by certain law.

(3) The public body is entitled to acquire from the party only the data or identification document relevant to determine the facts and circumstances, if the same fail recordings into official records as stipulated in paragraph (2) of this Article.

Article 11

Principle of interrogation of parties

(1) Prior to issuance of the administrative act, the party is entitled to an opportunity to declare upon the facts and circumstances significant to the settlement.

(2) Only in cases regulated by law, the administrative act is ruled upon absence of prior declaration by the party.

Article 12

Principle of free assessment upon evidence

The authorized official person decides upon facts proved as relevant according to personal conviction based on mindful and cautious assessment of evidence, individually or in whole, and based on determined facts in the entire procedure.

Article 13

Principle of delegating jurisdiction to settlement

In the framework of the public body, the delegation of jurisdiction to settlement administrative area is to the official persons of the body in accordance to complexity of the Real administrative area.

Article 14

Principle of legal protection

(1) The party is entitled to legal protection against each administrative action or Real act in accordance to the law.

(2) In cases regulated by law, the party is entitled to lodge an appeal against administrative acts of first instance.

(3) In cases as stipulated in paragraph (2) of this Article, the party is entitled to lodge an appeal if the public body fails to act upon the request by the party in the prescribed deadline.

(4) The party is entitled to a complaint against Real acts and against actions by providers to services of general interest.

(5) The party is entitled to administrative dispute against administrative acts ruled by second or first instance inadmissible to appeal.

Article 15

Final Administrative Act

- (1) Final Administrative Act is an act subject to administrative dispute.
- (2) The Final Administrative Act is a subject to annulment, cancellation or amendments only in cases regulated by law.
- (3) The Final Administrative Act is applicable unless otherwise is regulated by law.

Article 16

Enforcement of Administrative Act

- (1) Enforceable administrative act is an act deciding upon rights, obligations or legal interests of the party and is an administrative act inadmissible to appeal or administrative dispute.
- (2) The administrative act is enforceable if the party waives the right to appeal.
- (3) Enforceable act is admissible to annulment, cancellation or amendments only in cases regulated by law.

Article 17

Principle of Active Support to the Party

(1) The public body is obliged to provide accomplishment and protection of the rights and legal interests to all parties in the procedure in the most effective and simplified manner. The public body notifies the parties for the law provisions relevant to settlement of the administrative area; reference to their rights and obligations including all information corresponding to the procedure, and alert for the legal consequences upon their actions or omissions.

(2) The public body provides electronic access to the party with the public body.

(3) Ignorance or illiteracy of the party participating in the procedure fails violation of the lawful rights and interests of the party.

CHAPTER III

JURISDICTION

Article 18

Real Jurisdiction

(1) The stipulation of Real jurisdiction of public bodies is by law that regulate certain administrative area or regulate jurisdiction of public bodies.

(2) If the Real jurisdiction fails regulation by law and fails regulation according to nature of the area, the Real jurisdiction is upon the public body authorized to implement the provisions of the law that regulate the administrative area.

Article 19

Local Jurisdiction

(1) Regulation of the local jurisdiction is in accordance to the acts of internal organization of the public bodies ruling upon administrative procedure.

(2) In the framework of regulations as stipulated in paragraph (1) of this Article, the local jurisdiction of the public body regulate:

- Area related to real-estate or to the rights or legal relations corresponding to the real-estate according to location;

- Area related to business, professional or other activity by the party according to the official residence of the party, or the location of execution or location the activity is to execute;

- Area related to the residence of the party. In case of more than one party participating, the regulation of jurisdiction is according to the party the request is acquired by. If the party is absent of residence in Republic of Macedonia, the regulation of jurisdiction is according to its temporary residence; and in case of absence of temporary residence, then in accordance to the location of last residence, or last temporary residence in Republic of Macedonia;

- Related to areas where the local jurisdiction fails regulation in the established manner, the regulation is according to the location where the cause to initiation of procedure occurred.

- Areas related to ship or aircraft, or the cause to initiation of procedure occurred on ship or aircraft, the local jurisdiction is according to the official port registry of the ship or the official airport registry of the aircraft.

(3) In case of two or more than two bodies stipulated of local jurisdiction for identical area, the jurisdiction is to the public body first to initiate the procedure.

(4) The public body initiating the procedure as locally of jurisdiction maintains the jurisdiction even when the occurred circumstances in the procedure indicate another public body to undertake the local jurisdiction. The public body initiating the procedure may delegate the case of the procedure to a public body, which according to the new circumstances is locally of jurisdiction, if only significantly simplifies the procedure, especially on the behalf of the party.

Article 20

Limitation of local jurisdiction

(1) Each public body executes administrative actions within the borders of its territory.

(2) In case of suspension, and the administrative action foresees execution off the border limits of the territory of the public body, the later may execute the administrative action off the limits of its territory but is obliged immediately or at least the following day to notify the public body of jurisdiction to that territory.

(3) In case official actions foreseen execution onto facilities or premises of the bodies to the State Administration authorized for military and security affairs, prisons or correctional centers, the actions are executed on prior notification to the authorized person of the facility or premises, and on prior arrangement by the authorized person.

(4) Administrative actions executed on extraterritorial location foreseen conduction through mediation by the body of the State Administration authorized to foreign affairs.

Article 21

Mandatory Rules to Jurisdiction

(1) The Real and local jurisdiction fail amend upon mutual agreement of the public bodies, or agreement between public bodies and parties, or upon agreement of the parties.

(2) Public bodies ex officio consider its Real and local jurisdiction during the entire procedure. If modification of circumstances occurs in the procedure influencing regulation of jurisdiction, the public body of jurisdiction maintains conduction of the procedure grounded upon simplification and efficiency of the procedure and to provision of protection to the interests of parties in the procedure.

Article 22

Jurisdiction upon Emergency Areas

Avoiding violation to public interest, or to parties, each public body ex officio or upon request by the party is entitled to undertake emergency measures to avoid the violation and is obliged with no delay to notify the public body of jurisdiction.

Article 23

Conflict of Jurisdiction

(1) Settlement of conflict of jurisdiction among bodies of the State Administration is by the Government of Republic of Macedonia.

(2) Settlement of conflict of jurisdiction among units of the local self-government is by the body of the State Administration authorized for local self-government.

(3) Settlement of conflict of jurisdiction among bodies of the State Administration and legal or other persons classified by law of public authorization is by the Government of Republic of Macedonia.

(4) Settlement of conflict of jurisdiction among organizational units established to execute certain administrative areas of jurisdiction of a body to the State Administration, is by the body of the State Administration the organizational units execute within.

(5) Administrative act to settle the conflict of jurisdiction is inadmissible to appeal or to administrative dispute.

CHAPTER IV

AUTHORIZED OFFICIAL PERSON

Title 1

Authorized Official Person

Article 24

Jurisdiction upon Conducting Procedure

(1) In the administrative procedure, the nomination of an authorized official person to represent the public body is in accordance to the rules stipulated in this Article.

(2) The Official Person managing the public body, or the administer official is obliged to appoint organizational unit of jurisdiction to any type of administrative area based on the act of organization unless otherwise regulated by certain law or sub-law act.

(3) The authorized official person conveys and composes the procedure, unless otherwise regulated by law.

(4) The Collective public body is obliged to authorize one member of the public body or administrative official employed by the public body to convey the procedure. In that case, the authorized member, or official acts as an authorized official person and submits draft of administrative act to the collective public body, in writing, unless otherwise regulated by a certain law.

Title 2

Exemption

Article 25

Impartiality

(1) Authorized official person is impartial upon exemption of participation in the administrative procedure according to the following situations:

- Immediate or intermediary personal interest by the official person in the certain case;

- The official person is a relative to the party or to the representative by law of the party by blood of first line, or relative by blood in side-line fourth degree, a spouse, or a partner in illegitimate relation or relative by spouse second degree, even the legitimate or illegitimate relation is terminated;

- The official person is in relation as guardian; foster parent, adopted child or provider to the party or with the representative by law or with the person of authorization;

- The official person or persons stipulated in line 2 and 3 of this paragraph being participated in the procedure as a party, witness, expert, lawyer, or as representative by law of the party;

- The official person or persons stipulated in line 1 and 2 of this paragraph share immediate or intermediary interest in a case corresponding to the certain case;

- Court procedure being initiated between the parties and the official person or persons stipulated in line 2 and 3 of this paragraph;

- The official person or persons stipulated in line 2 and 3 of this paragraph are debtors or trustees of the parties;

- Remuneration being provided to the official person by the party, or is a member of the Managerial Board, or Supervising Board, or is a member to a similar body of the party;

- The official person or persons stipulated in line 1 and 2 of this paragraph are being purchased gifts by the parties prior or after the initiation of the administrative procedure, or

- Prior participation by the official person in the process during first instance procedure

(2) Cases as stipulated in paragraph (1) of this Article oblige the official person or member of the cooperative public body with no delay to acquire exemption of participation in the procedure from the superior or the cooperative public body.

(3) Any other official person to the knowledge of existence of cases as stipulated in paragraph

(1) of this article are obliged immediate to report the superior officer or the cooperative public body.

(4) Each party is entitled to request exemption of an official person from the administrative procedure until ruling settlement but disclosing the grounds for the exemption.

(5) Exemption of official person by administrative act is upon decision made by administer official of the public body.

(6) Exemption of a member to the cooperative public body by administrative act to notify new member to substitution is upon decision made by cooperative public body.

Article 26

Exemption

(1) The superior or the cooperative public body is obliged the latest to the following day to decide upon reception of the request or notification as stipulated in Article 25, paragraph (2) of this law and Article 25, paragraph (3) of this law.

(2) In case of exemption, with no delay the substitution of the authorized official person is by another official, and if this provision fails execution the accountability for the case is upon the superior official.

(3) The immediate superior delegates an official from the same public body to proceed with the procedure and to undertake measures to avoid further conflict upon exemption of a person administering the organizational unit of jurisdiction to settlement.

(4) In case of member exemption, the cooperative body proceeds in absence of participation by the exempted member. The quorum and the settlement are in absence of the exempted member and the ruling of decisions is by majority votes of the attendance members.

Article 27

Unlawful Nature of Administrative Action

Administrative action hand over by an official person presumed to exemption or administrative action overtaken from a member of cooperative public body presumed to exemption is unlawful.

CHAPTER V

ADMINISTRATIVE COOPERATION

Article 28

Administrative procedure conveyed by one public body

(1) Stipulated by law one public body to convey administrative procedure, entitles the party to acquire all administrative actions to be conveyed by the stipulated public body. Decancellation or establishment of one public body to convey the procedure fails influence on the order of delegating jurisdiction to public bodies, nor influence on the right of the parties to immediate communication with the public body of jurisdiction.

(2) The public body of jurisdiction to convey the procedure is entitled to following duties:

- Advice the submitter in a same manner as the public body of jurisdiction, and to enable provision and access to all information corresponding to the administrative action acquired by the party. That includes means and terms to access the public registers and data, and legal remedies available against certain administrative action;

- To receive requests upon issuance of administrative acts or execution of other administrative actions or other submissions, and to deliver to a public body of jurisdiction;

- To communicate with the parties during procedure for all procedural demands; - To notify parties for each administrative act or action issued by the body of jurisdiction;

(3) Services stipulated in paragraph (2) are immediate provided at the facilities of the public body conveying the procedure or by post or in electronic manner unless the services acquire immediate attendance by the party.

(4) Unless otherwise regulated by law, from all participating public bodies the one of jurisdiction to settlement of the administrative area corresponding to the request by the party is the one to convey the procedure .

(5) The request by the party to the public body conveying the procedure or to the public body of jurisdiction is considered timely submitted if the reception is prior to the expiration of the lawful prescribed deadline.

(6) According to this law or to certain law, the deadline benefiting the party commences by submitting full request to the public body conveying the procedure, regardless the deadline needful to delivery to the public body of jurisdiction.

Article 29

Legal Remedies

(1) Each public body is obliged in electronic manner to acquire legal remedies needful for facts, identification documents or other evidence in possession of another body or lawful grounds prevent to implementation of the needful administrative action.

(2) The public body of request to provide needful remedy is obliged with no delay to act upon the request or electronically to deliver the acquired facts, identification documents or other evidence within seven days the latest from reception of the request.

(3) Unless the public body providing legal remedy fails to act in the prescribed deadlines stipulated in paragraph (2) of this Article, the body acquiring the legal remedy is entitled to address a body of jurisdiction to execute inspection supervision over the complaintd public body.

(4) If the provision of legal remedy between state bodies and the bodies of local self-government acquire certain expenses, the legal remedy is available upon acquisition of needful means by the body acquiring the remedy.

(5) The public body discontinues the procedure unless the acquired legal remedy is available.

Article 30

International Legal Remedy

(1) Legal Remedy related to international bodies are according to the provisions of ratified international agreements, but absence of such agreements is by appliance of the principle of unity. In case of disbelief to existence of unity, the Ministry of Justice regulates the principle of unity.

(2) Public bodies provide legal remedy to international bodies in a manner regulated by law or in a manner requested by the international body. The body is entitled to declination of legal remedy if the requested action of execution or the manner of execution is opposite to the judicial system.

(3) International agreements failing opportunities to immediate communication with international bodies, enable bodies communicate with international bodies through the body of international affairs.

CHAPTER VI

THE PARTY AND REPRESENTATION OF THE PARTY

Article 31

Death of physical person and cancellation of legal entity

In case of unpredictable death of physical person or cancellation of legal entity as a party, the procedure is discontinued or terminated by an administrative act or continues depending on the nature of administrative area subject of the procedure. If the discontinuance of the procedure is according to the nature of the administrative area, the public body terminates the procedure by an administrative act.

Article 32

Representation

(1) The party is entitled to its own execution of actions in the procedure, or by a representative acting on its behalf as foreseen by this law.

(2) The party in complete work capacity is entitled to its own to execute actions in the procedure - (trial capacity).

(3) Appliance of provisions of this law regarding parties correspond appliance to their representatives accordingly.

Article 33

Legal Representative

(1) On the behalf of a trial incapacity person, a legal representative executes the actions in the procedure designated by law or act of the public body of jurisdiction.

(2) The legal entity through its legal representative or authorized representative designated by law or general act by the legal entity or by act of the public body of jurisdiction executes actions in the procedure.

(3) The public body through its legal representative or authorized representative executes actions in the procedure.

(4) Authorized person represents group of people with mutual interest when absent of legal entity status.

(5) The authorized official person conveying the procedure, reports to the body of custody affairs if occurring lack of interest by the legal representative during representation of a person under interdiction.

Article 34

Temporary legal representative

(1) In case of legal representative or authorized representative absence, the public body is entitled to designate temporary legal representative by administrative act:

- Absence of the party and unknown habitation or residence;

- Party failing habitation or residence in Republic of Macedonia and disrespecting action upon request by the body to designate a representative in prescribed deadline;

- Conflict of interests between the designate legal representative and the party of representation;

- Trial incapacity of the party;

- Group of persons with mutual interest failing status of legal entity disrespecting action upon request by the body to designate representative in the prescribed deadline;

- In cases, the interest of the party or the protection of life and health and property of high value impose emergency action or participation by the party or its legal representative to conduct the action is impossible or imposes expenses larger than anticipated.

(2) If the public body designates a temporary legal representative to a party failing work capacity, the body immediately reports the case to the body of custody affairs. If the designation of a temporary legal representative is to a person with unknown habitation or residence, the body acts upon the rules to public publication.

(3) The person designated to act as temporary legal representative is obliged to accept the representation, and declining representation is only upon grounds stipulated by certain regulations. The temporary legal representative participates only in the explicit designate procedure and only in the period of absence by the representative by law or the authorized representative, or the party itself, or its representative by authorization.

Article 35

Representative by Authorization

(1) The party or its representative by law are entitled to authorization of a lawyer or other person with process capacity (representative by authorization) to act upon representation in the procedure, unless the law imposes statements by the party itself.

(2) The Letter of Authorization is in written or oral form on minutes report. If the Letter of Authorization is in a form of a private identification document, the submission of the Letter of Authorization is by notary verification.

(3) The Letter of Authorization corresponds to the entire procedure, or to certain actions, and may limit by deadline.

(4) Letter of Authorization fails cancellation by death of the party or deprivation of trial capacity or substitution of the representative by law. Thus, the legal adherent of the party or the new representative by law is entitled to revoke the previous Letter of Authorization.

(5) Issues corresponding to the Letter of Authorization failing regulation by the provisions of this law are submitted to compliance of provisions of the law on trial procedure.

Article 36

Mutual representative and mutual representative by authorization

(1) Two or more than two parties are entitled mutually to act in one identical case unless otherwise regulated by law. In such case, parties are obliged to designate one of them to act as mutual representative or to designate another person to act as mutual representative by authorization.

(2) Unless otherwise regulated by certain legal rule, the public body conveying the procedure is entitled to designate a representative in a prescribed deadline or to designate mutual representative by authorization to act upon representation in the procedure. If parties disrespect

such administrative act, the public body conveying the procedure upon own discretion designates in which case maintenance of the mutual representative or representative by authorization proceeds until designation of substitution by the parties. Against the administrative act, parties are entitled to the right of a special appeal failing influence upon execution.

(3) In case of designating mutual representative or representative by authorization, each party maintains the right to act as a party in the procedure, to declare statements, to declare appeals on its own, and to employ other legal remedies.

(4) In case of designating mutual representative or representative by authorization, each party maintains its independence in the procedure.

CHAPTER VII

COMMUNICATION BETWEEN PUBLIC BODIES AND THE PARTIES

Article 37

General Rules

(1) Communication between the public bodies and the parties is in written, oral or electronic form.

(2) Electronic delivery of acts to the party or to its legal representative in the administrative procedure is only in case of prior consent upon this form of communication. The consent may be limited to certain public bodies, procedures and acts.

(3) Electronic form of communication between public bodies is mandatory.

Article 38

Signatures

- (1) Acts in written form sign in person is in cases imposed by law to a signature.

- (2) Completion of electronic identification documents are by imprinted name of the signer corresponding to the generally adopted electronic signature in accordance to the Law on electronic data and electronic signature.

Article 39

Form and Content of Submission

- (1) Delivery of submissions is immediate, by post or upon oral declaration on minutes report. Submissions send in electronic form are in accordance to the law.

- (2) Submission should be clear to enable the public body undertake the acquired action. Written submissions should contain the purpose, name and last name and the habitation of the submitter, or the title and office address of the legal entity registered into the Central Register unless law otherwise regulates provision of additional data.

- (3) If the submission is incomplete or indistinct, the public body acquires from the submitter to enclose additional disclosure in period of 15 days. The submission is clear enough if the submitter eliminates the deficiency in the prescribed deadline. If the submitter fails to respond in the prescribed deadline, administrative act discards the request during extension of seven days and is subject to lodging appeal.

Article 40

Delivery of submission

(1) The delivery of submission is to the designated public body of jurisdiction upon reception of submission.

(2) Oral submissions failing limitation of deadline or failing acquisition of emergency conduction are submit during office working hours of the public body.

(3) Party with habitation abroad delivers the submission through diplomatic or consular representative office of Republic of Macedonia. With no delay, the office delivers the submission to the designated public body of jurisdiction.

(4) Persons employed at the military forces of Republic of Macedonia deliver the submissions through appropriate military headquarters office.

(5) Persons deprived of freedom deliver the submission through the Administration Office of the facility they reside.

(6) If the public body is incompetent to reception of the written submission or of the statement on minutes report, the official person of this body alerts the submitter and instructs the submitter to proceed to the regular public body of jurisdiction of reception. If the submitter demands reception of its submission, the official person is obliged to receive the submission or the oral statement. Being incompetent for the corresponding submission or failing designating regular public body of jurisdiction for the submission, the public body rules administrative act to discard the submission.

(7) Public body incompetent over reception of submission by post or electronically and undoubtedly the public body of reception is noted, re-delivers with no delay, the submission to the public body of jurisdiction or to the court and notifies the party. If the public body receiving the submission fails designating the regular public body of jurisdiction corresponding to the

submission, with no delay, rules administrative act to discard the submission and immediately the act is being delivered to the party.

(8) Against the administrative act stipulated in paragraphs (6) and (7) of this Article an appeal is admissible.

Article 41

Noting reception of submission

(1) Noting reception of submission is by the public body according to the order of reception.

(2) Submissions with same post-delivery are to submitting at the same time.

(3) Regulation of electronic submissions is according to the Law on electronic administration.

(4) The public body ex officio issue a Confirmation Letter of Reception or evidence of reception including the date and time of reception, subject of the request, list of enclosed documents and prescribed deadline for issuing the administrative act.

Article 42

Right to overview registers

(1) Parties in the administrative procedure are entitled to overview the registers of the case. Any person to prove its legal interest in the certain administrative procedure is entitled to overview

the records of the case upon verification of the legal interest. The right to overview records implies the right to copy needful identification documents. The public body may acquire by the submitter of the request to compensate the expenses of copying documents.

(2) The public body receiving the request to reviewing the records immediately decides upon the request.

(3) The revision of records is in the offices of the public body accountable to noting and under supervision of an official person. In exceptional cases, the revision of record is in the offices of other public body or diplomatic or consular offices of Republic of Macedonia abroad if needful to legal protection to the submitter of the request.

(4) The public body upon stored records in electronic form provides the technical means to revision of documents and enables print or copy the same. The public body enables access to the party of the records in electronic form in accordance to the Law on electronic administration.

Article 43

Limitation of the rights to revision of records

The limitation of revision to records is according to certain law in order to protecting other legal interests regulated by law.

CHAPTER VIII

DEADLINE AND RETURN TO PREVIOUS SITUATION

Article 44

Designation and extension of deadline

- (1) Designation of certain deadline is to certain initiation of actions in the procedure

- (2) Authorized official person designates the deadline corresponding to the circumstances of the case and to the principle of proportionality, economy and efficiency according to this law, but not exceeding the deadline regulated by this law, if law or other regulation fails designation of the deadline.

- (3) Extension to the stipulated deadline designated by the authorized official person and the deadline stipulated upon regulations enables extension upon submitted file by the person of interest prior to expire deadline if reasonable grounds for extension exist.

Article 45

Calculation of deadline

- (1) Calculation of deadline is by days, months or years, and by hours.

- (2) Calculation of deadline by days exempts the day of event commencement.

- (3) Calculation of deadline by months or years, expires on the day of the month or year if the number of days matches the day of event execution or the day of event commence, as a day to calculate the deadline. If the day is absent in the last month, the deadline expires on the last day of that month.

(4) The expiration of the deadline may be on a certain calendar day.

(5) Non-working days or Bank holidays or other non-working days regulated by law fails obstructing the commencement and flow of the deadline.

(6) If the expiry day of the deadline is on non-working day or on Bank holiday, or any other non-working day, the expiration is on the first following working day.

Article 46

Respecting deadline

(1) The submission is regular if submitted to the public body designated to reception prior to expiration of the prescribed deadline for submission. Deadline estimated by days, months or years, is been respected if the corresponding action is executed prior to the last day of expiration.

(2) The day of delivery by post to designated public body is the day of reception of the delivered submissions by registered mail or telegraph.

(3) Delivering submissions in electronic manner are in accordance to the Law on electronic administration.

(4) Day of reception is by designated public body for persons:

- Military servants – day of receiving submission by the military headquarters office;

- Residing abroad – day of receiving submission by diplomatic or consular representative office of Republic of Macedonia;

- Deprived of freedom – day of receiving submission by the administration office of the facility they reside (serve time).

Article 47

Grounds to return to previous situation

(1) If the party overlooks the deadline to execute any action in the procedure, but absence of own failure, and the right to execution of the action is misplaced, the party is entitled to acquire return to previous situation.

(2) The failure of the legal representative is a failure to the person of representation.

(3) Returning to previous situation is in case of ignorance or evident failure by the party to timely deliver or immediate hand over the submission to a public body failing jurisdiction corresponding to the area.

Article 48

Motion to return to previous situation

(1) In the motion to return to previous situation the party is obliged to declare the circumstances grounding the failure and to enable circumstances being probable.

(2) The motion to return to previous situation fails if based on circumstances previously assessed by the public body as insufficient to extension of the prescribed deadline or to postpone the hearing.

(3) The enclosing of the motion to the submission is if grounds for motion to return to previous situation is requested to omission of deadline for submission.

Article 49

Deadline for motion submission

(1) Submission of motion to return to previous situation is in eight days from the day of terminating grounds for the failure, but if the party acknowledges the failure later, the motion is valid from the day of acknowledgment.

(2) Upon expiration of three months from the day of failure, the motion to return to previous situation is invalid, except in case of environment nature causes.

(3) The public body accountable to decide upon failed action, in ten days the latest from the motion submission, decides by administrative act upon the motion to return to previous situation.

Article 50

Administrative act to return to previous situation and consequences

(1) The motion to return to previous situation is submitted to the public body accountable to act upon failed (omitted) action, and to decide upon the motion. The public body decides upon the motion by administrative act admissible to an appeal.

(2) The authorization to return to previous situation indicates return to the situation prior to the failure and annulment of all administrative acts issued by the public body corresponding to the failure.

CHAPTER IX

THE PROCEDURE

Title 1

Initiation of procedure

Article 51

Legal base to initiating procedure

(1) The administrative procedure shall be initiated by the competent public authority at the request of the party or ex officio.

(2) The initiation of administrative procedure is by the public body of jurisdiction upon request submitted by the party or ex officio accordingly. Areas regulated by law or by their nature acquiring submission of a request by the party enable public body act only if such request exists.

(3) The public body ex officio initiates procedure:

- Upon explicit regulation by law;

- Upon facts initiating administrative procedure to protect public interest

Article 52

Commencement of procedure

(1) Initiation of administrative procedure is on the day of request submitted by the party.

(2) The administrative procedure initiated ex officio commences with the first action in the procedure undertaken by the authorized official person.

(3) The submission of request by the party to accomplish its rights or legal interests is in a form structured by the public body explicitly stipulating evidence and data the party is obliged to enclose within the request along with the evidence and data the public body of jurisdiction ex officio assembles.

Title 2

Consolidation, Amendment, and Cancellation of Request

Article 53

Legal rights to consolidation, amendment, and cancellation of request

(1) Upon initiation of the procedure, the party is admissible to expand the request or to substitute the previous with another request regardless if the grounds for expended or amended request are based on the identical legal grounds, under stipulation the request is grounded upon vital identical Real situation.

(2) The public body conveying the procedure rules administrative act if disproves amendments or substitution of the request. The administrative act is admissible to certain appeal.

Article 54

Legal consequences upon cancellation

(1) Upon cancellation of the request by the party, respectfully, the public body upon administrative act discontinues the procedure.

(2) The discontinuance of procedure initiated upon request by the party is also is in failing response by the party to procedural actions of the public body, leading to undoubtedly lack of interest by the party to continuance of the procedure.

(3) The public body of jurisdiction acts respectfully to continuance of the procedure needful for the public interest or upon request by the opposing party.

(4) The public body may discontinue the procedure if initiated ex officio. If the procedure corresponding to same area is also subject to initiation upon request by the party, the procedure continues respectfully.

(5) Special appeal is admissible against the administrative act for discontinuance of procedure.

Title 3

Leveling

Article 55

Leveling

(1) When two or more than two parties with opposing requests participate in the procedure, the authorized official person is to endeavor, parties entirely or in certain disputable points to level during procedure.

(2) Leveling shall always be clear and precisely designated failing violation to the public interest or the legal interest of third persons. The authorized official person is attentive ex officio. If the leveling violate the public interest or the legal interest of third persons, the public body conveying the procedure by administrative act discards the outcome of the leveling.

(3) The recordings of leveling is onto minutes report of leveling and is final upon reading and signing the minutes report of leveling by the parties. The submission of verified transcript of the minutes report to the parties is upon their request. Leveling is also valid if final in a form of administrative agreement.

(4) The leveling is an executive administrative act ruled within the procedure.

Title 4

Regulation of Facts and Argumentation

Article 56

Presentation of evidence ex officio

(1) The public body is obliged to regulate the facts and circumstances significant to the administrative action by presentation of needful evidence and data.

(2) Evidence and data according to this law correspond to identification documents such as testimonials, certificates, letters of confirmation, and similar issued by a body of jurisdiction to keep official records serving to regulate Real situation as grounds to settlement of rights, obligations or legal interests of the parties.

(3) The evidence and data as official records of the body of jurisdiction are considered enclosed to the request by the party.

(4) Enclosing evidence and data to the request by the party, even the same are official records by another body, ex officio electronically assembled by the body of jurisdiction to settlement upon prior consent by the party its personal data to employment in the procedure to accomplishment of certain rights or legal interest.

Article 57

Procedure of presentation upon evidence ex officio

(1) The official person conveying the procedure is obliged ex officio electronically to provide evidence and data for the facts registered in the official records of the public body of jurisdiction to settlement.

(2) The official person acts in accordance to paragraph (1) of this Article also in case other public body or other provider of data register maintains official records of facts.

(3) The public body or the provider maintaining official records, is obliged the acquired evidence and data to deliver electronically within three days from the day of receiving the claim.

(4) The official person shall provide personal data to the party as submitter of procedure initiation if needful to decide upon the request.

(5) The manner of provision and exchange of data as stipulated in paragraph (4) of this Article is according to the regulations on personal data protection.

(6) The public body of jurisdiction to settlement ex officio shall compensate a certain fee regulated by tariff code in accordance to the law corresponding to the issued evidence and data on the behalf of the institution providing the assembled evidence and data.

(7) No compensate fee is foreseen for the ex officio service of provision and exchange of evidence and data between the public body of jurisdiction and the institution providing the assembled evidence and data.

Article 58

Evidence

(1) Evidence according to this law, are all means adequate to regulate facts in a certain case, such as: identification documents, witness testimonial, statement by parties, expertise, and inspection.

(2) Common facts, facts familiar to the public body and facts of presumption regulated by law are inadmissible to argumentation.

Article 59

Identification document

(1) The party is entitled to submit the identification document in original or notary copy.

(2) Submission of identification document issued in foreign language encloses certified translation.

(3) Identification document issued by a public body of a foreign state validate as public identification document of the state, according to the terms of unity, serve as evidence in the identical manner as domestic public identification document if properly verified.

(4) The official person conveying the procedure is entitled to acquire from the party to submit the identification document as reference if available or if accessible.

(5) If the identification document is in possession by the opposing party and the party declines to voluntarily submit or present the identification document, the official person shall acquire from the party to submit or present the identification document to the hearing enabling other parties declare upon the same.

(6) If the party to submit or present the identification document disrespect acting upon the invitation, the public body conveying the procedure shall assess the impact to the settlement considering all circumstances corresponding to the case.

Article 60

Public Identification Document

(1) Each public identification document issued in the prescribed form by a public body of jurisdiction verifies or designates the data within. The same apply to providing of the identification document in electronic form or as microfilm copy.

(2) If certain parts of the identification document are obliterated, scraped or erased, or inserted or other external insufficiencies exist, the official person considering the circumstances, assesses whether the damage declines the value of the identification document, or the identification document totally is invalid to settlement of the case in the procedure.

(3) If the identification document acquired by the party, is issued by one organizational unit of the public body through another organizational unit, the identification document is verified by the organizational unit to immediate issuance to the party.

Article 61

Verification of Transcripts

(1) The public body issuing the identification documents is entitled to verify the transcripts of identification documents as original. This corresponds to photocopies, microfilm copies, printed copies of electronic documents, scan paper-copies of identification documents, and electronic identification documents in technical form distinct from the original electronic identification document linked to the electronic signature.

(2) Verification of transcripts as original is if identification documents are valid.

(3) Verification of a transcript as original is by a reference of verification at the end of the transcript. The reference shall read:

- Accurate description of the identification document submitted to verification;

- Statement the verified transcript is identical to the submitted original identification document;

- Place and date of verification;

- Title of the public body executing the verification and its official seal - Name of the official person authorized to verify and its signature

Article 62

Witnesses

(1) Enclosed testimony of a witness is in a form of verified statement or orally on Minutes Report by the public body upon decision to personal attendance of the witness to regulate facts.

(2) A witness is every person capable to notice and to testify upon the fact. Inadmissible is for administrative official persons to participate in the procedure as witnesses.

(3) Every person violating the duty of preserving information to a certain degree of confidentiality by its testimony, fails interrogation as a witness unless liberated of the duty by the public body of jurisdiction.

(4) The witness declines testimony in cases:

- Certain information provision exposes the witness to an embarrassment or cause significant asset damage or criminal pursuit; is relative by blood, is relative to third degree, is spouse or relative by spouse to second degree even in cases of terminated the marriage, is a guardian or foster, adopter or adoptee;

- Certain information provision by the witness violates the obligation to preserve business, professional, intellectual or scientific secret;

- The witness testifies for facts trusted by the party as its representative by authorization;

- The witness is religious person the party confessed.

(5) Notification to the witness for its right to declination

Article 63

Statement by the party

The party is entitled to oral statement on minutes report or in written form during each phase of the procedure.

Article 64

Experts

(1) If the official person is limited to professional knowledge related to a particular fact significant to settlement of the administrative area, the same is entitled ex officio to appoint an expert or to act upon request by the party.

(2) The public body is entitled to acquire an oral or written disclosure by the expert for the expertise or is entitled to appoint another expert.

(3) If the expenses for the expert compared to the significance and value of the subject are larger than anticipated, the settlement of the area is by other means of evidence.

(4) If the party acquires expertise as written disclosure or new expertise, the expenses are on the behalf of the party.

(5) By rule, the party is proceeding to a prior interrogation upon choice of expert.

(6) An expert is a person capable to testify.

Article 65

Inspection

(1) Execution of inspection is to regulate facts, or to disclose needful vital circumstances upon direct observation by authorized official person.

(2) Parties are entitled to attend the inspection. The authorized official person notifies attendance by other persons at the inspection along with the parties.

(3) The authorized person maintains minutes report for the outcome of the inspection signed by the party, if attending.

(4) The owner, beneficiary or domineer of goods, of facilities or property subject to inspection is obliged to provide access to execution of inspection upon the facilities or property, or to the goods on site or property to trespass.

(5) The official person conveying the inspection is obliged to undertake measures to prevent misuse of the inspection and to protect business or professional or scientific secret.

Article 66

Presentation of evidence to another public body

If the argumentation infeasible to the public body conveying the procedure imposing large expenses or waste of time, the public body upon personal initiative or upon request by the party is entitled to decide declaration of presentation upon argumentation or certain evidence to another public body in a procedure regulated by law.

Article 67

Right to the party on active participation

(1) Prior to issuance of the administrative act, the public body is obliged to provide introduction of the determined Real situation to the party and to provide declaration by the party.

(2) Recommendations by the parties related to the outcome of the process to establishing facts are in written or oral on minutes report.

(3) The omission of statement by the party as stipulated in paragraph (1) of this Article is when:

- Is obvious the administrative act benefits the party, and
- Is regulated by certain law.

CHAPTER X

Expenses of the procedure

Article 68

Allocation of expenses

(1) Expenses of the procedure enclose certain costs in cash by the public body conveying the procedure such as: travel costs of official persons, costs for witnesses, experts, interpreters, inspection, adverts or similar erupting by implementation of procedure of administrative area.

(2) The public body compensates the expenses of the procedure as stipulated in paragraph (1) of this Article.

(3) Expenses compensate in advance by the party are reimbursed in accordance to the outcome of the procedure.

(4) Procedure initiated upon request by the party or participation of two or more than two parties with opposing interests upon administrative area, in respect to expenses compensation of the procedure are by the party initiating the procedure or by the damaged party at the closure of the procedure unless regulated otherwise.

(5) Obligation to compensate expenses of the procedure is by the party upon cancellation of request unless otherwise regulated by law.

(6) Obligation to compensate expenses of a procedure initiated ex officio with outcome positive for the party, is by the public body initiating the procedure.

(7) Upon the outcome of leveling, each party compensates own expenses in the procedure, unless the leveling is otherwise regulated.

(8) Upon request by the party, upon administrative act by the public body conveying the procedure is entitled to liberate the party entirely or partially to compensation of expenses if expenses are damaging essential sustenance or family maintenance. The public body rules the administrative act upon financial statement issued by the public body of jurisdiction assembled ex officio.

(9) Certain administrative act to decide upon regulation and allocation of expenses of the procedure is by the public body to settlement.

CHAPTER XI

NOTIFICATION AND DELIVERY

Title 1

General rules of notification

Article 69

Manner of notification

(1) The public body decides upon own discretion for the manner of notification to parties in the administrative procedure unless otherwise regulated by law. The written administrative acts are due to delivery.

(2) The regulation of the manner of notification is according to legal remedy of the party, transparency, economy and simplification of the procedure.

(3) Notification is oral upon attendance by the party.

(4) Exceptional cases of notification are by telephone when related to emergency and brief issues.

(5) The written document may be sent by post, electronically or by other available means, or by delivery.

Article 70

Recipient of notification

(1) Notification to the party is personal unless the party already notified the public body of appointed authorized representative or person of authorization to receive the notification, in such case, notification is to the later.

(2) Notification to the representative or to the person of authorization is as notification in person to the party.

Article 71

Mutual person of authorization to receive notification

(1) In a procedure participation of at least five parties with mutual interest, and in absence of mutual person of authorization, the public body acquire from the parties in prescribed deadline to appoint mutual person of authorization to receive the notification.

(2) The public body is entitled to appoint mutual person of authorization if parties fail appointing mutual person of authorization in the prescribed deadline.

(3) The document delivered to the mutual person of authorization stipulates the parties of concern to the notification.

Article 72

Location of executing notification of written documents

(1) Notification of written document to a physical person is at its home or work post of the recipient; and notification of legal entity is at the facilities of the recipient.

(2) Execution of notification off the facilities stipulated in paragraph (1) of this Article is upon prior consent by the recipient. Absence of such facilities indicates execution of notification at the location of the recipient.

Article 73

Change of habitation, address or office address

(1) If parties or representatives by law change habitation, address or office address during procedure, the public body conveying the procedure is notified for the change.

(2) If the notification fails and the official person is unable to maintain contact with the party, the public body declares that all further notifications are according to the rules on delivery by public publication to the parties.

(3) When the lawyer or the person of authorization to receive the notification during the procedure changes habitation or address, and notifying the public body conveying the procedure fails submission, the execution of notification is in absence of nomination of lawyer/person of authorization.

Article 74

Notifying representative by law or person of authorization to receive notification

Execution of notification to representative by law or person of authorization to receive notification is by notifying any employee at its office.

Article 75

International notification

Execution of notification to foreign states, international organizations or persons of diplomatic immunity is by the Ministry of Foreign Affairs unless is otherwise regulated by international agreement.

Article 76

Notification in certain cases

Notification to persons in the army or in the special units of the Ministry of Internal Affairs is through the administration office of the institution. Notification to detained persons or prisoners is through the administration office of the institution of detention, or imprisonment.

Title 2

Procedures of notification

Article 77

Notification by post

(1) Execution of notification by post is by regular or registers post. Each document influencing upon deadline is by registers post.

(2) *The delivery of written document sent by registers post is delivered on the date of receipt verification.* (Abolished by a Decision from the Constitutional Court of the Republic of Macedonia published in "Official gazette of the Republic of Macedonia" no. 65/ 2018)

Article 78

Electronic notification

(1) Notification by electronic means is delivering the electronic document in accordance to the law.

(2) If the time and date of the document sent electronically are inconclusive, consideration to reception of the document is the latest on the third day of delivery according to the law.

(3) The recipient is entitled to prove whether the document fails reception or is received latter than stipulated in paragraph (2) of this Article.

Title 3

Delivery

Article 79

Manner of delivery

The delivery is by registers letter mailing, personally, intermediary or on public delivery, or in electronic manner or by official publication.

Article 80

Delivery in person

(1) Delivery in person is by official person of the public body and the document is hand over to the recipient in person. The confirmation of the delivery is by a document of delivery signed by the recipient and the official person; the same stipulates information on identification of the delivered document and the date of delivery.

(2) If the recipient is absent on the location of delivery execution, the official person shall maintain efforts to inform the same in 24 to 72 hours in the first attempt.

(3) If the recipient is, absent on the location in the second attempt or declines receiving the document, the official person composes a written note.

(4) In a case stipulated in paragraph (3) of this Article, the official person places the note at the location of delivery execution, stipulating the recipient, information of document identification, and information of the public body office the document is accessible. The note stipulates the date of placement. Consideration of delivery execution is within three days from submit of the note.

Article 81

Intermediary delivery

(1) In cases of absence of delivery in person as mandatory by law and the recipient is absent on the location of reception, the document is delivered by third parties accepting to hand over the document to the recipient according to the following schedule:

- Any major person of the household of the recipient; or

- Person employed at the business location of the recipient.

(2) The intermediary delivery as stipulated in paragraph (1) fails execution if the person participates in the same procedure with opposite interest.

(3) The person receiving the document signs the delivery document undertaking obligation to deliver the document to the recipient. In the delivery document, the official person stipulates the

relationship of the third person to the recipient, the date of reception by the third person and data to identification of the document of delivery.

(4) Consideration to execution of delivery is on expiration of three days from the date of reception by the third person, or by placing the document in the mailbox.

(5) Unless the third person declines reception of the document, the placement of the document is in the mailbox of the recipient. In this case, inscription of the time and delivery date and the legal consequences regulated in paragraph (4) of this Article is on the envelope and stipulation is in the delivery document.

Article 82

Deadline to official notification

(1) The delivery is from 08:00h to 20:00h on working days.

(2) Delivery to document of the public body may also affect from 20:00h in the evening to 08:00h in the morning on non-working day, on Bank Holiday or on any other day regulated by law, especially in emergencies or to protection of health to people or prevention of damage or the administrative procedure deadline fails extension.

Article 83

Delivery document

(1) Both, the recipient and the official person sign the reception of personal or intermediate delivery (delivery note). The recipient personally inscribes the date of reception.

(2) If the recipient is illiterate or incapacity to sign, the official person inscribes its name and date of delivery and stipulates the reasons failing to provision of recipient's signature.

(3) If the recipient declines to sign the delivery document, the official person inscribes the declination and the date of delivery considering the delivery regularly executed.

(4) If delivery is intermediary, the official person inscribes onto delivery document the name of the recipient person and the relation of that person to the person of delivery.

Article 84

Delivery upon official publication

(1) Unless the public body of delivery in writing is unfamiliar with habitation, or residence of the party or of acts related to more than one party, the public body executes the delivery upon official publication.

(2) The official publication is in daily media distributed on the territory of Republic of Macedonia in two subsequent days.

(3) Publications as stipulated in paragraph (2) of this Article are by onetime publication by the public body on its own expenses in the "Official Gazette of Republic of Macedonia", or in official media of the municipality, or of the City of Skopje and the municipalities in the city of Skopje.

(4) The party is considered properly notified according to the executed publications as stipulated in paragraph (2) and (3) of this Article.

(5) The publication reads: title of the public body, name of the party, title of the company, last known address of habitation of the legal entity, number of the case, brief description of the subject and the deadline to reporting to the public body.

(6) The publication provides alert information of this manner of delivery to consideration as regular delivery and the eruption of adverse consequences are on behalf of the party.

Article 85

Delivery by electronic devices

(1) Electronic delivery of a document is by downloading the document from a server regulated by the public body only if the recipient is provided accessibility through authentic electronic devices, but on prior notification to the party of the date and deadline of uploading the document on the server.

(2) Delivery in accordance to paragraph (1) of this Article considers execution in the time of downloading. If document fails downloading in the prescribed deadline or period, the public body reinstalls the notification. If the document at the second announcement fails downloading in the prescribed deadline or period, the public body shall deliver the decision by other available means of delivery.

Article 86

Publication in Official Media

(1) Notification by publication at “Official Gazette of Republic of Macedonia” or other official media of the units of local self-government is mandatory when:

- Referring to an administrative act affecting large number of persons unknown to the public body, or when notification by other means is inconvenience or inappropriate;

- Other cases regulated by law

(2) The procedure to notification by publication at “Official Gazette of Republic of Macedonia” or in official media of the units of the local self-government is in accordance to article 84 of this law.

(3) Notification by official publication considers execution upon expiration of ten days from the date of publication unless otherwise regulated by certain law.

CHAPTER XII

ADMINISTRATIVE ACTIONS

Article 87

The form of an administrative act

(1) Depending on the claim by the party, issuance of an administrative act is in written, electronic or other suitable constitution unless certain constitution fails prescription or is exempted by law.

(2) Related to undertaking exceptional emergency measures to provide safety and security of public interest or to eliminate immediate danger upon life and health of people and property, the public body is admissible to declaration of an oral administrative act.

(3) The public body is entitled to order execution with no delay upon declaration of the oral administrative act in accordance to paragraph (2) of this Article.

(4) The public body declaring oral administrative act is obliged to issuing the same in written constitution to the party in eight days the latest from the day of the oral declaration.

Article 88

Structure and mandatory elements of the written administrative act

(1) The administrative act issued in written form reads introduction, dispositive, disclosure, legal recommendation, signature by authorized official person and a seal.

(2) The introduction reads the title of the public body ruling the act, regulation upon jurisdiction of the body, name of the party and its legal representative or person by authorization if any, and brief description of the subject in the procedure.

(3) The dispositive decides upon the subject entirely and for all requests by the parties failing decision separately within the procedure. The dispositive shall be brief and concrete, and if needful divided in points. The dispositive is to decide upon expenses of the procedure if any,

regulating the amount and the debtor, to whom and the deadline of payment. If expenses fail inclusion in the dispositive, the same undergo to certain administrative act. If the administrative act imposes execution of certain action, the dispositive regulate the deadline of execution. Prescription of appeal failing postponing execution of the administrative act, it is compulsory to stipulation in the dispositive.

(4) The disclosure is comprehensive and reads, brief declaration of the request by the party, if relevant; established facts corresponding to the issued administrative act; legal regulations and reasons as foundation of the established facts in accordance to the issued administrative act; reasons discarding requests, depositions or motions by the parties; and reasons some of the statements provided during the procedure fail admission. In case administrative act is ruled upon free assessment, stipulation of main reasons enclosed shall be to justify appliance of the right to free assessment. Appeal failing postponing execution of the administrative act, the disclosure prescribes instruction to appliance of admissible regulation.

(5) The legal recommendation serves to notify the party for the regular legal remedy available against the administrative act. The recommendation stipulates whom to submit the legal remedy; the form and the deadline for submission. If the administrative act stipulates inappropriate legal recommendation, the party is entitled to act according to the applicable regulations or in accordance to the recommendation and shall not experience adverse consequences. If the administrative act fails legal recommendation or the recommendation is incomplete, the party of interest is entitled to act according to the applicable regulations or in period of 30 days from the date of administrative act notification, to acquire from the public body to reconsider the administrative act.

(6) Authorized official person signs the administrative act. Exemption is in case of typical administrative acts and the signature is by facsimile or imprinted.

Article 89

Additional elements of the administrative act

(1) The administrative act may include one or more of the following additional documents:

- Deadline – regulating commencement or expiration of the administrative act on certain date or duration of certain deadline;

- Stipulation – regulating commencement and expiration to implementation of the act depends on future uncertain circumstances;

- Order – imposing the party to execute, to terminate execution or to endure certain action.

(2) The additional elements as stipulated in paragraph (1) of this Article are admissible if only fail opposing the purpose of the administrative act and if regulated by law.

Article 90

Administrative act absents of disclosure

Absence of disclosure is needful if the administrative act entirely adopts the request and the same fails influence upon the rights or legal interests of a third person or fails violation to the public interest if regulated by law.

Article 91

Written confirmation upon oral administrative act

Upon request by the party, obligation of the public body ruling the administrative act in oral form is to confirm the same in written form in prescribed deadline of eight days the latest from the day of request submission. The party is admissible to acquire written confirmation in deadline of 30 days from the day of declaration upon the oral administrative act.

Article 92

Administrative act upon prior consent, written confirmation, approval or deliberation by another public body

(1) Regulated by law ruling an administrative act by one public body on prior consent, written confirmation, approval or deliberation provided by another public body, the rule of the administrative act, is upon consent by the other body. Obligation of the public body ruling the administrative act is to stipulate the act upon which another public body provided or declined consent or to stipulate that the other public body nor provided or declined consent in the prescribed deadline

(2) The consent, written confirmation, approval or deliberation by the public body needful to issuance of the administrative act is obliged to deliver the acquired consent, written confirmation, approval or deliberation within 15 days; failing acting accordingly, it is considered that the consent, written confirmation, approval or deliberation by the public body is provided.

(3) In accordance to the law, two or more public bodies deciding upon same administrative procedure, each is entitled to a decision on areas of own jurisdiction. Public bodies agree upon the body to issuance of the mutual administrative act. Failing to achieve agreement, the issuance of the mutual administrative act is by the public body first to receive the request by the party.

Article 93

Deadline for issuance of administrative act

(1) Unless otherwise regulated by law, the administrative procedure of first instance initiated upon a request, is completed in the shortest deadline or the latest in 30 days from the day of initiation.

(2) The deadline as stipulated in paragraph (1) of this Article commences from the day the party submit the request and all evidence enclosed within.

Article 94

Extension of deadline in first instance procedure

(1) Unless explicitly forbidden by law, the public body is entitled once to extend the deadline as stipulated in Article 93, paragraph (1) of this law if the complexity of the case justifies the extension.

(2) The extension is admissible for the period needful to complete the procedure depending on the complexity of the case, but no longer than 30 days.

(3) The extension of the deadline and the new date of expiration is notified to the party during the first deadline and the extension is admissible to suitable reason to extension.

Article 95

Previous issue

(1) The public body conveying the procedure alights upon an issue as of pre-condition to settlement and the same represents independent legal issue under jurisdiction of the court or another public body to settlement (hereinafter: previous matter). The public body conveying the administrative procedure discontinues the procedure until settlement of the previous issue, notifying the party of interest.

(2) The notification to discontinuance of procedure encloses instruction of the request when initiating the previous issue procedure is upon request by the party,

(3) The public body conveying the procedure acquires settlement on the previous issue by another public body when initiating the procedure upon previous issue is ex officio by another public body.

Article 96

Validation of administrative acts

(1) The administrative act may produce legal consequences from the moment of delivery to the party of interest or influencing upon the same.

(2) The administrative act may produce legal consequences from the moment explicitly regulated in the dispositive of the written administrative act.

(3) The administrative act is valid until termination, annulment or amended by decision of legal remedy or by ex officio. Cancellation of validation is upon expiration of certain deadline or upon achieving the purpose of the act if explicitly regulated in the dispositive of the act.

Article 97

Correction of obvious technical failure in the administrative act

(1) The public body issuing the administrative act entitled is to correction of failure corresponding to names or numbers, spelling or calculation or other obvious irregularities in the administrative act or into its verified transcripts.

(2) The correction is upon issuance of certain administrative act. The act is legally effective from the day of legal effectiveness of the act subject to correction.

(3) The recommendation to correction inscribed is to the original administrative act and if possible, to all verified transcripts delivered to the parties. An official person issuing the administrative act to correction signs the recommendation.

Title 2

Administrative agreement

Article 98

Administrative agreement and appliance

(1) Due to execution of public service by the public body of jurisdiction regulated by certain law, the public body is entitled to conclude an administrative agreement with the party if the agreement is of public interest and the rights of third persons fail limitation.

(2) The constitution of the administrative agreement as stipulated in paragraph (1) of this Article compulsory is to be in writing.

Article 99

Annulment of administrative agreement

(1) Annulment of the administrative agreement concluded between the public body and the party is:

- In absence of achieving the prescribed terms by law for its conclusion; or

- In cases according to this Law, compulsory is annulment of administrative act

(2) Annulment of administrative agreement upon complaint by the party or public body is upon administrative dispute settlement.

Article 100

Amendment and cancellation of administrative agreement upon altered circumstances

The administrative agreement is admissible to amendments or cancellation upon other reasons erupting after its conclusion failing prediction at the time of concluding the agreement, significantly burdening the execution of obligations imposed by the agreement, or other reasons regulated by certain law.

Article 101

One-sided cancellation of the administrative agreement

(1) If the party fails accomplishing the obligations imposed by the administrative agreement, the public body one-sided terminates the agreement.

(2) The public body one-sided terminates the administrative agreement when needful to eliminate immediate danger upon life and health of people or property unless the elimination of the danger otherwise is regulated.

(3) In cases as stipulated in paragraph (1) and (2) of this Article, cancellation of the administrative agreement is by administrative act stipulating and disclosing reasons to cancellation of the administrative agreement.

(4) Against the administrative act as stipulated in paragraph (3) of this Article, the party is entitled to an administrative dispute.

Title 3

Other administrative actions

Article 102

Real acts

- (1) Public bodies execute real acts according to the principles and provisions of this law.
- (2) The party is entitled to a complaint against the real act in accordance to this law.

Article 103

Services of general interest

- (1) Services of general interest are administrative actions providing citizens of general available services at reasonable prices and of suitable quality of service, continuously, transparently not discriminating the beneficiary of the service.

(2) If provision to services of general interest is by private provider of services, the beneficiary of the service is entitled to an equal legal protection as provision of service by public body.

(3) Failing reception of service with suitable quality, continuously, transparently and without discrimination, the beneficiary of service of general interest even upon accomplishing obligations is entitled to lodge a complaint to the supervising public body regulated by law, during execution or absence of execution of certain action by the provider of services.

CHAPTER XIII

LEGAL REMEDY

Title 1

Right to legal remedies

Article 104

Authorized persons and types of legal remedy

(1) The party is entitled to legal protection against each administrative action or omission of administrative action if declarative the action or omission violates its rights and legal interests.

(2) Legal remedies are:

- Appeal,

- Retrial of procedure

- Complaint

(3) Exhaustion of the appeal or complaint is precondition to initiation of dispute at the court of jurisdiction if by law guaranteed is the appeal or the complaint.

(4) In absence of guarantee by law to the appeal or complaint, the party is entitled to an administrative dispute.

Title 2

Appeal

Article 105

Content and structure of the appeal

(1) In the appeal, the party stipulates the administrative act of disapproval or the act requested by the party failing responding by the public body; the party stipulates the body of jurisdiction to

rule or omission of the act and the reasons for discontent by the administrative act or its omission. Lodging the appeal is in writing.

(2) Each submission even absence of label as submission, is considered as appeal if the intention of the party is clearly expressed to disprove or achieve the administrative act.

(3) The appeal provides stipulation of new facts and new evidence, but the appellant is obliged to disclose reasons for failing to declare the same in the first instance procedure.

(4) If the appeal declares new facts and new evidence and two or more than two parties with opposite interests participate in the procedure, transcripts according to the number of parties are enclosed to the appeal. In such case, the body delivers transcript of the appeal to each of the party and a certain deadline is admissible to declaration upon the new facts and evidence. This deadline is no shorter than eight days or no longer than 15 days.

Article 106

Deadline to declare upon appeal and cancellation of appeal

(1) The party is entitled to lodge an appeal against the administrative act in deadline of 15 days from the day of delivery document or notification of the administrative act unless longer period is regulated by special law.

(2) The party is entitled to cancellation of the appeal until ruling the administrative act by the second instance body.

(3) If the party cancels the appeal, the public body rules an administrative act to discontinue the procedure and notifies the party which is not entitled to revoke the cancellation of the appeal.

Article 107

Lodging appeal

(1) Lodging appeal is immediate to the second instance body obliged the following day in electronic form to deliver the same to the first instance body, and to acquire the later within seven days to investigate whether the appeal is admissible, timely and declared by an authorized person.

(2) Immediate lodge or delivery of appeal to the first instance body, impose the later within seven days to investigate whether the appeal is admissible, timely and declared by an authorized person.

(3) Inadmissible, past due deadline or unauthorized person declaring the appeal is dismissed by the first instance body with administrative act is obliged within seven days electronically to notify the second instance body.

(4) Against the administrative act to discard the appeal based on paragraph (3) of this Article, the party is entitled to an appeal. If the body deciding upon the appeal justifies the appeal, the same decides upon the dismissed appeal.

(5) When the first instance body establishes admissibility of the appeal and the same is entirely justified, the body substitutes the disproved by appeal administrative act with a new act, and in seven days from reception of the appeal in electronic form, shall deliver the administrative act to the second instance body. Against the new administrative act, the party is entitled to an appeal.

(6) When the first instance body establishes admissibility of the appeal but not entirely justified, with no delay and the latest in seven days in electronic form shall deliver the appeal to the second instance body enclosing all files of the case and the response to the appeal.

(7) In case of administration silence if the first instance body fails ruling the administrative act in seven days from the reception of the appeal, the same with no delay electronically delivers the appeal to the second instance body enclosing all files and written disclosure upon reasons for failing issuance of requested administrative act in seven days.

Article 108

Suspension of appeal

(1) The execution of the administrative act is inadmissible during deadline for appeal.

(2) The appeal suspends the legal action of the administrative act until delivery of the administrative act ruled upon the appeal to the party, unless regulated by law is that the appeal fails suspension of the execution.

(3) Upon exemption upon stipulation in paragraph (2) of this Article, the suspension of the appeal is admissible to cancellation if needful to undertake emergency measures to public interest protection, or if suspension of execution exercises not compensable damage upon the party.

(4) The cancellation of suspension is by certain administrative act. The cancellation contains detailed disclosure upon reasons the appeal fails suspension.

(5) Against cancellation of suspension, admissible is immediate initiation of administrative dispute within seven days from the reception of the administrative act.

Article 109

Process by second instance body upon appeal

(1) Upon reception of the case, the second instance body verifies whether the appeal is admissible, timely and declaring by an authorized person.

(2) The second instance body discards the appeal by administrative act if establishes failure to admission, time and declaration by unauthorized person.

(3) The second instance body is admissible to decline or adopt the appeal, and to annul entirely or partially the first instance administrative act or the same to amend.

(4) The second instance body shall decline the appeal by establishing that the conduction of the procedure prior to the administrative act is regular, the administrative act is regular and based upon law, and the appeal is groundless.

(5) The second instance body shall decline the appeal even on findings of irregularities in the first instance procedure if the same fail influence upon the settlement.

(6) The second instance body shall decline the appeal and shall stipulate the reasons of declination within the administrative act if findings appoint establishing the first instance administrative act is based on law upon other grounds.

(7) The second instance body establishing action of irregularity imposing annulment of the administrative act, shall announce annulment to the administrative act and the part of the procedure already executed according to the established irregularity.

(8) The second instance body establishing ruling the first instance administrative act by incompetent body, shall annul the administrative act ex officio and the case is delivered to the body of jurisdiction to settlement.

(9) Determining facts incomplete or mislead or failure of employed rules influencing upon settlement or the dispositive of the disproved act fails clarity or is opposing to the disclosure in the first instance procedure, the second instance body upon decision annuls the first instance administrative act and the case is back to retrial. In such case the second instance body is to clarify the grounds of the decision upon amendments needful for the procedure imposing the first instance body is to act upon the second instance administrative act, and with no delay, but the latest of 30 days from the day of receiving the case to rule new administrative act. The party is entitled to lodge appeal against the new administrative act.

(10) The second instance body is admissible to return back the identical case to the first instance body only once regardless the grounds or omissions in the first instance procedure.

(11) The second instance body proceeding upon declared appeal against administrative act already once annulled and returned to renewal settlement, is obliged to settle the case upon its discretion.

(12) The first instance body is obliged to act upon the administrative act ruled by the second instance body as stipulated in paragraph (11) of this Article.

(13) The second instance body annuls the first instance administrative act by administrative act and rules if establishes incorrect assessment of evidence in the first instance administrative act or wrong conclusion derived according to real situation or wrongful implementation of legal regulation to settlement or based on free assessment distinct administrative act is admissible.

(14) If established by the second instance body that the administrative act is regular corresponding to established facts and the law appliance, but the accessibility to the purpose of the administrative act is manageable by other measures benefiting the party; the second instance body amends the first instance administrative act.

(15) Beneficiary to regular settlement, the second instance body is entitled to act upon the appeal and to amend the first instance administrative act benefiting the appellant along to the request stipulated within the appeal, and accordingly to the request in the first instance procedure if not violating the right of another person.

(16) Appliance of provisions of this law regarding to the administrative act correspond appliance to the administrative acts ruled upon appeal accordingly.

(17) The disclosure of the second instance administrative act shall assess all allegations of the appeal. If the first instance body in the disclosure of its administrative act correctly assess, the allegations declared in the appeal, the second instance body is admissible to evocate upon the reasons of the first instance administrative act.

Article 110

Process by first instance body upon entire or partially respectable appeal

(1) The first instance body is obliged entirely to act upon prescribed instructions stipulated in the settlement of the second instance body upon respectability of the appeal, and the submission of the case back to renewal.

(2) Especial obligation of the first instance body is to declare and provide all additional evidence significant to determine the real situation upon an issued order by the second instance body.

(3) First instance body when deciding in second attempt over same case upon respectable appeal, is obliged to settlement of the case within 30 days.

(4) If the first instance body fails action upon instructions by the second instance body, in a case of renewed appeal, the second instance body is obliged the failure of execution to report to the body of inspection supervision over implementation on provisions of this law.

Article 111

Appeal in case of administration silence

(1) Failure to ruling administrative act by the first instance body in the lawful deadline established by the second instance body, the later orders to the first instance body to act upon ruling administrative act and shall prescribe deadline of 30 days the latest from the order reception.

(2) Upon establishment that reasons are unjustified to failure of ruling the administrative act by the first instance body, the second instance body decides upon the claim by the party within 30 days from the appeal reception or orders to the first instance body to rule the acquired administrative act within 15 days from order reception.

(3) In case of further silence by the first instance body, the second instance by body is obliged to decide upon settlement.

Article 112

Deadline to proceed upon appeal

(1) The procedure upon appeal by second instance body shall execute with no delay within 60 days the latest from the day the first instance body submits the appeal to the second instance body enclosing all files to the case

(2) If the second instance body fails settlement of the case in the prescribed deadline as stipulated in paragraph (1) of this Article, the party is admissible to administrative dispute.

Article 113

Delivery of decision upon appeal

(1) The body of settlement at second instance electronically deliver its decision with enclosed files of the case to the first instance body obliged to deliver the decision to the parties within eight days from the day of reception of the decision and enclosed files.

(2) If acquired by the party delivering issuance of the administrative act electronically, the second instance body immediate delivers the administrative act to the party.

(3) If acquired by the party delivery of the administrative act in written form, the first instance body is obliged to exemplify authenticity to the original on the received administrative act by the second instance body.

(4) Administrative acts exemplified in a manner as stipulated in paragraph (4) of this article are final and executive.

Title 3

Renewal of procedure

Article 114

Reasons to renew a procedure

(1) When deadline to lodge an appeal against administrative act is past due, the public body of issuing the act renews the procedure upon request by the party according to following exceptional reasons:

- Findings on new facts, or findings indicating possibility to new evidence, individual or corresponding to the already declared and employed evidence imposing ruling distinct administrative act if those facts or evidence are employed in the previous procedure;

- Ruling administrative act on false identification document or false statement by a witness or expert, or is consequence of a deed punishable according to the Criminal Code;

- Grounds of the administrative act are upon verdict of criminal procedure, and the same is effectively terminated;

- The administrative act is beneficial to the party and is ruled based on false allegations by the party misleading the body conveying the procedure;

- Grounds of the administrative act of the body conveying the procedure are based upon previous issue and the core points of the issue is distinctly settled by the body of jurisdiction;

- If according to the law, exempted official person participated in the ruling of the administrative act;

- The ruling of the administrative act is by an unauthorized official person of the body of jurisdiction;

- The cooperative body ruling the administrative act fails deciding in the constitution prescribed by valid regulations or the administrative act fails voting by the prescribed majority;

- Absence of opportunity for a person admissible as party to participate in the procedure

- The party fails representation by a representative by law according to the law on representation.

(2) The renewal of procedure is admissible only if the party in absence of its failure was unable in the previous administrative procedure to declare the reasons for renewal, especially by employing legal remedies and if stipulated reasons might lead to issuance of much suitable administrative act by prior declaration in the previous administrative procedure.

Article 115

Request and deadline for renewal of procedure

(1) Party should submit the claim to renewal of procedure within 30 days from the day of acknowledging the reasons to renewal of procedure.

(2) Expiration of three years from the day of notification to the party for the administrative act terminates the right to a request for renewal of procedure.

Article 116

Legal consequences corresponding to renewal of procedure

(1) If the public body establishes the justification of the request to renewal of procedure, shall accordingly amend or annul the disproved administrative act by new administrative act. On the contrary, the public body shall discard the request by administrative act.

(2) Administrative dispute at the court of jurisdiction is admissible against the administrative act corresponding to the request for renewal of procedure.

Article 117

Amendment and annulment of administrative act corresponding to administrative dispute

The public body issuing the administrative act subject to timely submitted administrative dispute, is entitled to annul or amend the administrative act upon reasons the court is admissible to annul the appealed administrative act avoiding violation to rights of the party or third person in the administrative procedure, until dispute settlement or requests within the appeal, respectfully.

Title 4

Administrative complaint

Article 118

Administrative complaint

(1) Against administrative act or its omission, the party is entitled to declare administrative complaint to the public body undertaking or fails undertaking the real act if the party states violation of rights or legal interests by those actions or failure to execution of those actions.

(2) Violation by the provider of services of the rights and legal interests stipulated by the beneficiary, entitles the beneficiary to submit a complaint to the public body authorized to issue permission, execute supervision or control over the provider of services during action, or action failing execution, unless immediate legal remedies according to the administrative law is admissible against the provider of services.

(3) Provisions of this law to regulate the form, content, deadline upon declarations and lodging appeal, are to appliance upon the complaint accordingly.

Article 119

Procedure upon administrative complaint against real acts and their omission

- (1) The conduction of procedure upon complaint against real acts or their omission is by special organizational unit or by the cooperative body of the public body issuing the real act.
- (2) The administrative official person or employee authorized of the disproved real act or for its intransitivity shall be exempted from the procedure.
- (3) The public body rules upon administrative complaint against real acts or their omission by ruling administrative act ruled delivered with no delay or the latest within 15 days from the complaint reception.
- (4) Administrative dispute is admissible against this administrative act at the court of jurisdiction.

Article 120

Procedure upon administrative complaint in case of provision of public services of general interest

- (1) If the administrative complaint corresponds to provision of services of general interest, the public body authorized to issue permissions or execute supervision or control over the provider of services, is obliged to investigate the declarations by the submitter of the complaint and to undertake supervision measures according to jurisdiction.

(2) The public body authorized to issue permissions or execute supervision or control over the provider of services, rules upon the complaint by administrative act, with no delay, or the latest in 15 days from the complaint submission.

(3) Administrative dispute is admissible against this administrative act at the court of jurisdiction.

CHAPTER XIV

EXCEPTIONAL CASES TO CANCELLATION AND ANNULMENT OF ADMINISTRATIVE ACTS

Article 121

Amendment and annulment of settlement corresponding to administrative dispute

The public body issuing the administrative act subject to timely submitted administrative dispute, is entitled to annul or amend the administrative act upon reasons the court is admissible to annul the appealed administrative act avoiding violation to rights of the party or third person in the administrative procedure, until dispute settlement or requests within the appeal, respectfully.

Article 122

Cancellation and amending effective administrative act upon consent or upon request by the party

(1) If effective act provides certain rights to the party, but the body of ruling assesses incorrect appliance of the material law, the letter is entitled to terminate or amend the act accomplishing compliance with the law only upon prior consent by the party grounded the rights and if avoiding violation the rights of third person. The consent by the party is mandatory in altering the violation to the party by the first instance administrative act imposing certain obligation to the party.

(2) According to the terms as stipulated in paragraph (1) of this Article and upon request by the party, probable is cancellation or amendment to the effective administrative act inconvenient for the party. If according to findings administrative act fails cancellation or amendment, the body is obliged to notify the party.

(3) Amendments of the administrative act according to this article are only valid in future.

(4) The administrative act based according to paragraphs (1) and (2) of this Article is ruled by the first instance body ruling the administrative act; but the second instance body only upon own administrative act to settlement of the area. If that body is terminated or fails jurisdiction upon the area of concern, the ruling of the administrative act is by the body of jurisdiction upon that area during the ruling of the administrative act.

(5) The appeal against the new administrative act ruled according to this article is admissible only if the ruling of the administrative act is by the first instance body. If the ruling of the administrative act is by the second instance body or if the administrative act of the first instance body is final, this act is subject to an administrative dispute.

Article 123

Exceptional termination

(1) The cancellation of the executive administrative act is only for the purpose of eliminating harmful and immediate danger upon life and health of people, public safety, public peace and order or public moral, if the same is inadmissible to appliance of other measures less influencing the obtained rights. The administrative act is probable to partial cancellation in volume just enough to eliminate the danger or to protect the stipulated general public interests.

(2) If the ruling of the administrative act is by the first instance body, according to paragraph (1) of this Article is admissible to cancellation by the second instance body. In the absence of second instance body, the cancellation is by the body authorized by law to execute supervision over the body ruling the settlement.

(3) Appeal is admissible against the administrative act terminating the previous administrative act if the ruling of the administrative act is by the first instance body. On the contrary, immediate administrative dispute is admissible against such administrative act.

(4) The party experiencing damage due to cancellation of the administrative act is entitled to a compensation only for the Real damage.

Article 124

Publication of administrative act as annulled

(1) Annulled administrative act is:

- The act in administrative procedure ruled upon area of court jurisdiction, or upon area failing settlement within administrative procedure;

- Upon execution that might cause deed punishable according to the Criminal Code and other laws;

- Act of inadmissible execution;

- In cases of obvious inappropriate appliance of certain law provision from the material law causing damage upon the party;

- Ruled by the body in absence of prior request by the party, but the party additionally, explicitly or silently agreed upon;

- Upon irregularity, that according to explicit law provision is cause to annulment;

(2) The administrative act is subject to publication of annulment ex officio any time or upon motion by the party;

(3) The publication to annulment of the administrative act is entirely or partially;

(4) The publication to annulment of the administrative act is by the body ruling the same or by the second instance body. In absence of second instance body, the publication to annulment is by the body authorized by law to execute supervision over the body ruling the settlement.

(5) Appeal is admissible against the administrative act employed to publication to annulment of other act or against discarding the motion for publication to annulment submitted by the party. In

case of absence of a body to settlement upon the appeal, such administrative act is subject to immediate initiation of administrative dispute.

Article 125

Legal consequences based on annulment and termination

(1) Annulment of administrative act or by publication of the annulment, the produced legal consequences by such administrative act are subject to annulment, as well.

(2) Terminating the administrative act fails cancellation of the already produced legal consequences, and provision of obstruction is to further production of legal consequences corresponding to the terminated administrative act.

(3) The obligation of a body acknowledging violation of the law by administrative act, and the violation is grounds to renewal of the procedure or to annulment or cancelation or amendment of the administrative act, with no delay to notify to the public body of jurisdiction of initiating procedure and ruling the administrative act.

CHAPTER XV

EXECUTION

Article 126

Execution of administrative acts

(1) Execution of administrative act executed forcibly to the corresponding person conveyed to compensate monetary claims or to execute non-monetary obligations.

(2) The first instance administrative act is executive by:

- Expiration of the deadline for appeal if the appeal fails lodging;
- Notification to the party if the appeal is inadmissible;
- Notification to the party if the appeal fails suspension of the execution;
- Notification to the party for administrative act issued to discard the appeal;
- Cancellation of the right to an appeal by the party

(3) The second instance administrative act amending the first instance administrative act is executive upon reception by the party.

(4) Execution based on leveling is applicable only against the party participating in the leveling.

Article 127

Executor

The conduction of execution is against a person obliged to execute obligation ordered by the administrative act or against its legal adherents when the obligation fails strict personalization (hereinafter: executor of obligation).

Article 128

Deadline of execution

(1) The execution of administrative acts is from 08:00h to 20:00h on working days.

(2) On Sunday, holidays, non-working days or past 20:00h, execution of actions are justified if danger to postpone occurs or if undertaking emergency measures to protect life and health of people or property of high value or if the issuance of written order is by the public body.

Article 129

Types of execution

Execution of non-monetary obligations is in accordance to administrative manner, but the execution of the monetary obligations is by an executor according to the Law on execution.

Article 130

Jurisdiction upon execution

(1) The execution of non-monetary obligation is by the public body ruling the administrative act in first instance, even the act exercises amendment by the second instance public body or by the Administrative Court.

(2) The body to the State administration of jurisdiction for internal affairs is obliged to provide support (aid) to the public body of jurisdiction to convey the execution upon its request.

Article 131

Procedure of execution

(1) If the executor of obligation fails accomplishing its obligation in the prescribed deadline regulated by the administrative act or violates the ban imposed by the administrative act, the public body of jurisdiction issues an order to execution as written document to be delivered.

(2) The order of execution may include regulated extension of deadline to accomplish the obligation or regulation on immediately accomplishment of the obligation.

(3) In cases where the public body of jurisdiction establishes reasonable grounds of declining execution to obligations by the executor of obligation, the content of the administrative act is enclosed by the issued order.

(4) The order of execution reads the time, location, manner of execution and description of the means to execution.

(5) In case execution is by other persons, stipulation of the assessed expenses is enclosed, if possible. In case of compulsory monetary fine, the order shall stipulate the amount.

(6) The appeal against the order of execution is admissible only upon deadline or location or manner of execution and fails suspension of execution.

Article 132

Execution by other persons

(1) If the obligation of the executor of the obligation is execution of action is doable by other person and the executor of obligation entirely or partially fails execution, the execution of the action shall proceed by other person on expenses compensation by the executor of obligation.

(2) In the case defined in paragraph (1), the public body conveying execution is entitled to issue administrative act ordering the executor of obligation in advance to deposit the monetary amount needful to compensate the expenses of execution. The administrative act to deposit this amount is executive (as monetary obligation).

(3) The administrative act as stipulated in paragraph (2) of this Article is an executive document and the execution is in accordance to the Law on execution.

Article 133

Execution of monetary fines

(1) The public body conveying the execution orders the executor of obligation to accomplish its obligation by monetary fine according to the administrative act, if the executor fails accomplishment or execution by other persons is inadmissible or inconvenient to achieving the purpose of the execution.

(2) The administrative act ordering monetary fine to a physical person to accomplish its obligation is in the amount from half-gross monthly salary to two average annual gross salaries in Republic of Macedonia for the previous year. The administrative act ordering monetary fine to a legal entity to accomplish obligations is in the amount from half-monthly income to ten percent of the annual income maintained in Republic of Macedonia for the previous year. The appeal against administrative act on monetary fines fails suspension of execution.

(3) Execution of monetary fines ordered according to this Law are by public bodies of jurisdiction to execution of monetary fines on infringements and are compensate beneficiary to the budget financing the public body issuing the order for monetary fine.

Article 134

Execution upon immediate compulsion

Failing achievement of the purpose of execution on non-monetary obligations by appliance of means stipulated in Articles 132 and 133 of this law or is failing timely execution by other manner it is achievable by immediate order (compulsion) if admissible according to nature of obligation or if the immediate order (compulsion) fails exemption by law.

Article 135

Emergency execution

(1) The body may apply the means to execution according to Articles 132 and 133 of this law, with no prior issuance of an administrative act if:

- Failing timely issuance of the administrative act to achieve the non-financial obligations;

- Shall undertake explicit emergency measures to secure the public peace and safety or to eliminating immediate danger upon life and health of people or property; or

- Absence of the executor of obligation or its representative by law

(2) Upon request by the party the public body is compelled to rule the administrative act as stipulated in paragraph (1) of this Article in written form the latest within eight days upon submission of the request and to disclose the necessity to emergency execution. This request is admissible to submission in deadline of one month from the date of execution.

Article 136

Discontinuance and suspension of execution

(1) Discontinuance of execution is ex officio and annulment of the conveyed actions is upon establishment of:

- Execution of completed obligation;

- Execution is inadmissible;

- Appliance of execution upon a person failing obligation;

- Cancellation of request to execution by the applicant; or

- Annulment of the administrative act of execution

(2) Upon request by the party but avoiding damage hard to compensate, the public body ruling the administrative act may suspend the execution and if needful to extend the suspension of the execution until ruling final administrative act for the same area, unless otherwise regulated by law and fails opposing to the public interest.

Article 137

Remuneration

(1) Execution conveyed based upon administrative act but the administrative act is later annulled or consolidated, the executor is entitled to acquire the case of execution to backdate to previous situation or to acquire remuneration of damage.

(2) The public body ruling the order of execution decides with administrative act upon the request by the executor of obligation.

CHAPTER XVI

IMPLEMENTATION OF LAW AND INSPECTION SUPERVISION

Article 138

Implementation of the law and inspection supervision

(1) The implementation of this law is under the body of the State Administration of jurisdiction on areas corresponding to the State Administration.

(2) The State Administrative Inspectorate executes the inspection supervision over the implementation of the provisions of this law and over the regulations ruled by this law.

CHAPTER XVII

TRANSITIVE AND FINAL PROVISIONS

Article 139

Settlement of ongoing procedures

Settlement of cases in administrative procedure commenced prior to the day of appliance of this law, shall continue according to the provisions of the Law on General Administrative Procedure (“Official Gazette of Republic of Macedonia” No. 38/2005, 110/2008 and 51/11).

Article 140

Cancellation to appliance of the existing law

The day of commencing the appliance of this Law, terminates the appliance of the Law on General Administrative Procedure (“Official Gazette of Republic of Macedonia” No. 38/2005, 110/2008 and 51/11).

Article 141

Entering into force

This law enters into force on the eight day from the day of publication in the “Official Gazette of Republic of Macedonia”, and its appliance commences one year from the day of entering into force. Provisions in Article 17 paragraph (2), Article 29 paragraph (1) and (2), Article 37, Article

38, Article 40 paragraph (7), Article 41 paragraph (3), Article 46 paragraph (3), Article 57 paragraph (1) and (3), Article 78, Article 85 and Article 107 commence appliance six months from the day of entering into force of this law.