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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 18, 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, a minister, the vice prime minister, the General Secretary of the Council of Ministers and in the statutory acts that these acts issue.**

**Article 3  
Definitions**

Within the meaning of this law, the following definitions will have this meaning:

“Normative acts” are statutory acts that are issued by the Council of Ministers and the ministers, they are those acts that establish juridical norms that contain a general obligation.

“Individual acts” are statutory acts issued by the Council of Ministers, the Prime Minister and the ministers are those acts [sic] which regulate in particular juridical relations about concrete questions, which entail direct effects on the rights, duties and interests of a specific subject or group of subjects.

“Decisions with the force of law” are statutory acts with a normative character that are issued by the Council of Ministers in a case of need and urgency, with the purpose of taking temporary measures.

“Decisions” are substatutory acts the Council of Ministers issues which regulate concrete juridical relations with a general obligation.

“Instructions” are substatutory acts that are issued by the Council of Ministers and the ministers, which have an clarifying and explanatory nature and which elaborate in detail all those things ordered by the law or decisions of the Council of ministers with the force of law.

“Orders” are substatutory acts of an individual nature that are issued by the Prime Minister and a minister on the basis of acts with general juridical force, which regulate juridical relations for specified subjects.

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

### Article 4 Composition of the Council of Ministers

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

### Article 5 Structure of the Council of 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 6**

### **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 7**

### **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 8**

### **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 its relations with the Assembly:

- a) it directs 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.
- h) It may impose, for a period no longer than 20 days, a state of natural disaster in a part or in the whole territory of the state. The extension of the state of natural disaster may be done only with the consent of the Assembly.

2. In connection with national security, defense policies and the constitutional 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 constitutional order as well as respecting and protecting the fundamental human rights and freedoms.

3. In connection with foreign policy:

- a) It approves and denounces international agreements that are not subject to ratification, in accordance with the Constitutional law.
- b) It 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) It takes measures for the preservation and protection of the environment.

e) 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.

f) The Council of Ministers submits to the Constitutional Court international agreements which contain provisions that conflict with the Constitution.

### **Article 9**

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 10**

#### **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 11**

#### **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 12**

### **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) He resolves disagreements between ministers.

#### **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 for approval.
- He submits the political program of the Council of Ministers that he leads for approval.
- he presents motions for a vote of confidence.
- He responds to interpellances and questions of the deputies.
- 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 ministers:**

- 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;
- to suspend the application of acts of the ministers and proposes the repeal of normative acts issued by them, presenting them to the Council of Ministers at the next meeting.
- He 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;
- He requests and implements the legal acts in force to assure impartiality, normal functioning and effectiveness in the work of the public administration;
- 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. In special cases, he may ask the competent minister for explanations, statements and administrative verification for a specific problem;

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.
- With the minister of Defense, he implements the duties given by the President of the Republic, for the direction of the Armed Forces.

6. 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 juridical activity in the ministry.
- In implementation of his competencies given by the Constitution, this law and other laws, he issues orders.
- In implementation of the Constitution, this law and other laws, he appoints or discharges high political or military functionaries.

7. Other:

- He creates inter-ministerial committees;
- He creates and constitutes work groups, in order to resolve particular problems within a set time period, that have a studious or economic nature, prepare legal or substatutory acts. 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 13**

#### **Competencies of the Vice Prime Minister**

The Vice Prime minister performs the duties charged by the Prime Minister and the Council of Ministers except for the competencies that the Constitution gives to these organs. He reports to the Prime Minister and the Council of Ministers about the duties that the law and other acts of the Council of Ministers charge on him.

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.



## **Article 14**

### **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 proposal of the Prime Minister 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 15**

### **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 16**

### **Conditions for Being a Minister**

Persons who meet the following conditions may be appointed minister:

- To be an Albanian citizen
- To have higher education.
- That there not exist any of the cases of incompatibility of function contemplated in article 15 of this law.
- 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 17**

### **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 15 and 16 of this law is determined to exist.

## **Article 18**

### **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**

#### **Article 19**

##### **Organization and Functioning**

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

#### **Section I**

#### **Article 20**

##### **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 cabinet of the Prime Minister, which consists of:

- The chief of cabinet
- The councilors
- The technical and personal secretariat.

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.

#### **Article 21**

##### **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;
- The councilors
- The personal secretaries.

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.

## **Section II**

### **Article 22 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 23 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 24 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 25 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 of 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.

## **CHAPTER V**

### **ACTIVITY OF THE COUNCIL OF MINISTERS**

#### **Article 26**

##### **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 27**

##### **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.

When an extraordinary meeting is called, the rules provided in article 27<sup>1</sup> of this law do not apply.

#### **Article 28**

##### **Agenda**

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.

#### **Article 29**

##### **Loyalty and Solidarity**

Meetings of the Council of Ministers are closed.

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<sup>1</sup> Translator's note: Sic in the Albanian. Perhaps article 28 is the intended reference.

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 30**

#### **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 31**

#### **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, draft normative decisions with the force of law, drafts of acts of the Council of Ministers and other materials with a general, informative and reporting nature are sent to the General Secretary of the Council of Ministers.

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

### **Article 32**

#### **Process of Drawing Up Acts**

The drawing up of a draft law, draft decisions with the force of law, draft 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 specified by the Council of Ministers.

### **Article 33**

#### **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 and by acts of the Council of Ministers.

### **Article 34**

#### **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 interested 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 35**

#### **Expression of Opinion**

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

### **Article 36**

#### **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 37**

#### **Approval of an Act**

Acts of the Council of Ministers are approved by consensus and when this is not reached, they 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.

### **Article 38**

#### **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, 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 39**

#### **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 40**

#### **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. 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 41**

### **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 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.

### **Article 43**

#### **Acts of the Prime Minister**

The Prime Minister issues orders in implementation of his competencies specified by the Constitution, by 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**

#### **Legality of Acts**

The substatutory acts of the Council of Ministers, the Prime Minister, and the ministers 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** **Validity of Acts**

The substatutory acts of the Council of Ministers, the Prime Minister, and a minister are valid when they meet the following conditions:

- the organ has acted within its jurisdiction or competencies specified by law;
- it has the form and procedure for its approval, according to the requirements of law;
- it can be implemented.

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

#### **Article 47** **Entry of Acts into Force**

Normative acts of the Council of Ministers and the ministers 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 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 and the ministers 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, or by the organ that issued them, on its own initiative, or by administrative appeal by the interested subjects.

### **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.

### **Article 51**

#### **Judicial Appeal of Acts**

Normative acts of the Council of Ministers and the ministers 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 and the ministers are examined 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 115 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