

LAW No. 03/L-202

ON ADMINISTRATIVE CONFLICTS

Assembly of Republic of Kosovo,

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

Adopts:

LAW ON ADMINISTRATIVE CONFLICTS

Article 1
Object of the law

With this law are regulated competencies, composition of the court and rules of procedure, based on which the competent courts shall decide on lawfulness of administrative acts by which the competent authorities of public administration shall decide on rights, obligations and legal interests of legal and natural persons and other parties as well as for the lawfulness of actions of administrative authorities.

Article 2
Aim

The aim of this law is provision of judicial protection of rights and interests for legal and natural persons and other parties, the rights and interests that have been violated by individual decisions or by actions of public administrative authorities.

Article 3
Definitions

1. Terms used in this law have the following meaning:

1.1. **Body** – public administration bodies, central government bodies and other bodies on their dependence, local government bodies and bodies on their dependence, when during exercising public authorizations decide on administrative issues.

1.2. **Administrative act** – every decision of the body foreseen in sub-paragraph 1.1 of this paragraph, which shall be taken in the end of the administrative procedure on exercising public authorizations and which effects, in favor or not favor manner legally recognized rights, freedoms or interests of natural or legal persons, respectively other party in deciding the administrative issues.

1.3. **Administrative issue** - according to this law is special uncontested situation and with public interest, in which directly from legal provisions, results the need to define the behavior of next party in legal-authoritative manner.

Article 4
Lawfulness Principle

The competent court shall decide based on constitution and laws regarding the administrative conflict.

Article 5
The principle of party's declaration

Before issuance of a decision, the court shall give opportunity to every party to declare, on all requests and pretensions of other parties and on all facts and legal issues that are object of administrative conflict. The court may decide on administrative conflict without giving the opportunity for the party to declare, except in cases provided for by the law.

Article 6
The principle of verbal review

The court shall decide based on verbal review directly and publicly regarding the administrative conflict.

Article 7
The principle of efficiency

The court applies the administrative conflict quickly and without delay, by avoiding unnecessary actions and expenditures, that precludes misuse and delay of realization of party's rights, of other participants in conflict and the decision issued in foreseen term.

Article 8
The principle of assistance to the uninformed party

The court makes sure that the non-information of the party and other of participants in the conflict, does not inflict the rights they enjoy based on the law.

Article 9

The Court decides on lawfulness of the final administrative acts regarding the administrative conflict, with which acts in exercising of public authorizations shall decide for the rights, obligations and legal matters of legal and natural persons in administrative issues.

Article 10

1. Based on the Law, a natural and a legal person has the right to start an administrative conflict, if he/she considers that by the final administrative act in administrative procedure , his/her rights or legal interests has been violated.
2. Administration body, Ombudsperson, associations and other organizations, which protect public interests, may start an administrative conflict.
3. Administration body has the right to initiate the administrative conflict, against the decision taken based on complain in the administrative procedure, if he/she considers that any of his/her rights or interests have been violated.
4. If, by the administrative act the Law has been violated in the favor of a natural or legal entity, the conflict can be initiated by a competent public prosecutor or by other body authorized by the Law. All administration bodies are obliged to inform competent public prosecutor or the body authorized by the Law.
5. An administrative conflict can be initiated also by the competent public attorney or authorized person, if by an administrative act the Law has been violated in the disadvantage of central government bodies and other bodies on their dependence, local government bodies and bodies on their dependence, where the property rights of these bodies have been violated.

Article 11

Administrative conflict, according to the indictment, shall be solved by the Supreme Court of republic of Kosovo.

Article 12

The court decisions issued in administrative conflicts are mandatory.

Article 13

Administrative conflict

1. An administrative conflict can start only against the administrative act issued in the administrative procedure of the court of appeals.
2. An administrative conflict can start also against the administrative act of the first instance, against which in the administrative procedure, complain is not allowed.

Article 14

An administrative conflict can also start when a competent body has not issued the relevant administrative act according to the request or complain of the party, under the conditions foreseen by this law.

Article 15

1. Administrative conflict can not be initiated:
 - 1.1 against issued acts on the issues on which the legal defense out the administrative conflict has been provided;
 - 1.2 against issued acts on the issues about which according to the legal provision of the law, an administrative conflict can not be initiated;
 - 1.3. against administrative acts that comprise a general obligation, issued by administration bodies, except when they violate legal rights of the parties.
2. Regarding issues under sub-paragraph 1.2, paragraph 1 of this Article, an administrative conflict can be initiated when the body issues an administrative act which has exceeded the competency limits.

Article 16

1. The final administrative act can be objected:
 - 1.1 for the reason that, the law has not been applied at all or legal provisions have not been correctly applied.
 - 1.2 . when the act has been issued by a non-competent body;
 - 1.3. when in the procedure that preceded the act, was not been acted according to the procedure rules, the factual situation has not been correctly verified, or if from the verified facts, incorrect conclusion in the light of factual situation has been issued;
 - 1.4. when with the final administrative act issued based on a free evaluation, the body has exceeded the limits of legal authorization or such act was not issued in compliance with the purpose of this law;
 - 1.5. when the accused party has issued again her earlier act, annulled before with the final decision of the competent court.
2. The administrative act can not be rejected for incorrect implementation of the provisions, when a competent body has decided according to free assessment based on authorizations and within the limits given with legal provisions, in accordance with the aim for which the authorization was given.

Article 17

In the procedure of administrative conflict can also be required the returning of taken things, and compensation of the damage caused to the plaintiff from the executed contested act.

Article 18

The plaintiff in the administrative conflict may be a natural person, legal entity, Ombudsperson, other associations and organizations, which act to protect public interest, who considers that by an administrative act a direct or indirect interest according to the law, have been violated.

Article 19

1. When a natural person, who is a member of a non-governmental organization, which according to its rules is obliged to protect certain rights and interests of its members, by an administrative act such a right or interest has been violated, this organization with the approval of its member, on behalf of his/her name can submit the indictment and develop an administrative conflict against the administrative act.

2. The organization under paragraph 1 of this Article can in each phase of the procedure, with the rights of the interested party to enter on started conflict, in favor of its member and undertake all actions and use all legal remedies, if this is not in contradiction with the declarations and actions of the party.

Article 20

Accused party in an administrative conflict is the body, which act has been contested, respectively the body which upon request of the party or its claim does not issue the act in the certain legal term and the same one does not sent it to the party.

Article 21

The position of the party in an administrative conflict has the person, to whom the annulment of contested administrative act shall cause direct or indirect damages.

Article 22

1. The indictment does not prohibit the execution of an administrative act, against which the indictment has been submitted, unless otherwise provided for by the law.

2. By the plaintiff request, the body whose act is being executed, respectively the competent body for execution can postpone the execution until the final legal decision, if the execution shall damage the plaintiff, whereas postponing is not in contradiction with public interest and postponing would not bring any huge damage to the contested party, respectively the interested person.

3. Together with the postponing request, proves that show the indictment has been submitted should be presented.

4. For postponement of execution, the competent body shall issue decision not later than three (3) days from the date of receiving the request for postponement.

5. The body under paragraph 2 of this Article may postpone the execution of contested act also for other reasonable reasons until the final legal decision, if it is not in contradiction with public interest.

6. The plaintiff can claim from the court to postpone the execution of administrative act until the court decision is taken, according to the conditions foreseen by the paragraph 2 of this Article.

7. The court decides within three (3) days upon receiving the claim.

Article 23

Competence and legal redress

1. For the indictments against administrative acts of all bodies shall decide the competent court for administrative matters in first instance, unless otherwise provided by other legal provisions.
2. Against the issued decision on administrative conflict, complain shall be submitted to the competent court for administrative matters of second instance.

Article 24

1. Against the final form decision of the Competent Court for administrative matters of second instance, the party may submit to the Supreme Court of Kosovo the request for extraordinary review of the legal decision.
2. The request under paragraph 1 of this Article may be submitted only in case of violation of material right or violation of procedure provisions, that may influence on solving the issue.
3. On the request for extraordinary review of the court decision shall decide the Supreme Court of Kosovo.

Article 25

1. Against the final form decision, the public Prosecutor may submit to the Supreme Court of Kosovo the request for protection of lawfulness, if by such a decision the law, other provisions or general act have been violated.
2. On the request for lawfulness protection against the decision of the court decides the Supreme Court of Kosovo.

Article 26

The procedure based on the indictment

1. An administrative conflict begins with an indictment.
2. With indictment may be required:
 - 2.1. the annulment or void publication of contested act;
 - 2.2. issuance of administrative act, which was not issued in the foreseen term; and
 - 2.3. return of the taken things and compensation of the damage caused by execution of the contested administrative act.

Article 27

1. The indictment shall be submitted within thirty (30) days, from the day of delivering the final administrative act to the party.
2. This time-limit shall be also applied for the authorized body for submitting the indictment, if the administrative act has been delivered. If the administrative act has not been delivered, the indictment shall be delivered within sixty (60) days from the date of delivering the administrative act to the party, in favor of which the act has been issued.

Article 28

1. The indictment shall be delivered directly to the court or by recorded mail. The indictment can be also done by the hearing process in the court. The day of submitting the indictment by recorded mail, respectively the day of declaring the indictment in the report, shall be considered as the day when it was delivered to the court.

2. If the indictment has not been delivered to the court, but to the other non competent body, and arrives to the court after the deadline for submitting the indictment, shall be considered that it has been submitted on time, if its submission to this body was a consequence of not knowing or an open mistake of the submitter.

Article 29

1. If the court of appeals has not issued the decision within thirty (30) days or a shorter time-line determined with special provisions concerning the appeal of the party against the decision of the first instance court, whereas if it does not issue the decision further within seven (7) days with a repetitious request, the party may start the administrative conflict as if the complain has been refused.

2. As it is foreseen under paragraph 1 of this Article, the party may act also when according to his/her request, the decision by the court of first instance has not been issued, against which act the appeal can not be made.

3. If the court of first instance, against which act the appeal can be made, has not issued any decision based on the request within sixty (60) days or a shorter foreseen time-line with special provisions, the party has the right to address by the request to the court of appeals. Against the decision of court of appeals, the party may start an administrative conflict, but also may, under the conditions in paragraph 1 of this Article, start it even if this body has not issued a decision.

Article 30

1. The name of the court where the indictment is submitted, name, surname and residence, respectively the residence of the plaintiff shall be included in the indictment, the administrative act against which the indictment was addressed, and in which direction and volume the annulment of administrative act has been proposed. Together with the indictment the original or a copy of the contested act shall be attached.

2. If through indictment return of thing or compensation of harm is required, a certain request shall be submitted in the viewpoint of the thing or amount of harm.

3. Together with the indictment, a copy of the indictment and attached documents shall be presented for the indicted body and to any interested person, if there is such.

Article 31

1. The claimant may waive the indictment unless a decision has been made. In such cases the court shall, through a decision, suspend the proceeding.

2. The claimant may extend the request indictment till the completion of the review, whereas when the review is not being developed, until the decision of the competent court is not being issued.

Article 32

Preliminary Question

1. When the decision of the court in administrative conflict depends on legal matter which contains the legal self-governing and upon which the other court of the other body has not decided (the preliminary question), the court that develops the administrative conflict, may decide on that matter, unless otherwise provided for by the law; or may terminate the procedure until issuing the decision on preliminary question, by the competent body.

The court's decision on preliminary question has legal effect only in administrative conflict, in which that matter was solved.

Article 33

1. In case the indictment is not complete, unclear or has inaccuracies, the president of the jury shall invite the claimant that within (eight) 8 days to eliminate the inaccuracies of the indictment. The instructions for

eliminating the inaccuracies of the indictment and the admonition on the casualties in case the claimant fails to act according to the request of the court shall be noted in the instructions.

2. In case the claimant fails to eliminate the inaccuracies of the indictment within the determined timeline, where such inaccuracies make the proceeding impossible, the court shall through a decision disallow the indictment, if it does not conclude that the contested administrative act is invalid.

Article 34

1. The court shall disprove with a decision, if it ascertains that:

1.1. the indictment has been submitted after the timeline or it is premature;

1.2. the act contested by indictment is not an administrative act;

1.3. it is clear that the administrative act contested by an indictment does not affect the rights of the claimant or his/her direct interest based on the law;

1.4. against the administrative act, contested by indictment, a claim may be filed, whilst the claim hasn't been filed at all or hasn't been filed on time;

1.5. it is about the issue on which according to the provision of the law, an administrative conflict can not be made;

1.6. that there is a firm decision, issued in the administrative conflict, on the same issue.

2. For the reasons set out in paragraph 1 of this Article, the court can disprove the indictment at any phase of the proceeding.

Article 35

In case the court does not throw out the indictment based on paragraph 2 of Article 33, or based on Article 34 of this law, whereas it concludes that the contested administrative act contains such essential inaccuracies that interfere with the appraisal of the legality of the act, with the judgment annuls the administrative act without sending the indictment for reply.

Article 36

1. In case the body during the judicial proceeding issues another act revoking or abrogating the administrative act against which an administrative conflict has been raised as well as in case of Article 29 of this law, later issues the administrative act, this body, except the plaintiff, shall notify the court as well.

2. In such a case the court shall invite the claimant to declare within fifteen (15) days if he/she is satisfied with the administrative act issued afterwards:

2.1. is satisfied;

2.2. does not abdicate from the claim;

2.3. partially abdicates from the claim;

2.4. he/she extends the claim to another act.

3. In case the claimant declares that he/she is satisfied with the later issued act or in case he/she doesn't declare within the timeline set out in paragraph 2 of this Article, the court shall issue a decision on cancellation of the proceeding.

4. In case the claimant declares that he/she is not satisfied with the new act, the court shall continue the proceeding.

Article 37

1. In case the court does not disallow the indictment in accordance with paragraph 2 of Article 33 and Article 34 of this law or does not annul the administrative act in accordance with Article 35 of this law, the court shall send a copy of the indictment with the attachments to the indicted party and interested parties.
2. The reply shall be given within the time period of thirty (30) days from the day of submitting the indictment in response to the party.
3. Within the set timeline, the party is obliged to send all documents on the case to the court. In case the indicted party, even after the second request, does not present the documents on the case, or in case the indicted party declares that it can not send them, the court may decide on the issue even in the absence of the documents on the case.

Article 38

1. In administrative conflicts, the court decides in an open session.
2. The court decides based on factual situation through the verbal review and by analyzing of facts.
3. In the administrative conflict the court may decide in a closed session in case those facts can be revealed dealing with private life of parties, state secret, professional secret, commercial secret or adaptation.
4. Parties, experts and interpreters if needed, should be present in a closed session.
5. The court may decide the issue without verbal review, if there are sufficient facts and in case that parties have submitted their consents in written form.
6. For exclusion of public from session, the court based on its own assessment shall decide with procedural decision which shall be communicated to the parties.

Article 39

1. Supervising Judge determines the day of review and shall invite the interested parties to the review.
2. The review can be postponed only for legitimate reasons, on which the jury decides.

Article 40

1. The review shall be lead by the judge that is involved in the case.
2. Minutes shall be kept for the review, only facts and essential circumstances shall be included.
3. The minutes shall be signed by the Judge that is involved in the case and the minutes-holder.

Article 41

1. The absence of the party from the verbal review shall not cancel the work of the court.
2. If the party is absent from the verbal review, it can not be concluded that they have disclaimed their requests, and their submissions shall be read.
3. In case both the claimant and the indicted party are absent from the review, whereas the review is not postponed, the court shall review the conflict also in absence of the parties.

Article 42

During the review, the member of the Judge that is involved in the case, shall be the first to take the word. The reporting judge presents the state and essence of the conflict, not giving his/her own opinion. Then

the floor is given to the claimant to justify the indictment, then to the indicted party and interested persons to justify their claims.

Article 43

1. The court shall decide on the administrative conflict issue, based on the facts ascertained in the administrative proceeding.

2. In case the court concludes that the administrative conflict can not be reviewed based on the facts ascertained in the administrative proceeding as in the viewpoint of the ascertained facts there are contradictions in acts, and that an inaccurate conclusion in the factual state viewpoint has been issued from the ascertained facts, or the court concludes that the proceeding rules haven't been abided, rules that are of importance for solving the issue, the court shall annul through an adjudication the administrative contested act. In such a case, the competent body is obliged to act in the manner determined by the adjudication and issue a new administrative act.

3. In case the annulment of the administrative act according to paragraph 2 of this Article and repeated proceeding in the competent administrative body would cause any harm to the claimant, harm that is difficult to be repaired, or in case if based in official documents or other evidences in the documents of the case it is clear that the factual state differs from the state ascertained in the administrative proceeding, or if the administrative act has been once annulled in the similar administrative conflict, whereas the competent administrative body hasn't acted according to the adjudication, the court itself can ascertain the factual state or by another body and based on certified factual situation issues the adjudication respectively decision.

Article 44

1. The legality of the contested administrative act shall be reviewed by the court within the limits of the indictment request, but shall not be obliged by the indictment causes.

2. The court shall be careful according to the official duty for the nullity of the administrative act.

Article 45

1. The court shall issue the adjudication, respectively the decision.

2. Special minutes shall be kept on consultation, signed by Judge that is involved in the case and minutes holder.

3. Consultations shall be conducted in absence of parties.

Article 46

1. The court shall through adjudication decide on administrative conflict.

2. The indictment shall through the adjudication be approved or rejected as not based.

3. In case the indictment is approved, the court shall annul the contested administrative act.

4. When the court concludes that the contested administrative act is to be annulled, it may, if the nature of the issue allows or if the data and facts administered during the proceeding give a secure base for such a thing, decide through adjudication on the administrative issue. Such adjudication wholly replaces the annulled act.

5. With the adjudication, that annuls the contested administrative act, the court shall decide also on the request of the claimant for return of the thing, respectively harm compensation, if the proceeding data

give certain base on such a thing. On the contrary, the court shall instruct the claimant to implement his/her request in the contentious procedure.

6. When the indictment has been submitted based on Article 29 of this law, whilst the court concludes it is reasonable, the court shall approve the indictment through adjudication and shall appoint the competent body to issue a decision.

Article 47

1. In case a verbal review has been conducted, immediately after the verbal review and consultation has ended, the court shall issue the adjudication, respectively the decision.

2. In complex cases, the court may waive from verbal issuance of the adjudication, respectively decision, but shall issue adjudication, respectively decision not later than eight (8) days.

3. In case after the verbal review the court does not issue the adjudication, respectively decision as it shall primary verify such a fact that a new verbal review is not necessary for, the court shall issue the adjudication, respectively decision, within eight (8) days from the day it has verified that fact.

Article 48

1. The adjudication, respectively the decision, shall include the name of the court, name and surname of the Judge that is involved in the case of minutes-holder, parties and their representatives, summary of the conflict object and date the adjudication, respectively the decision, is issued and announced, provision, justification and instructions to claim, if allowed.

2. The adjudication, respectively decision, shall be signed by the Judge that is involved in the case and minutes-holder.

3. Legal copies of the adjudication, respectively decision, shall be given to the parties.

Article 49

Proceeding according to the legal remedies

1. Appeal against the court decision, is submitted to the competent court in the manner determined in Article 28 of this law.

2. The claim shall be submitted within a time limit of fifteen (15) days, from day of receipt of the court decision.

3. In other issues of the proceeding, according to the appeal, the provisions of this law shall be implemented.

4. Request for exceptional re-review of the court decision according to Article 24 and request for legality protection according to Article 25 is submitted, in a manner determined by Article 28 of this law, to the court to decide according to the request.

Article 50

1. Request for extraordinary review of the court decision shall be delivered to the court within thirty (30) days from the date of receiving the decision, against which the party has submitted the request.

2. Request for legal defense shall be submitted within ninety (90) days from the date of delivering the decision to the party, against which the request has been submitted.

Article 51

1. Request for extraordinary review and request for legal defense contains the name of the court decision and reasons and volume in which the review or legal defense has been proposed.

2. If the request under paragraph 1 of this article is not completed or is incomprehensible, the court shall act according to the provisions of Article 33 of this law.

Article 52

1. The court shall overrule by a decision, the impermissible request, request submitted after the time-limit or the request submitted by unauthorized person.

2. If the court does not overrule the decision under paragraph 1 of this Article, then the request shall be delivered to the contesting party, which within the time-period of fifteen (15) days, shall responded on the request.

3. The court, against which decision the request for extraordinary review has been submitted or the request for legal defense, and accused body are obliged to deliver to the court all documentation of the case.

Article 53

The court shall decide on the request for extraordinary review or the request for legal defense, as a rule, in a closed session, whereas the objected decision shall be reviewed only within the limits of the request

Article 54

1. The court, by judgment shall refuse or approve the request.

2. By the judgment, by which the request is approved, the court may annul or change the court decision, against which the request has been submitted.

3. If the court annuls the court decision, the case shall be returned to the court, which decision was annulled. This court is obliged to undertake all procedural actions and to review the matters for which has been warned by the court which decided on the request.

Article 55 Reviewing

1. The interested party may request reviewing of the decision in effect, when:

1.1. the party is informed about new facts, or if it finds or creates opportunities to use new proves, on which base the conflict shall be solved in more favorable manner for it, if this facts or proofs were raised or used in previous court procedure;

1.2. the court decision came as a consequence of judge's penal act, the court employee or the decision has been issued by fraudulence act of the representatives or the authorizer of the party, his/her objector, representative or by the objector authorizer, whereas this action presents penal act;

1.3 the decision is based on issued act decision on penal or civil matter, whereas this judgment has been annulled later by a final court decision;

1.4 the document, on which the decision is based is falsified, or if the witness, expert or party during the hearing before the court has given a mendacity declaration and the court decision was based on this declaration;

1.5 the party finds or creates opportunities to use the previous decision issued in the same administrative conflict; and

1.6 the interested person was not allowed to take part in the administrative conflict.

2. Because of the circumstances under sub-paragraph 1.1 and sub-paragraph 1.5 of this paragraph the reviewing shall be allowed only if the party, without her/his blame, was not able to raise these circumstances in the previous procedure.

Article 56

Reviewing the decisions on foreseen circumstances under sub-paragraphs 1.2 and 1.4 of Article 55 of this law is allowed when those circumstances are verified by the decision in effect by a competent court.

Article 57

1. Reviewing the decisions shall be requested to be done within thirty (30) days, from the date when the party was informed about the reason of reviewing.
2. If the party has information about the reason of reviewing before the final procedure before the court, whereas this reason could not be used during the procedure, the reviewing may be requested within thirty (30) days, from the date when the decision was delivered.
3. After three (3) years, from the date the decision was in effect, the reviewing can not be requested.

Article 58

The court that has issued the decision shall decide on the request for reviewing.

Article 59

1. In the request for review must be stated the following:
 - 1.1 decision or judgment, issued on the procedure, which reviewing is requested
 - 1.2 legal base for review, proofs or circumstances, which make believable existence of this base.
 - 1.3. circumstances, which prove that the request was submitted on the legal time-limit, and by which the proof has been verified.
 - 1.4 in which way and in which volume the modification of the judgment is proposed, respectively the modification of the decision issued in the procedure, which reviewing is requested.

Article 60

1. On request for reviewing the court shall decide in a closed session.
2. The Court shall overrule the request with the decision if the court verifies that the request was submitted by an unauthorized person or the request was not submitted on time, or that the party has not made believable the existence of legal basis for reviewing.
3. If the court does not overrule the request under paragraph 2 of this Article, then the request shall be delivered to the contested party and interested persons, and shall ask them to respond to the request within fifteen (15) days.

Article 61

1. After the time-limit for response to the request for reviewing expires, the court shall decide on the request for reviewing by a judgment.
2. If the reviewing is allowed, the previous decision shall be in whole or partly annulled.
3. Previous procedural actions, which does not influence in reviewing reasons shall not be repeated.

4. By the judgment, by which the reviewing is allowed, shall be also decided on key issues.

Article 62

In reviewing procedure shall be implemented the provisions of this law for the procedure according to the indictment and legal remedies, if not otherwise determined under Articles 55 -61 of this law.

Article 63 **Other procedure provisions**

If this law does not contain provisions for the procedures on administrative conflicts, the law provisions on civil procedures shall be used.

Article 64

In the administrative conflict each party bears their own expenditures.

Article 65 **Obligatory character of judgment**

When the court annuls an act, against which the administrative conflict has started, the case shall be returned in the position that it was before the annulled act was issued. If by the nature of the issue, which was the object of the conflict, instead of annulled administrative act, another act shall be issued. The competent body is obligated to issue another act, without a delay, within thirty (30) days from the date of delivering the judgment. In this case the competent body is obligated on the legal point of view of the court and on courts remarks regarding the procedure.

Article 66

Court decisions may be executed when they become omnipotent and executable.

Article 67

1. If the competent body after the annulment of the administrative act issues an administrative act in contradiction with the court aspects, or in contradiction with remarks of the court regarding procedure, whereas the claimant submits new indictment, the court shall annul contested act and as a rule, the court shall decide on the matter by a judgment. Such judgment shall substitute the act of the competent body.

2. In this case the court informs to the body that exercises monitoring of the administrative body.

Article 68

1. If the competent body after the annulment of the administrative act does not immediately issue, not later than thirty (30) days, the new administrative act or the act implementing issued judgment based under paragraph 4 Article 46 of this law, the party by a special submission may request the issuance of such act. If the competent body does not issue the act within seven (7) days of this request, the party can request the issuance of such act from the court that has issued the judgment.

2. Based on such request, the court shall request by competent body information on the reasons on which the administrative act was not issued. The competent body is obliged to give this information immediately, not later than seven (7) days. If this is not done, or if the given information, according to the court opinion, does not justify non - implementation of the court judgment, the court shall issue a decision, which shall substitute the act of the competent body. This decision the court shall deliver to the competent body for execution and at the same time shall inform the body that exercises monitoring. The competent body for execution is obligated to execute such decision.

Article 69

When in an administrative conflict, the judgment has been issued, whereas the body has issued an administrative act for execution of this judgment, but by the body is requested the reviewing of this administrative act, the reviewing may be allowed if the reason for reviewing was raised by the body that has issued the administrative act.

Article 70

Final and transitional provisions

For indictments submitted until the day of entering into force of this law, the procedures in accordance with current provisions shall be implemented, only if this law is more favorable for the party.

Article 71

This law shall abrogate all provisions of the applicable law on administrative conflict.

Article 72

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-202
16 September 2010

Pursuant to the article 80, paragraph 5 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo.