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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**DRAFT LAW
ON THE ORGANIZATION AND FUNCTIONING
OF THE COUNCIL OF MINISTERS
OF THE REPUBLIC OF ALBANIA**

Translation by K. Imholz

Draft dated October 13, 2000

(Internal Council of Ministers working document - not yet approved)

**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**DRAFT LAW
Nr. ____ dated ____
ON THE ORGANIZATION AND FUNCTIONING
OF THE COUNCIL OF MINISTERS**

In reliance on articles 6, 79, 81 and 83 of the Constitution, on the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

D E C I D E D:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Object and Purpose**

This law regulates the organization and functioning of the Council of Ministers and its relations with other state institutions.

**Article 2
Field of Action of the Law**

This law extends its field of action to the organization and functioning of the Council of Ministers, the competencies of the Prime Minister, the vice prime minister and the General Secretary of the Council of Ministers.

**CHAPTER II
STRUCTURE AND ORGANIZATION OF THE COUNCIL OF MINISTERS**

**Article 3
Composition of the Council of Ministers**

The Council of Ministers consists of the Prime Minister, the vice prime minister and the ministers.

The structure of the Council of Ministers consists of:

(Variant I)

The Ministry of Foreign Affairs
The Ministry of Public Order
The Ministry of Defense
The Ministry of Justice
The Ministry of Public Economy
The Ministry of Finance

In the function of the organizational structure and priorities of the political program that the Council of Ministers follows and applies, the Assembly may also, by law, create other ministries.

(Variant II)

The Ministry of Foreign Affairs
The Ministry of Public Order
The Ministry of Defense
The Ministry of Justice
The Ministry of Public Economy
The Ministry of Finance
The Ministry of Agriculture
The Ministry of Local Government
The Ministry of Labor
The Ministry of Culture
The Ministry of Health
The Ministry of Education

(Variant III)

The Ministry of Foreign Affairs
The Ministry of Public Order
The Ministry of Defense
The Ministry of Justice
The Ministry of Finance
The Ministry of Public Economy and Privatization
The Ministry of Public Works
The Ministry of Economic Cooperation and Trade
The Ministry of Transport
The Ministry of Agriculture and Food
The Ministry of Local Government
The Ministry of Labor and Social Questions
The Ministry of Culture, Youth and Sports
The Ministry of Health
The Ministry of Education and Science

Article 5

Formation of the Council of Ministers

The Prime Minister is appointed to office by the President of the Republic, on the proposal of the party or coalition of parties that have the majority in the Assembly.

When the appointment of the Prime Minister is not approved by the Assembly, the President of the Republic, on the proposal of the party or coalition of parties that have the majority in the Assembly, appoints a new Prime Minister.

When the appointment of the new Prime Minister is again not approved by the Assembly, the President of the Republic, on the proposal of the party or coalition of parties that have the majority in the Assembly, appoints another Prime Minister.

If the new Prime Minister is again not approved by the Assembly, then the President of the Republic dissolves the Assembly and sets the date for new elections.

When the Prime Minister is approved by the Assembly, then, within 10 days from the day of his appointment by the President of the Republic, he presents the political program of the Council of Ministers and its composition to the Assembly.

Article 6

The Oath

Before beginning their duty, the Prime Minister, the vice prime minister and the ministers swear before the President of the Republic according to the following formula: "I swear that I will be faithful to the Republic of Albania and I will exercise my duty on the basis of the Constitution and the laws in force, only in the interest of the nation and the progress of the Albanian people. I so swear."

Article 7

Competencies of the Council of Ministers

The Council of Ministers specifies the principal directions of general state policy and, in implementation of it, administrative activity. It also decides on every question that is related to the general political direction and relations with the Assembly.

In addition to its constitutional competencies, the Council of Ministers also performs these duties:

1. In connection with the Assembly:

- a) it effectuates declarations related to the direction of the political program approved in the Assembly and other questions for which the Council of Ministers seeks a vote of confidence in the Assembly;
- b) It proposes draft laws to or withdraws them from the Assembly,
- c) It asks the Assembly to examine and approve a draft law with an accelerated procedure, but not earlier than one week from the beginning of the procedure of examination.
- d) It immediately presents to the Assembly for approval normative acts that have the force of law.
- e) It proposes to the Assembly that a question or draft law of special importance be put out to referendum;
- f) It presents to the Assembly for approval a request to establish a state of emergency in part or all of the territory of the country, in the case of a danger to the Constitutional order and public security, which lasts for as long as the danger continues, but not more than 60 days.
- g) It proposes to the President of the Republic the issuance of acts that have the force of law when the Assembly cannot meet during a state of war. These acts shall be approved by the Assembly in its first meeting.

2. In connection with national security, defense policies and the juridical order:

- a) It examines and approves in principle the strategy of national security and defense policies and presents it for approval to the Assembly;
- b) It examines, negotiates, approves in principle, and signs treaties and international agreements to which the state intends to be a party and presents them for approval to the Assembly;
- c) It takes measures for public peace and security, the strengthening of the juridical order as well as respecting and protecting the fundamental human rights and freedoms.

3. In connection with foreign policy:

- a) The Council of Ministers approves and denounces international agreements that are not subject to ratification, in accordance with the Constitutional law.
- b) The Council of Ministers gives approval for the denunciation, by the minister or directors of other central institutions, of agreements signed in its name.
- c) It examines and decides on the principles and directions of foreign policy, treaties and international agreements, regardless of their designation.

4. In connection with state finances:

- a) It coordinates the work with state institutions for preparing and implementing the state budget.
- b) It presents a report to the Assembly about the implementation of the budget and the national debt for the past year.
- c) It gives a prior opinion about draft non-governmental laws that necessitate an increase in state budgetary expenditures or which reduce income. This opinion should be given within 30 days from the day it is presented.
- d) It draws up, negotiates and approves bilateral or multilateral agreements in connection with financial aid donations given to the Albanian state by other states.

5. In connection with local government:

- a) Through the Prefect, it seeks and realizes the coordination and harmonization of the implementation of general state policies with those of the development of local government.

6. Administrative and decision-making competencies:

- a) The Council of Ministers issues decisions and instructions.
- b) In implementation of the Constitution, this law and other laws, the Council of Ministers appoints or discharges high political or civil functionaries in the public administration, in the foreign service or high military officials.
- c) The Council of Ministers may, for serious violations of the Constitution or laws, discharge or dissolve a directly elected organ of a unit of local government.
- d) The Council of Ministers also examines and discusses other questions, for which members of the Council of Ministers need the political and administrative support of this organ.
- d) [SIC] The Council of Ministers submits to the Constitutional Court international agreements which contain provisions that conflict with the Constitution.
- e) The Council of Ministers may impose, for a period no longer than 30 days, a state of natural disaster in a part or in all of the territory of the state. The extension of a state of natural disaster may be done only with the approval of the Assembly.

Article 8

The organization and functioning of the ministries is regulated by law.

CHAPTER III

THE PRIME MINISTER AND THE MEMBERS OF THE COUNCIL OF MINISTERS

Article 9

Release or Discharge from Duty of the Prime Minister

The Prime Minister is released or discharged from duty in these cases:

- When he resigns. The resignation is presented to the President of the Republic;
- when he becomes mentally incompetent or becomes incapable from a health standpoint of performing the functions charged by the Constitution, by this law and by other laws of the Assembly. Release is done according to the procedure contemplated by article 105 of the Constitution for the approval of a motion of no confidence;
- when he is punished by a final court decision for commission of a crime;
- when a motion of no confidence is voted against him in the Assembly or when a motion of confidence is not approved.

The Prime Minister is obligated to stay in office until the appointment of the new Prime Minister.

Article 10 **Criminal Responsibility of the Prime Minister**

The Prime Minister has criminal responsibility for commission of a crime.

The procedure for beginning criminal prosecution is according to the procedure contemplated in article 73 of the Constitution. A criminal accusation against the Prime Minister is examined by the High Court.

Article 11 **Competencies of the Prime Minister**

The Prime Minister performs these duties, in accordance with his constitutional competencies:

- a) he represents the Council of Ministers and chairs its meetings.
- b) He conceives and presents the principal directions of general state policy and is responsible for them;
- c) he assures the implementation of legislation and the policies approved by the Council of Ministers;
- ç) he coordinates and oversees the work of the members of the Council of Ministers and other institutions of the central administration of the state.
- d) In implementation of the competencies given by the Constitution, by this law or other laws, the Prime Minister issues orders.

1. In connection with the President of the Republic:

- He submits, in a reasoned manner, proposals for the appointment and discharge of high political or civil functionaries in the public administration, in the foreign service or high military officials.

2. In connection with the Assembly:

- He submits the composition of the Council of Ministers and every change in it for approval.
- He submits the political program of the Council of Ministers that he leads for approval.
- he seeks a vote of confidence for declarations that are related with the political direction and the obligations of the political program approved in the Assembly and, directly or through a specifically delegated minister, he presents the question of a vote of confidence.
- He gives interpellances whenever requested by the Assembly.
- In the name of the Council of Ministers, he submits to the Assembly the draft law on the budget of the state during the fall session, which may not close without approving it.

3. In relations with the ministries:

- He specifies the principal political and administrative directions of the ministers, in implementation of the Constitution, this law, and other legal and substatutory acts;
- he coordinates and oversees the activity of the ministers in compliance with the acts that have to do with the implementation of the principal directions of the general policies of the Council of Ministers;
- The Prime Minister has the right to suspend the application of acts of the ministers and to seek the repeal of normative acts issued by them, in connection with political and administrative questions, presenting them to the Council of Ministers at the next meeting.
- In cases having to do with the commitment of work and activity of more than one ministry, the Prime Minister coordinates the work with the interested ministers, for the preparation and publication of public declarations that they seek to make if their content exceeds ordinary ministerial responsibility and may involve the general policy of the Council of Ministers;
- He requests and implements the legal acts in force to assure impartiality, normal functioning and effectiveness in the work of the public administration. In special cases, he may request explanations, statements and administrative verification from the competent minister for a specific problem;
- he requests and coordinates the work and activity of the ministers for assuring normal functioning of the activity of public institutions and state companies in accordance with the objectives given by law and with those of the political and administration direction of the Council of Ministers.

4. In connection with foreign policy:

- He authorizes the chairing of bilateral committees for economic, commercial and scientific cooperation.
- He gives ranks and appoints employees of the foreign service according to the specification made by law.

5. In connection with national security:

- He exercise the qualities given by law in the field of security services and information that is classified secret.
- He is Commander of the Armed Forces in time of peace.

7. [SIC] In connection with administrative competencies and competencies to give orders:

- He assures the unity of political and administrative direction, encouraging and coordinating the work and activity of the ministers.
- He specifies legislative technique, unified juridical and technical terminology, and the work methodology of the activity of the juridical directorates.
- In implementation of his competencies, the Prime Minister issues orders.
- In implementation of the Constitution, this law and other laws, the Prime Minister appoints or discharges high political or military functionaries.

6: [SIC] Other:

- He creates special inter-ministerial committees, with the duty to examine preliminarily questions of joint competency, to express an opinion related to the directives of the government and problems of special importance, to be presented to the Council of Ministers and in any case also receiving the opinion of experts who do not make up part of the public administration;

- He creates and constitutes work or study groups, in order to resolve particular problems within a set time period, that have a scholarly or economic nature, prepare legal or substatutory acts as well as social and administrative studies. In the work group, experts who do not make up part of the public administration also take part, being paid by state budget funds or other sources of foreign assistance, according to the specification made by the Prime Minister..

Article 12

Competencies of the Vice Prime Minister

The Vice Prime minister performs all duties charged by the Prime Minister and the Council of Ministers except for the competencies that the Constitution gives to these organs.

In the absence and by order of the Prime Minister, the Vice Prime Minister carries out these duties:

- he chairs meetings of the Council of Ministers,
- he represents the Prime Minister in all national and international meetings,
- he resolves disagreements between ministries and institutions under the Council of Ministers and
- he reports to the Prime Minister and the Council of Ministers for the duties that the law and other acts of the Council of Ministers charge on him.

Article 13

Competencies of Appointing and Discharging a Minister

Ministers are appointed and discharged by the President of the Republic on the proposal of the Prime Minister within 7 days. This time period begins on the day after the date when the act is issued.

The decree of the President of the Republic on the appointment or discharge of a minister is examined by the Assembly within 10 days.

Article 14

Incompatibility of Function of a Member of the Council of Ministers

A member of the Council of Ministers may not be appointed to office without first resigning from his position as:

- judge or prosecutor,
- soldier on active duty,
- employee of the police or national security,.
- diplomatic representative,
- mayor of a commune or municipality or prefects in places where they carry out their duties,
- chairman or member of electoral commissions,
- high functionary of the state administration, as contemplated by law.

A member of the Council of Ministers may not exercise any other state duty, may not be a director or member of the organs of for-profit companies and may not carry out any other profit-making activity that stems from the property of the state or of local government.

Article 15

Conditions for Being a Minister

Persons who meet the following conditions may be appointed a minister:

- To be an Albanian citizen
- That there not exist any of the cases of incompatibility of function contemplated in article 14 of this law.
- To have higher education.
- To have work experience in the exercise of civil or political functions for a period of time no less than seven years;
- Not to have been punished by final judicial decision for the commission of a crime.

Article 16 **Discharge of a Minister**

A minister is discharged when:

- He resigns,
- For serious violations of the Constitution and laws.
- When he becomes mentally incompetent or unable from the health standpoint to perform the functions charged by the Constitution and the laws.
- When one of the cases contemplated in article 14 and 15 of this law is determined to exist.

Article 17 **Competencies and Duties of a Minister**

A minister, under his responsibility, directs activity within the principal directions of general state policy.

A minister applies competencies and duties specified by the Constitution, by this law, by other laws that regulate the activity that he directs as well as competencies and duties charged by the Council of Ministers.

In implementation of his competencies, a minister issues orders and instructions.

CHAPTER IV **OFFICE OF THE PRIME MINISTER**

Section I

Article 18 **Cabinet of the Prime Minister**

For the realization of services, the successful conduct of work and the exercise of the competencies of the Prime Minister, there functions the office of the Prime Minister, which consists of:

- The chief of cabinet of the Prime Minister
- The councilors of the Prime Minister
- The technical and personal secretariat of the Prime Minister.

The structure, number of personnel and duties of the cabinet of the Prime Minister as well as their appointment and the taking of disciplinary measures for these functionaries are set by order of the Prime Minister.

Section II

Article 19 General Secretary

The General Secretary is a civil servant of the highest management level in the office of the Prime Minister. He is appointed and discharged by the Council of Ministers on the proposal of the Prime Minister.

Article 20 Conditions for Being Named General Secretary

In order to be appointed General Secretary, a candidate must meet these conditions:

- To meet the general requirements for acceptance into the civil service, specified by law.
- To have graduated with the title of jurist.
- To have exercised his profession as jurist for a period of time no less than 10 years in the public administration.

Article 21 Discharge of the General Secretary

The General Secretary is removed from office in these cases:

- when he resigns;
- When he becomes incompetent to perform his official duties because of health conditions for a period of time of not less than 3 months.
- When he is punished for commission of a crime by final court decision;
- For incompetence and serious legal violations in the performance of his duty.

Article 22 Functions of the General Secretary

The General Secretary performs these functions:

- a) he effects the organizing and proper functioning of meetings of the Council of Ministers.
- b) He directs the process of signing juridical acts of the Council of Ministers and disseminating them;
- c) He directs the process of preparation and signing of draft laws examined and approved in the Council of Ministers and the sending of them to the Assembly;
- d) He follows and coordinates the three-month and annual program of proposals that are presented for examination to the Council of Ministers, as well as its general program with the legislative program of the Assembly. These programs are approved in a meeting of the Council of Ministers.
- e) He decides on the motivated return of draft acts to the proposing ministers, when they are in conflict with the Constitution and law. Disagreements in this case are resolved by the Prime Minister.
- f) He directs the process of evaluation of drafts that are presented for examination to the Council of Ministers and presents them to the Prime Minister.
- g) He directs the process of drawing up acts that are signed by the Prime Minister.
- h) He organizes the legal service in the office of the Prime Minister,
- i) He organizes the service of documentation, its movement, dissemination, computerization and the administration of correspondence that comes to the office of the Prime Minister;

- j) He organizes the work for the realization and exchange of information and technology, which is realized in the office of the Prime Minister;
- k) He covers all the economic problems, those of personnel, human resources and technical services in the office of the Prime Minister.

The General Secretary also exercises other competencies that are given to him by law or by substatutory acts.

Article 23 **Organization and Functioning**

The organization and functioning of the office of the Prime Minister is regulated by decision of the Council of Ministers.

Article 24 **Cabinet of the Vice Prime Minister**

For the successful conduct of his work and activity, there functions the Cabinet of the vice prime minister, which consists of

- The chief of cabinet of the vice prime minister;
- The councilors of the vice prime minister and
- The personal secretaries of the vice prime minister.

The structure, number of personnel and duties of the cabinet of the vice prime minister as well as their appointment and the taking of disciplinary measures for these functionaries are set by the Prime Minister on the proposal of the vice prime minister..

CHAPTER V **ACTIVITY OF THE COUNCIL OF MINISTERS**

Article 25 **Meetings of the Council of Ministers**

The Council of Ministers meets regularly, as announced in the agenda.

A meeting of the Council of Ministers is called by the Prime Minister, or also, in his absence and on his order, by the Vice Prime Minister. Only members of the Council of Ministers take part in it.

A meeting of the Council of Ministers is valid when more than half of its members are present.

If, for good reason, a minister cannot take part in a meeting of the Council of Ministers, then he shall notify the Prime Minister in advance and in his place, with the approval of the Prime Minister, the vice minister takes part, without the right to vote.

The General Secretary of the Council of Ministers takes part regularly in a meeting of the Council of Ministers, without the right to vote.

Article 26
Extraordinary Meetings of the Council of Ministers

The Council of Ministers is called into extraordinary meetings in special cases. An extraordinary meeting is called by the Prime Minister or also, in his absence and on his order, by the Vice Prime Minister.

Article 27
Agenda
(Variant I)

The agenda of meetings of the Council of Ministers is prepared by the General Secretary of the Council of Ministers, after consultation with the Prime Minister, and contemplates all those questions that have been proposed by members of the Council of Ministers. The proposals of draft acts presented for examination in a meeting of the Council of Ministers shall be presented at least 5 days before the date set for the meeting.

(Variant II)

The agenda of meetings of the Council of Ministers is prepared by the General Secretary of the Council of Ministers and signed by the Prime Minister. In it are provided all those questions that have been proposed by members of the Council of Ministers. The proposals of draft acts presented for examination in a meeting of the Council of Ministers shall be presented at least 5 days before the date set for the meeting.

Questions on the agenda left over without having been examined in a meeting of the Council of Ministers automatically pass for examination at the next meeting.

The agenda shall be disseminated to all members no later than three working days before the date of the meeting.

The manner of creating the agenda and its constituent parts are specified by the Council of Ministers.

Article 28
Loyalty and Solidarity

Meetings of the Council of Ministers are closed.

Members of the Council of Ministers shall respect the decisions taken in its meetings. In particular, they shall avoid every expression of disagreement, shall defend or support the above decisions, regardless of whether they took part in the meeting or not or whether they voted for or against them.

The agenda of a meeting, the judgments, debates, reports and final decisions are confidential.

Minutes are kept at meetings of the Council of Ministers.

Article 29

Guaranteeing Impartiality of the Members of the Council of Ministers

No member of the Council of Ministers may take part in a meeting of it if he has a personal interest in the issue that is the object of examination or in any other case when serious reasons of lack of impartiality are determined to exist, according to concrete circumstances.

A request that he not take part in decision-making on the issue that is the object of examination is presented to the Prime Minister when a member has knowledge before the meeting of the Council of Ministers, or to the Council of Ministers when during examination of the issue he observes one of the above circumstances.

Article 30

Submission of Draft Acts

The submission of drafts for examination in the Council of Ministers is done only by members of the Council of Ministers. Drafts of acts that pertain to other central institutions are done in the Council of Ministers through its members who cover areas of activity near to those of the institutions.

Draft laws, drafts of normative acts with the force of law, drafts of acts of the Council of Ministers and other materials with a general, informative and reporting nature are done under the direction of the prime minister, the vice prime minister, the minister or head of the respective central institution. The procedure of drawing up the above acts is set by the Council of Ministers.

The manner and form of presentation of draft acts for examination is set by the Council of Ministers.

Article 31

Process of Drawing Up Acts

The drawing up of a draft law, a draft normative act with the force of law, a draft of acts of the Council of Ministers and other materials with a general, informative and reporting in the nature of a report, informatory or general, are done under the direction of the prime minister, the vice prime minister, the minister or head of the respective central institution. The procedure of drawing up the above acts is specified by the Council of Ministers.

Article 32

Coordination

The proposers of draft acts, in the preparatory phase of the acts, send the draft that has been prepared, which shall principally contain the object, purpose and structure, to interested ministries or other institutions for their opinion, requesting their evaluation of the material.

Drafts of codes, laws, normative acts with the force of law, draft decisions or normative instructions of the Council of Ministers shall be sent in each case to the Ministry of Justice for it to express an opinion about them.

The General Secretary of the Council of Ministers returns draft acts to the proposing ministries, if they do not meet the criteria and conditions for their submission specified by this law in by acts of the Council of Ministers.

Article 33

Content of Draft Acts

Proposals of drafts submitted for examination and approval to the Council of Ministers shall contain the draft, supporting statement, opinions or comments of the ministries or interests institutions about the draft, as well as a summary that will be included in the media communication.

Supporting statements that accompany draft acts shall contain:

- The objectives that will be achieved and whether they are connected or not with the political program of the Council of Ministers approved in the Assembly;
- A summary of the content of the draft;
- Harmonization with existing legislation;
- An explanation for not accepting comments and opinions of the interested ministries or other institutions.

The supporting statement shall also contain the financial effects of its implementation for draft laws of an economic-financial nature.

Article 34

Expression of Opinion

Every member of the Council of Ministers has the right to express his opinion and the right to vote on draft acts that are the object of examination in meetings of the Council of Ministers.

Article 35

Examination of a Draft Act

When it examines draft acts at its meetings, the Council of Ministers decides:

- approval of the draft act;
- amendment of the draft act
- postponement of the draft act for later examination;
- non-approval of the draft act.

Draft acts may be withdrawn by their proposers before they pass for examination to a meeting of the Council of Ministers.

Article 36

Approval of an Act

Acts of the Council of Ministers are approved by consensus and when this is not reached, the acts are approved by open or secret voting, by the majority of its members.

Acts of an individual nature may be approved by secret voting, when this is considered by the Prime Minister (or by the Council of Ministers).

Article 37

Minutes of the Meeting

Minutes are kept at meetings of the Council of Ministers in which the date and place of meeting, the members who took part, the questions that were discussed, and acts that were taken, and the form and result of voting are reflected.

The minutes are presented to the members at the end of the meeting or at the beginning of the next meeting, and they have the right to make comments about them. The minutes are signed by the General Secretary of the Council of Ministers.

Article 38

Notification

After every meeting of the Council of Ministers, the General Secretary of the Council of Ministers draws up a final report about the general problems examined in the meeting, which are made public through the organs of public information.

Detailed rules about the manner of putting it together and its form are set by the Council of Ministers.

Article 39

Inter-Ministerial Committees

Inter-ministerial committees are advisory organs of the Council of Ministers, which aim at coordination and specification of general state policies. The committees are created by order of the Prime Minister.

Meetings of inter-ministerial committees are chaired by the Prime Minister and in his absence or at his order by the vice prime minister.

Committees examine questions that have to do with drawing up, implementing and evaluating economic, social, and national security policies and other questions, for fulfilling and meeting as best as possible the particular needs of state activity. It also examines proposals for important draft laws and draft decisions and draws up and proposes the respective recommendations for the Council of Ministers.

Detailed rules for the manner of meeting and the activity of the committees are set by the Council of Ministers.

Article 40

Programming and Reporting

The members of the Council of Ministers, the heads of central institutions send to the General Secretary of the Council of Ministers proposals for analytic three-month and annual programs of projects that will be presented to the Council of Ministers of examination.

On the basis of the proposals sent, three-month and annual programs of the Council of Ministers are drawn up, coordinated with its general program and the legislative program of the Assembly. These programs are approved in a meeting of the Council of Ministers.

The Prime Minister coordinates the legislative program of the Assembly with the program of the Council of Ministers.

The members of the Council of Ministers present a report to the Prime Minister and the General Secretary of the Council of Ministers at the end of every three months and every year, for the effects created by the implementation of the acts approved, for designated branches of the activity that they direct, within the principal directions of general state policy.

CHAPTER VI ACTS

Article 41 Meaning of an Act

Within the meaning of this law, normative acts that are issued by the Council of Ministers and the ministers are those acts that establish juridical norms, which contain general obligations.

Within the meaning of this law, individual acts that are issued by the Council of Ministers, the Prime Minister and the ministers are those acts, that regulate in particular juridical relations on a concrete question and against a specific subject or group of subjects, which entails direct effects over the rights, duties and interests of natural and juridical persons.

Article 42 Acts of the Council of Ministers

The Council of Ministers issues decisions and instructions.

In a case of need or urgency and under its responsibility, the Council of Ministers may issue decisions with the force of law, which have a normative character, with the purpose of taking temporary measures. Decisions with the force of law are immediately sent to the Assembly, which meets within five days if it is not in session. Decisions with the force of law lose juridical force from the beginning, if they are not approved by the Assembly within 45 days.

Acts of the Council of Ministers are valid when they are signed by the Prime Minister and the proposing minister.

Article 43 Acts of the Prime Minister

The Prime Minister issues orders in implementation of his competencies specified by the Constitution, this law and other laws.

Article 44 Acts of a Minister

A minister issues orders in implementation of his competencies specified by the Constitution by this law and other laws.

Article 45 Validity of Acts

The substatutory acts of the Council of Ministers, the Prime Minister, the ministers and other central institutions are issued only on the basis and for implementation of law. Substatutory acts regulate those questions, which the law has expressly delegated to the respective organ. These organs may not delegate their competencies specified by law to other organs.

Article 46 **Invalid Acts**

The substatutory acts of the Council of Ministers, the Prime Minister, a minister and the heads of other central institutions are invalid when:

- the organ has acted outside of its jurisdiction or competencies specified by law;
- it does not have the form and procedure for its approval, according to the requirements of law;
- it cannot be implemented;
- legal provisions were violated in its issuance.

Article 47 **Entry of Acts into Force**

Normative acts of the Council of Ministers, the ministers and the directors of other central institutions receive juridical force no later than 15 days after they are published in the Official Journal.

Decisions with the force of law enter into force immediately only after notification has been publicly made in the organs of public information.

Individual acts of the Council of Ministers, the Prime Minister and the ministers receive juridical force on the day of their approval, except for cases when in the acts it is contemplated:

- a special date different from the date of approval; or
- on the date when it is published in the organs of public information; or
- on the date when the act is communicated to the interested subjects.

In each case, the manner of entry into force is specified in the act.

Article 48 **Publication of Acts**

Normative acts of the Council of Ministers, the ministers and other central institutions are published in the Official Journal.

The respective institutions take measures to send all normative acts for publication to the Center of Official Publications within three days from their approval, and in special cases no later than 15 days. A copy of the normative acts is sent to the General Secretary of the Council of Ministers within the above time periods.

Article 49 **Repeal of Individual Acts**

Individual acts are repealed by a higher organ, by the organ that issued them, on its own initiative, or by administrative appeal by the interested subjects, within 30 days from the date of the entry of the act into force.

Article 50

Administrative Appeal of Acts

Interested subjects have the right to appeal to the Council of Ministers against an individual act of a minister within 30 days from its entry into force, or against the refusal to issue the act within three months from the day the initial request for issuance of the individual act was deposited.

The Council of Ministers examines the administrative appeal within one month from the day the appeal was deposited and issues a decision.

Article 51

Judicial Appeal of Acts

Normative acts of the Council of Ministers, the ministers and other central institutions are examined for the incompatibility with the Constitution and international agreements in the Constitutional Court of the Republic of Albania.

Normative acts of the Council of Ministers, the ministers and other central institutions are examined for invalidity with the law in the Court of Appeals, Tirana, in accordance with the Code of Civil Procedure.

Individual acts of the Council of Ministers, the Prime Minister, the ministers and other central institutions are examined in the district court of Tirana, in compliance with the Code of Civil Procedure, except for the case contemplated by article 11 of the Constitution.

CHAPTER VI

TRANSITIONAL PROVISIONS

Article 52

Relations with Third Parties

Draft laws and decisions with the force of law that are proposed for examination and approval in the Assembly are defended in the name of the Council of Ministers by its members who are the proposers of the draft.

Laws and substatutory acts of the Council of Ministers, which are judged in the Constitutional Court for incompatibility with the Constitution, are defended in the name of the Council of Ministers by its members.

Acts of the Council of Ministers, the ministers and central institutions that are adjudicated in court are defended by the office of the state's attorney.

Article 53

Entry into Force

This law is effective 15 days after publication in the Official Journal.

CHAIRMAN
SKËNDER GJINUSHI