

Legal Alert

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Introduction of the new Administrative Court in Albania with Law no. 29/2012 "For the organization and the function of the administrative courts and the adjudication of the administrative cases".



I. Introduction of the new Administrative Court in Albania with Law no. 29/2012 "For the organization and the function of the Administrative Courts and the judgment of the administrative cases".

Law no. 29/2012 introduced on December 2013 to the new Administrative Court in Albania, applies the principle of protecting the public interest and the legitimate rights and interests of private persons.

Jurisdiction

The Administrative Court is competent for:

- disputes arising out of individual administrative acts, regulations, norms and administrative public contracts, issued during the activity of an administrative or public institution;
- disputes arising due to illegal interference or the omission of a public institution;
- jurisdiction disputes between different administrative bodies as per the cases provided by the Civil Code;
- labor relations disputes in cases when the employer is an administrative body;
- requests submitted by the administrative bodies for the review of the administrative offences;
- the requests submitted by the administrative institutions for the review

of the administrative offences, for which the law provides imprisonment up to 30 days, as a type of administrative punishment for the offender;

- the request submitted by the offender for the replacement of an administrative penalty with imprisonment up to 30 days, with a fine.

The principals of the administrative judgment

The court, in administrative judgments, provides through a judicial regular process and reasonable deadlines, legal protection of the rights, constitutional entities, freedoms and legal interests that may be affected as a result of the exercise or omission of the public functions by public administrative bodies.

The public administration is obliged to prove the validity in law and in facts of the actions committed by it.

The Administrative Court, taking in consideration the nature of the case, judges the matter in court orally or in the counseling room based on written acts. The failure of the parties to appear in court does not constitute a reason to dismiss the case.

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