

Law of the Republic of Azerbaijan On Administrative Proceedings

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This Law is aimed at ensuring that the human rights and liberties are being followed by the administrative bodies and at achieving the supremacy of the law.

Chapter I

General Provisions

Article 1. Rules defined by the Law

1.1. This Law defines legal foundations, principles and procedures of the activities exercised by the administrative bodies regarding the adoption, execution or repeal of the administrative acts.

1.2. The provisions of this Law have retroactive effect on other activities (actions) of the administrative bodies with physical persons and legal entities that are of a factual nature.

Article 2. Basic definitions used in the Law

2.0. The basic definitions used in this Law will mean the following:

2.0.1. administrative body - relevant executive bodies of the Republic of Azerbaijan, their local (structural) and other types of organizations, municipalities, as well as any physical persons or executive bodies with the legal authority of adopting administrative acts;

2.0.2. administrative act - a resolution, order or another type of government measure adopted by the administrative body in order to regulate or solve a certain (specific) issue on general (public) legal field and the one resulting in certain legal consequences for the legal bodies or physical persons they have been addressed to;

2.0.3. interested person - any physical person or legal entity that has appealed to the administrative body for the adoption of an administrative act or for the execution of an appropriate action or a person about whom an administrative act has been adopted or a person who has committed a certain action (inaction) or a person whose rights or interests protected by law are directly affected by or might be affected by the administrative act that is planned to be adopted or has been adopted by the administrative body or by any action of the administrative body and a person who has been subject to administrative proceedings at his

own expense or through the cases resulted by their official duty and with the initiative of the administrative body;

2.0.4. application - written appeal of the interested person to the administrative body regarding the adoption of an administrative act or exercising of the rights that he possesses;

2.0.5. administrative complaint - written appeal of the interested person on an administrative act, refusal to adopt an administrative act, an action or inaction by an administrative body to a higher administrative body in terms of subordination in order to defend his interests protected by law;

2.0.6. administrative proceedings - adoption, execution, amendment or repeal of an administrative act according to physical person's or legal entity's appeal or administrative body's own initiative as well as an execution of the activity of considering administrative complaints by the relevant administrative bodies within the procedural resolutions defined by this Law;

2.0.7. discretionary powers - legal delegation of authority to an administrative body or to an authorized person to choose between possible legally compliant resolutions;

2.0.8. mutual confidence - confidence based on certain legal actions or administrative practice in mutual relations between the administrative body and the physical person or the legal entity;

2.0.9. interim administrative act - an act adopted by the administrative body on the organization and execution of a specific proceeding;

2.0.10. favorable administrative act - an act that gives a right to interested person or verifies his right or takes away a duty (duties) put on him;

2.0.11. unfavorable (binding) administrative act - an act that deprives interested person of a right or restricts his right or puts a certain duty (duties) on him.

Article 3. Execution scope of the Law

3.1. Provisions of this Law is applied to the activity of the bodies prescribed (classified) as an administrative body by the legislation of the Republic of Azerbaijan.

3.2. This Law has no retroactive effect on:

3.2.1. criminal-procedural activity of the administrative bodies on criminal prosecution;

3.2.2. activity of the administrative bodies on cases of administrative offences.

3.2-1. Exercise of the administrative proceedings in Alat Free Trade Zone is regulated in accordance with the requirements of the Law of the Republic of Azerbaijan On Alat Free Trade Zone.

3.3. Provisions that complement the provisions stipulated in this Law or special rules on administrative proceedings (*excluding the cases prescribed by Article 30.5 of this Law*) may be prescribed by special laws of the Republic of Azerbaijan.

Article 4. Assignment

4.1. Administrative bodies execute administrative proceedings on cases legally assigned to their authority.

4.2. Administrative body is obliged to independently determine whether it has an authority to handle the appeals.

4.3. Disagreements between administrative bodies on assignment and authority is resolved as prescribed by law by a commission created by a higher administrative body in terms of subordination or by relevant executive body. *The procedure for resolving disagreements between administrative bodies on assignment and authority is prescribed by relevant executive body.*

Article 5. Mutual legal assistance between administrative bodies

5.1. Administrative body is obliged to provide legal assistance to another administrative body within its authority and capabilities based on this body's appeal.

5.1-1. Administrative body should ensure provision of legal assistance within 15 days of the appeal excluding the cases stipulated in Articles 7.1 and 7.2 of this Law. In the cases where more time is needed for providing legal assistance, the time for administrative body to provide legal assistance may be extended up to 15 days by providing substantiated information in written form to the administrative body that has appealed to it for the assistance.

5.2. The provision of legal assistance between the administrative bodies that have dependent relationship in terms of subordination is not considered mutual legal assistance.

Article 6. Terms of legal assistance

6.0. Administrative body may appeal for legal assistance in the following cases:

6.0.1. when it is unable to execute any action independently because of the reasons of legal and factual nature;

6.0.2. when the facts that are not known to it and it may not identify independently are demanded for the resolution of a certain issue;

6.0.3. when necessary documents or other proofs that are needed for the resolution of a certain issue are at the disposal of the relevant administrative body that it has appealed for legal assistance;

6.0.4. when necessary expenses demanded for independently resolving a certain issue are higher than the expenses demanded for the resolution of this issue by another administrative body in the form of legal assistance.

Article 7. Rationales for refusing to provide legal assistance

7.1. Administrative body may refuse to provide legal assistance in the following cases:

7.1.1. when the provision of the measures demanded as legal assistance is not within its legally defined authority;

7.1.2. when the measures that needs to be executed as legal assistance are against the law;

7.1.3. when provision of legal assistance substantially interferes with carrying out its own functional duties;

7.1.4. when the documents and (or) information needed as legal assistance contain any confidentiality that is protected by law.

7.2. Administrative body is not obliged to provide legal assistance in the following cases:

7.2.1. when another administrative body may provide legal assistance in a way that is simpler or less costly;

7.2.2. when this administrative body may only provide very costly legal assistance that is not suitable for the solicited assistance.

7.3. If an administrative body refuses to provide legal assistance, it should inform the administrative body that has appealed to it for this about the refusal in written form within three days of the appeal.

7.4. Administrative body that has appealed may appeal to a higher administrative body that carries out supervision function in relation to the appealed body for legal assistance on refusal of legal assistance. The issue is considered by a higher administrative body *within 5 days* and final decision is made. When refusal from legal assistance is considered unsubstantiated, higher administrative body gives relevant order to the administrative body that has been appealed for legal assistance on immediate provision of the legal assistance.

Article 8. Payment of the expenses related to legal assistance

When the expenses related to the provision of the legal assistance is higher than twenty-two Manats, the body that has appealed for it should pay these expenses.

Article 9. Right of officially authorizing copies of the documents

9.1. Administrative body may authorize the copies of administrative acts that have been adopted by it or by a body that is subordinate to it or other documents.

9.2. Authorized copies of administrative acts or other documents that have been adopted by administrative body in accordance with relevant procedure are legally binding.

9.3. Authorization of a document that has been contextually distorted or disintegrated is not allowed.

9.4. When a document is being authorized, a sheet containing below-given information should be compiled:

9.4.1. accurate name of the document;

- 9.4.2. a note on the compliance of a document's copy with its original;
- 9.4.3. the date and location that the document has been authorized;
- 9.4.4. signature of the responsible official and stamp of the administrative body.
- 9.5. Each page of the authorized copy of the document should be signed and stamped by an official.
- 9.6. The fact of authorizing copy of administrative act or another document should be registered in accordance with the procedure prescribed by relevant administrative body.

Chapter II

General Principles

Article 10. General principles of a legal state

- 10.1. In the Republic of Azerbaijan administrative proceedings are executed on the basis of procedural securities stipulated in international contracts, as well as generally accepted principles of the law and legal state.
- 10.2. Generally accepted principles of the law and legal state are directly applied by administrative bodies when administrative proceedings are carried out.
- 10.3. Principles that has been stipulated in this Law may not be interpreted as abatement of the importance of other principles.

Article 11. Principle of lawfulness

- 11.1. Administrative bodies are obliged to follow the demands of the law.
- 11.2. Administrative bodies may only interfere with the rights and liberties of a person in cases and procedures prescribed by law.

Article 12. Principle of Equality

- 12.1. Everybody is equal in front of the law and administrative body.
- 12.2. Adoption of different resolutions by the administrative body on different cases possessing the same relevant factual circumstances shall be prohibited.
- 12.3. Adoption of similar resolutions by the administrative body on different cases possessing different relevant factual circumstances shall be prohibited.
- 12.4. Administrative body is obliged to execute discretionary powers with the same method and procedures. This provision does not exclude amendment of existing administrative practice on execution of discretionary powers.

Article 13. Protection of the right of confidence

13.1. Confidence of physical persons or legal entities to the administrative practice of administrative bodies is protected by law.

13.2. Administrative body is obliged to act in accordance with the present administrative practice. Present administrative practice may be altered into new practice only if public interests demand it. New administrative practice should be lasting and generic in nature.

13.3. Confidence of physical persons or legal entities to promises and declarations of authoritative administrative bodies on subsequent adoption or non-adoption of a certain administrative act is protected by law.

13.4. Promises and declarations of administrative bodies that have been stipulated on Article 13.3 of this Law are considered a reliable security and founds basis of a person's confidence right only if they are in written form. Articles 63 and 67-69 of this Law also have retroactive effect on securities.

13.5. Confidence of physical persons or legal entities may not be found on unlawful actions.

Article 14. Procedure for the execution of discretionary powers

14.1. Administrative body is obliged to execute its discretionary powers within the limits prescribed by law (within the limits of authority given to it by law).

14.2. Resolutions adopted on the basis of discretionary powers should be accordance with the aims of these powers.

14.3. During the execution of discretionary powers, resolutions directed at unsubstantiated restriction of rights and liberties of physical persons or legal entities may not be adopted.

Article 15. Prohibition of abuse of formal requirements

15.1. Excluding the cases stipulated by law as a mandatory condition, placement of any obligations on physical persons and legal entities by administrative bodies only to ensure the compliance with formal requirements is prohibited.

15.2. Failure to comply with formal requirements by physical persons and legal entities or failure to comply with the procedure properly in cases not directly stipulated by law may not be basis for administrative bodies to refuse to make the relevant decision.

15.3. Administrative bodies may not refuse to adopt documents presented by physical persons or legal entities on the grounds of obvious and correctable errors on that document that occurred at the time of writing and calculating.

Article 16. Prohibition of refusal to execute the right

16.1. The administrative body, which should execute a legal norm in relation to a physical person or legal entity, is obliged to execute this norm in accordance with the petition of the interested person or with its own initiative in cases arising from its service duties.

16.2. In the event that execution of the legal norm refers to the discretionary powers of the administrative body, interested person has the right to demand proper execution of the discretionary powers.

Article 17. Principle of proportionality

Measures indicating any interference with the legal status (freedom of principal action) of physical persons or legal entities must be proportional to the legal purpose of the administrative body and should be necessary and appropriate in terms of its content, location, time and scope of the persons it covers to achieve this purpose.

Article 18. Principle of larger scope containing smaller scope

18.1. Administrative body may not require any other action (included or able to be included in the scope of this action) that was contained in another action previously committed by physical persons or legal entities in terms of its meaning.

18.2. References and permissions issued by administrative bodies contain other partial references and permissions complying with their purpose.

Article 19. Presumption of admissibility

19.1. Documents and evidence submitted by physical persons or legal entities in connection with the factual circumstances of the case during the administrative proceedings are considered admissible if their validity is not disproved. It is prohibited to request additional documents or information from physical persons or legal entities confirming the admissibility of these documents and evidence.

19.2. In the event that there are solid doubts about the admissibility of submitted documents and evidence, administrative body takes measures to determine their admissibility independently and at its own expense.

Chapter III

Procedural Principles and Securities

Article 20. Right to appeal to administrative body

20.1. Each person has the right to appeal to the administrative body, to file a petition or to obtain information from the administrative body on issues directly related to his rights and legitimate interests.

20.2. When another rule is not stipulated in the legislation, administrative body is obliged to consider appeals on issues related to its powers, make relevant decisions or provide information on these appeals.

Article 21. Participation of interested persons in administrative proceeding

21.1. When another rule is not stipulated in the legislation, administrative body should inform interested person or his representative on administrative proceedings and should ensure his participation in the case.

21.2. When other cases are not stipulated in the law, prior to the adoption of the administrative act, administrative body is obliged to inform interested persons or their representatives about its content, in particular, identified factual circumstances of the case as well as the designed measures related to this case and to listen to their views on them.

21.3. Administrative body may refuse to hear interested persons or their representatives in the following cases:

21.3.1. if the administrative act, in which the requirements of interested persons are fully met, is intended to be adopted;

21.3.2. when it is necessary to adopt an administrative act immediately in connection with the prevention or elimination of the threat that may cause a damage to public or state interests;

21.3.3. if the hearing may lead to overrun the deadline for the adoption of the administrative act;

21.3.4. when it is intended to adopt a general order or a large number of administrative acts with identical content or administrative acts through automatic installations;

21.3.5. when it is intended to adopt an interim administrative act against which a complaint may not be filed independently;

21.3.6. when execution of the measures related to mandatory execution of administrative acts is intended.

Article 22. Impartiality in handling the case

22.1. Administrative bodies are obliged to exercise their powers impartially.

22.2. An official who is interested in the result of the case may not be involved in the administrative proceeding.

Article 23. Provision of advice and necessary information by the administrative body

23.1. Administrative body is obliged to assist the interested person in filing *applications, complaints or petitions*, detecting and eliminating the mistakes made in *applications, complaints or petitions* and to explain the rights and duties of the person involved in the administrative proceedings to him.

23.2. Relevant administrative body is obliged to provide physical persons or legal entities with samples of applications and other formularies (forms) related to administrative proceedings according to their appeal or to send them via postal communication or other electronic communication channels.

Article 24. Objective investigation of the circumstances of a case

24.1. Administrative body is obliged to thoroughly, fully and objectively investigate all factual cases that are significant for the proper solution of the case during the administrative proceedings.

24.2. Administrative body may not refuse to investigate and take into account the cases that are in favor of the interested persons.

24.3. Investigation of all circumstances of a case during administrative proceedings are based on the service duties of the administrative body. The method and scope of the investigation are determined by the administrative body. Administrative body does not depend on the explanations of the interested persons and the evidence presented by them.

24.4. When presented evidence is insufficient, administrative body is obliged to collect additional evidence on its own initiative.

24.5. Administrative body may not refuse to accept *applications, complaints or petitions* submitted by the persons participating in administrative proceedings and the consideration of which is a service duty of the administrative body, on the grounds that they are irrelevant or groundless.

Article 25. Right to become acquainted with materials of administrative proceedings

25.1. Excluding the cases stipulated by law, interested persons have the right to become acquainted with the materials of administrative proceedings both during and after the proceedings or to obtain information on the proceedings.

25.2. When another rule is not stipulated in the legislation, information on administrative proceedings may be provided to other persons only with the consent of the interested persons.

25.3. Administrative body should provide relevant information within 3 days from the day the application has been received.

25.4. Administrative body may not use documents containing any secrets protected by law in its content to the detriment of interested persons.

25.5. In the event that a document with any secret protected by law in its content is refused to be submitted for acquaintance, the administrative body is obliged to provide the interested person with as complete information as possible about the content of the document without causing a damage to the interests protected by law.

25.6. Interested persons can become acquainted with materials of administrative proceedings in the administrative body where the proceedings are carried out.

25.7. In exceptional cases and on the basis of written application, interested persons may become acquainted with the materials of administrative proceedings in another administrative body, as well as in the diplomatic mission of the Republic of Azerbaijan abroad.

25.8. Interested person has the right to obtain copies of documents and other materials related to administrative proceedings.

25.9. A charge may be determined in accordance with the procedure identified by the legislation of the Republic of Azerbaijan for copying documents and other materials and sending through postal communication.

Article 26. Ensuring the confidentiality of documents or information containing any secret protected by law in its content

The applicant has the right to require the administrative authority to ensure the confidentiality of documents or information that contain family and personal secrets, as well as professional or commercial secrets in their content.

Article 27. Language of administrative proceeding

27.1. Administrative proceedings are conducted in the state language of the Republic of Azerbaijan or in the language of the majority of the population of a certain territory.

27.2. The right to use services of a translator is explained and provided to those who are involved in administrative proceedings and do not know the language in which the proceedings are conducted.

27.3. Documents and information are provided to persons participating in administrative proceedings in the language the proceedings are conducted.

Chapter IV Administrative Proceeding

Article 28. Justification for starting the administrative proceedings

28.1. Justification for starting the administrative proceedings are the following:

28.1.1. application of a physical person or legal entity;

28.1.2. initiative of the administrative body or the duty of the administrative body to adopt an administrative act in the cases stipulated by law;

28.1.3. when a complaint has been submitted on an administrative act, administrative complaint.

28.2. In the cases stipulated in Articles 28.1.1 and 28.1.3 of this Law, administrative proceedings start from the moment of registration of the relevant application or complaint.

28.3. In the cases stipulated in Article 28.1.2 of this Law, administrative proceedings start from the moment the interested person is informed about the proceedings or the first procedural action is taken against him.

28.4. Taking Articles 28.1.1 and 28.1.2 of this Law as a basis, administrative proceedings are conducted in accordance with the rules defined in this chapter.

28.5. Taking Article 28.1.3 of this Law as a basis, administrative proceedings are conducted in accordance with the rules defined in this chapter taking into account the characteristics defined in Chapter VII of this Law.

Article 29. Submission of applications or petitions

29.1. When another rule is not stipulated in the legislation of the Republic of Azerbaijan, the application is submitted personally by the interested person to the relevant administrative body that is authorized to adopt an administrative act regarding the issue raised in the application or sent via postal communication or electronically.

29.2. Application is presented to relevant administrative body by interested person in written form in accordance with the procedure identified in Article 29.1 of this Law.

Article 30. Form and content of the application

30.1. Application should be drawn up in writing.

30.2. Application should contain the following information:

30.2.1. name of the administrative body the applicant appeals to;

30.2.2. if the applicant is a physical person, his surname, name, patronymic and address, information on the document confirming his identity;

30.2.3. the name and legal address of the legal entity, if the application is submitted by it;

30.2.4. short content of the demand;

30.2.5. the date that the application was drawn up and the signature of the applicant;

30.2.6. signature of the head or representative of the legal entity and seal of the legal entity;

30.2.7. the list of the documents that have been added to the application.

30.3. *The documents that have been stipulated by the law are added to the application as an attachment upon compliance with the requirements of Article 32.2-1 of this Law.*

30.4. If the application does not meet the requirements stipulated in this article, the administrative body appoints a short period of time for making corrections in the application in accordance with these requirements and explains the legal consequences of non-compliance with the formal requirements to the applicant.

30.5. Administrative body uses electronic information resources (databases, information searching systems, registers and other information resources) of state bodies (institutions) within the determined limits in order to obtain documents as well as electronic documents that should be added to the application by law. In the cases where this is not possible, submission of these documents is demanded from relevant administrative body (institution) on request with the consent of the applicant or provided by the applicant himself. These documents can be submitted in paper carrier or as an electronic document in accordance with Article 32.4 of this Law.

Article 31. Acceptance and registration of applications or petitions

31.1. Administrative body should accept the application submitted personally by the applicant or received via postal communication and register it on the same day.

31.2. Administrative body is obliged to provide or send a reference to the applicant about the registration date and number of the application no later than three days from the date of acceptance of the application.

31.3. Administrative body is obliged to accept and add the petition to the proceeding materials.

Article 32. Request of additional documents or information

32.1. Administrative body checks the compliance of the application with the requirements stipulated in the Articles 30 of this Law for a period of three days.

32.2. If the applicant fails to provide the documents or information that are stipulated in the law and other normative legal acts and are necessary for the settlement of the case, the administrative body may require the submission of additional documents or information, *taking into account the requirements of Article 32.2-1 of this Law.*

32.2-1. Administrative body may not require the applicant to obtain documents or information that are necessary for administrative proceedings and are at the disposal of another administrative body. The administrative body itself obtains documents or information that are necessary for administrative

proceedings and are at the disposal of another administrative body. The request of the administrative body to the applicant to obtain these documents or information shall entail administrative liability in accordance with Code on Administrative Violations of the Republic of Azerbaijan.

32.3. Administrative body may not request any documents or information from the applicant other than the ones stipulated in the legislation of the Republic of Azerbaijan.

32.4. When any other period is not stipulated in the law, the period determined by the administrative body for submission of the additional documents or information should not be more than 15 days.

32.5. When any other rule is not stipulated in the law and when additional documents and information are not submitted to the administrative body during the period stipulated in Article 32.4 of this Law, the flow of the consideration of the application process is stopped.

32.6. Flow of the process is restored from the moment that the additional documents or information are submitted to the administrative body.

Article 33. Submission of the application to the authoritative administrative body

33.1. In the event that the consideration of an application and adoption of a relevant administrative act based on it is in the authority of another administrative body, the administrative body that the applicant appealed should send the application and the documents attached to it to the authoritative administrative body no later than 10 days from the date the application is received.

33.2. Applicant should be provided with substantiated written information within 6 days about the sending of the application and the documents attached to it to the authoritative administrative body.

33.3. In the event that it is not directly stipulated in the legislation of the Republic of Azerbaijan, submission of any opinion on the nature of the application by the administrative body that is sending the application to the authoritative administrative body is prohibited.

33.4. In the cases stipulated in Article 33.1 of this Law, if the application is submitted within the period determined by the law, the period of submission of the application is considered to be followed by the interested person.

Article 34. Keeping the application pending

34.1. The application can be kept pending by the authorized administrative body in the following cases:

34.1.1. Excluding the cases identified in the Article 35.1 of this Law, it is found out that a decision has been made by the same administrative body or by the relevant upper administrative body about the person(s) who submitted the application and on the basis of those specified in the application;

34.1.2. when there is a court decision that has come into legal force on the same case;

34.1.3. if the requirements stipulated in Articles 30 and 35.5 of this law are not met.

34.2. A decision is made by the administrative body in the form of an administrative act on keeping the application pending.

34.3. An application may be resubmitted to the administrative body after the shortcomings stipulated in Article 34.1.3 of this Law are eliminated.

Article 35. Justification for appealing with repeated application for renewal of the administrative proceedings

35.1. Interested person may appeal to the administrative body with a reapplication on repeal or adjustment of an act against which a complaint cannot be filed in the following cases:

35.1.1. when the factual or legal circumstances creating a basis for the adoption of an administrative act is changed in favor of the interested person;

35.1.2. when new evidence that could lead to adoption of a more favorable administrative act for the interested person is discovered;

35.1.3. when it is found out by a legally enforced judicial act that the administrative act is adopted as a result of deception, intimidation or another unlawful action or that the person representing the administrative body has committed a crime during the course of the proceeding.

35.2. In the cases identified in Article 35.1 of this Law, administrative body is obliged to check the reapplication and adopt a relevant decision on the application.

35.3. Application is only accepted if the interested person justifies the impossibility of submitting any basis stipulated in Article 35.1 of this Law for renewal of the proceeding during the previous proceeding for the reasons not related to him.

35.4. Application should be presented within 3 months. The countdown starts from the day the circumstances that are the basis for the renewal of the proceedings are known to the interested person.

35.5. Justifications for allowing to apply for renewal of administrative proceedings with a repeated application should be noted in the application. If these justifications are not mentioned in the application, the administrative body shall adopt an administrative act on keeping the application pending.

Article 36. Participants in administrative proceeding

36.1. Persons stated below are considered to be the participants of administrative proceeding:

36.1.1. administrative body carrying out the administrative proceedings and having the authority to adopt the relevant administrative act;

36.1.2. physical persons or legal entities on which an administrative act is intended to be adopted or have applied with an application for the adoption of an administrative act;

36.1.3. physical persons or legal entities involved in the proceedings as participants by the administrative body.

36.2. Only the persons who have reached the age of majority and are fully operational have the right to apply with an application and carry out other procedural actions in administrative proceedings.

36.3. In the cases where it is assumed that the administrative act that is intended to be adopted will directly affect the rights and legally protected interests of other physical persons or legal entities, the administrative body is obliged to ensure their participation in the proceedings as a third (interested) person.

36.4. If the administrative act that is intended to be adopted touches upon the legally protected interests of third parties, administrative body may involve them in proceedings as a participant on their own initiative or according to the request of these persons.

36.5. Third parties involved as a participant in the proceedings possess the same rights and duties with other participants of the proceeding. If a third party whose participation is mandatory is involved in the proceedings, the administrative act adopted as a result of the proceedings is also valid in relation to him and creates rights and duties for him.

36.6. In administrative proceedings, the provisions of the material law on legal succession are applied. Rights directly related to the personality of the participant are not allowed to be passed in the form of legal inheritance.

Article 37. Representation in administrative proceedings

37.1. Physical person or legal (interested) entity may participate in administrative proceedings in person or be represented by a representative.

37.2. Taking a part in the administrative proceedings in person does not deprive a person from the right to be represented by a representative on the same case.

37.3. Authority of a representative are verified by an official approval made official in accordance with the legislation of the Republic of Azerbaijan. The representative has the right to perform all procedural actions related to the proceedings on behalf of the person represented.

37.4. Physical persons who are disabled or deemed to have limited capabilities are represented by their legal representatives in administrative proceedings. Legal representatives should submit a document confirming their authority to the administrative body.

37.5. Legal representatives may assign the participation in the proceedings to another person they have chosen as a representative.

37.6. The representative is obliged to conscientiously defend the interests of the person he represents.

37.7. Administrative body is represented in administrative proceedings by the head of this body, his deputy or another official appointed by the head of this body.

37.8. When any other rule is not stipulated in the law administrative body appeals to the representative on all matters related to the administrative proceedings.

Article 38. Right of the interested person to be represented by a lawyer at the administrative proceeding

38.1. Interested person has the right to be represented by a lawyer and use assistance of a lawyer at the administrative proceeding.

38.2. Lawyers acting in accordance with the procedure prescribed by the legislation of the Republic of Azerbaijan may be involved in the administrative proceedings.

Article 39. Expenses

39.1. When another rule is not stipulated in the legislation of the Republic of Azerbaijan, the expenses related to administrative proceedings are paid by the relevant administrative body.

39.2. When another rule is not stipulated in the legislation of the Republic of Azerbaijan, the expenses incurred by the interested person or his representative in connection with the administrative proceedings, as well as the representation fee, shall be paid at the expense of the interested person.

39.3. In cases where the administrative complaint is confirmed, the costs related to the proceedings are paid at the expense of the relevant administrative organ.

Article 40. Task of appointing an attorney to receive the documents

40.1. The interested person participating in the administrative proceedings and not having a permanent place of residence in the Republic of Azerbaijan should appoint an attorney to receive documents addressed to him in connection with the capable personal administrative proceeding registered at the place of residence in the Republic of Azerbaijan within three days from the date the administrative body has informed him about it. Administrative body is obliged to send all the documents intended for the interested person to this attorney.

40.2. If the person does not comply with the request stipulated in Article 40.1 of this Law, administrative body shall not be liable for the non-receipt of the documents by this person and this may not be justification for invalidation of the administrative act, excluding the cases stipulated by law.

Article 41. Involvement of an expert or a specialist

41.1. During the administrative proceedings, administrative body may involve an *expert or specialist* to explain the questions related to the factual circumstances of the case by the request of the interested persons or on its own initiative.

41.2. Administrative body makes a decision on the appointment of an expert and determines the scope of the questions (subject of the expert investigation) to which the expert opinion is required in that decision.

41.3. Interested persons are entitled to submit additional questions that should be investigated during the expertise and the additional documents related to these questions to the administrative body. Administrative body is obliged to justify the rejection of the questions proposed by interested persons.

41.4. According to the decision of the administrative organ, the expertise is conducted by experts ~~or specialists~~ of relevant bodies stipulated in the legislation of the Republic of Azerbaijan.

41.5. Unless otherwise specified in the legislation of the Republic of Azerbaijan, the expert is obliged to submit an opinion on the research within the period determined by the administrative body.

41.6. An expert or specialist is obliged to provide additional explanation on the opinion if it is required by the administrative body or the interested person.

41.6-1. The specialist should possess special knowledge and skills in the field of science, technology, art and other professions in order to provide the necessary assistance to the administrative body. However, the opinion expressed by the specialist does not compensate for the opinion of the expert.

41.7. When another rule is not stipulated in the legislation of the Republic of Azerbaijan, the costs related to conducting the expertise and payment of the expert or specialist fee shall be covered at the expense of the administrative body.

Article 42. Justification for appealing against an official

42.1. If an official representing the interests of the administrative body:

42.1.1. is personally interested in the result of the case;

42.1.2. is or has been a relative of the interested person involved in the case or his representative;

42.1.3. is a representative of the interested person involved in the case;

42.1.4. himself or his family members are linked to *the legal entity belonging* to the interested person;

42.1.5. he cannot be involved in administrative proceedings if there are other sufficient justifications to doubt his objectivity or impartiality.

42.2. When the justifications stipulated in Article 42.1 of this Law are present, the official is obliged to appeal against himself.

42.3. Interested person may appeal against the official in charge of the case if the justifications stipulated in Article 42.1 of this Law are present and against any member of the board if the case is considered collectively.

Article 43. Justification for appealing against the expert, specialist or translator

43.1. If the justifications provided for in Article 42.1 of this Law are present, involvement of the expert, specialist or translator in the administrative proceedings is prohibited.

43.2. An expert or specialist may not be involved in administrative proceedings also in the following cases:

43.2.1. when he is professionally or in any other way dependent on the persons involved in the case or their representatives;

43.2.2. when he carries out an inspection on the materials that caused the commencement of the administrative proceedings or when these materials are used in the administrative proceedings.

Article 44. Procedure for considering and resolving applications for objection

44.1. The application of the official against himself or another official should be submitted in writing and substantiated until the administrative act on the case is adopted.

44.2. Application for objection should be considered no later than one day from the date the appeal has been submitted.

44.3. Application for objection is considered by the direct head of the objected official or the head of this administrative body and the relevant decision is made. Appeal against the head of an administrative body is considered by the relevant supervisory body and a decision is made.

44.4. Application for objection against a member of the collegial body is considered by the members of the collegial body without the participation of the objected official and a relevant decision is made on it by majority of votes.

44.5. Administrative body should inform the interested person about the decision on the objection in accordance with the procedure identified with this Law.

44.6. A complaint on the decision of the objection can be filed in accordance with the procedure prescribed by this Law.

Article 45. Evidence in administrative proceedings

45.1. The administrative body independently collects and takes into account the evidence it considers useful and necessary for determining the factual circumstances of the case.

45.2. During the administrative proceedings, the administrative body may use the following evidence:

- 45.2.1. the documents;
- 45.2.2. the explanations of the parties and third parties involved in the case;
- 45.2.3. witness testimonies;
- 45.2.4. results of relevant examinations conducted;
- 45.2.5. expert opinions;
- 45.2.6 references submitted by other administrative bodies in the form of legal assistance;
- 45.2.7. other evidence that is crucial for the proper solution of the case.
- 45.3. It is prohibited to use the evidence that is obtained by violating the law.

Article 46. Submission and request of evidence

- 46.1. Persons involved in administrative proceedings are obliged to help determine all the factual circumstances of the case, to provide information about the facts that are crucial for the case and known to them, to provide the necessary evidence they have.
- 46.2. If the person involved in the case does not have the opportunity to obtain the necessary evidence independently, he appeals to the administrative body with a petition to request this evidence. The petition should stipulate the importance of the evidence for the case, its characteristics and location. Administrative body is obliged to demand and ensure the submission of this evidence.
- 46.3. It is prohibited to request evidence on the authenticity of the content of the functioning document from the interested person.

Article 47. Evaluation of evidence

- 47.1. Administrative body evaluates the evidence in accordance with all factual and legal circumstances that are crucial to the case.
- 47.2. At the request of the interested persons, administrative body is obliged to explain or comment on all facts, evidence or proofs it wishes to justify the administrative act intended to be adopted as well as on the legal basis it proposes for the adoption of the administrative act.

Article 48. Calculation of periods in administrative proceedings

- 48.1. Actions related to administrative proceedings are carried out within the periods specified by this Law and other relevant laws of the Republic of Azerbaijan.
- 48.2. The flow of the period determined by law begins from the date the commencement of the period is decided or from the day after the event occurred.

48.3. In the event that the periods are not determined by law, they are assigned by the cases where the deadlines are not established by law, they are appointed by the administrative body.

48.4. The flow of the period appointed by the administrative body starts from the moment the administrative body has informed the interested person about it or from the moment of official announcement of the relevant information in cases stipulated in the legislation of the Republic of Azerbaijan.

48.5. Periods are calculated by calendar days.

48.6. If the deadline turns out to be a non-working day, next working day is considered the deadline.

Article 49. Extension of periods

49.1. Periods appointed by the administrative body may be extended by that body on the application of the interested person.

49.2. Administrative body is obliged to warn interested persons about the consequences of non-compliance with the appointed term.

Article 50. Restoration of Periods

50.1. If the administrative body considers the reason for the suspension of the period determined by law to be justified, it restores the period of suspension according to the application of the interested person.

50.2. The interested person should appeal to the administrative body with a written application on the restoration of the period of suspension not later than 10 days from the date the reasons specified in Article 50.1 of this Law are eliminated. Documents confirming that the reason for the suspension of the period is justified should be attached to the application.

50.3. The administrative body considers the application on the restoration of the period of suspension within 5 days.

50.4. At the same time with the filing of an application on the restoration of the period, the action for which the period has been suspended should be carried out (application and complaint should be filed, documents should be submitted, etc.).

50.5. In the cases directly prohibited by law, the restoration of the period of suspension is not allowed.

50.6. Interested persons may file a complaint on the decision of the administrative body to reject to restore the period of suspension in accordance with the procedure identified with this Law.

Article 51. Informing about administrative proceeding

51.1. The administrative body is obliged to notify the persons involved in the administrative proceedings and if necessary, witnesses, experts, translators and representatives of other bodies about the time and place of the meeting on the administrative proceedings.

51.2. The administrative body may use various means of communication for the purpose of delivering relevant information to the persons specified in Article 51.1 of this Law.

51.3. The notification is sent to the address indicated by the person involved in the administrative proceedings.

51.4. The notice is given to the person involved in the case or his representative, as well as to the close relatives of the citizen living with him.

51.5. There should be enough time at the disposal of the persons involved in the case to arrive on time to the meeting on administrative proceedings and get prepared for the case.

Article 52. Duration of administrative proceedings

52.1. No later than 30 days after the registration of the application or appeal in the authorized administrative body, the administrative body decides on the adoption or refusal of adoption for the administrative act.

52.2. According to the relevant laws of the Republic of Azerbaijan, the period that is longer or shorter than the one stipulated in Article 52.1 of this Law may be determined.

52.3. In the cases where a period that is longer than the one stipulated in Article 52.1 of this law is demanded, the period of administrative proceedings may be extended twice by the administrative body, with 30 days each, in order to identify the cases that are significant for administrative proceedings. The administrative body informs the interested person about the extension of the period.

52.4. In the cases stipulated in the Article 52.3 of this Law, the cases that lead to the extension of the period should be justified by the administrative body in the administrative act.

52.5. In every case, including the adoption of an administrative act, total duration of administrative proceedings may not exceed 90 days.

Chapter V

Administrative Proceedings in the Collegial Administrative Body

Article 53. Procedures of the administrative proceeding in the collegial administrative body

53.1. If another rule is not stipulated by the law, the proceedings in the collegial administrative body are carried out taking into account the provisions of this chapter.

53.2. If another rule is not stipulated in the legislation of the Republic of Azerbaijan, the decision on the application submitted to the collegial body is taken only by the collegial body.

53.3. The rule stipulated in Article 53.2 of this Law does not apply to the cases where the application is sent to the relevant administrative body by the executive official of this collegial body or the application is kept pending.

Article 54. Procedure for conducting collegial body meeting

54.1. The meeting of the collegial body is opened and announced closed by the executive official of this body and in the absence of him, by the person elected as the chairman of the meeting in accordance with the legislation and announces it closed.

54.2. Chairman of the meeting conducts the meeting in accordance with the current agenda.

Article 55. Quorum

55.1. All members of the collegial administrative body are invited to its meeting.

55.2. The collegial administrative body has the authority to make decisions in cases where at least half of its members (not less than three people) are participating in the meeting.

55.3. If another rule is not stipulated in the legislation of the Republic of Azerbaijan, the decision of the collegial administrative body is considered to be accepted when more than half of the members participating in the meeting voted in favor of this decision.

Article 56. Meeting protocol of the collegial administrative body

56.1. A protocol providing the following information about the meeting of the collegial administrative organ is drawn up:

56.1.1. on the name of the collegial administrative body;

56.1.2. on the date and location of the meeting;

56.1.3. on the chairman and participants of the meeting;

56.1.4. on the scope of the discussion;

56.1.5. on the adopted decision.

56.2. Minutes of the meeting is signed by the chairman and secretary of the meeting.

Chapter VI

Administrative Acts

Article 57. Form of the administrative act

57.1. If no other form is stipulated or allowed by law, administrative act shall be adopted in written form.

57.2. Written administrative act is drawn up by relevant official of the administrative body executing the proceeding or one of the officials of the collegial administrative body. Administrative act is signed by relevant official of the administrative body or the members of the collegial administrative body.

57.3. An administrative act may be accepted orally or in other comprehensible form (in other understandable form) in the cases directly stipulated by the legislation of the Republic of Azerbaijan, as well as in urgent cases in connection with the prevention or elimination of a threat that may cause a damage to state or public interests.

57.4. According to Article 57.3 of this Law, the administrative act accepted orally or other comprehensible form (in other understandable form) shall be established in writing within 5 days from the date of its announcement in the following cases:

57.4.1. when the administrative act is restricting the rights and legally protected interests of the addressee or other interested person (in cases where an unfavorable administrative act is adopted);

57.4.2. when administrative body promises to accept the administrative act in written form;

57.4.3. as directly stipulated by law.

57.5. In the cases stipulated by law, an administrative act may be accepted in the form of light signals, sounds and signs, drawings or other forms.

Article 58. General requirements for the administrative act

58.1. The administrative act should be adopted in accordance with the Constitution of the Republic of Azerbaijan, this Law and other relevant legal norms.

58.2. Administrative act should be fairly clear and understandable in terms of its content.

58.3. Legal entities or physical persons to whom the administrative act is addressed and the issues it regulates or resolves should be clearly stated in the administrative act.

Article 59. Details of the written administrative act

59.1. The following information must be stated in the written administrative act:

59.1.1. name of the body that adopted the administrative act;

59.1.2. name and legal address of the legal entity to which the administrative act is addressed or the name, patronymic, surname and address of the physical person;

59.1.3. name of the administrative act, date and place of its adoption, its registration number;

59.1.4. surname, name and signature of the official of the administrative body adopting the administrative act or the members of the collegial administrative body;

59.1.5. information on the possible means of legal protection against this act, the period for using these means of legal protection and the body (bodies, including the court) to which the interested person can file a complaint (claim) on this;

59.1.6. the seal of the administrative organ that adopted the administrative act.

59.2. When the administrative act is adopted with the help of technical (automatic) devices, it is possible not to have the signature of the official and the seal of the administrative organ on it.

59.3. The content of the administrative act can be expressed in various coded symbols.

In such cases, appropriate explanation should be added to this act so that the person that the act has been addressed to understands its content unequivocally.

Article 60. Stipulation of additional provisions (instructions) in the administrative act

60.1. The administrative act required to be adopted may stipulate additional provisions in the cases determined by the legislation of the Republic of Azerbaijan or in order to ensure the execution of the legal conditions of the administrative act.

60.2. Administrative act adopted by the administrative body on the basis of discretionary powers may stipulate additional provisions determining the following:

60.2.1. the instance of taking and ceasing to have effect of any privilege or duty (obligation) stipulated in this act;

60.2.2. whether the instance of taking and ceasing to have effect of any privilege or duty (obligation) depends on any occurrence in the future.;

60.2.3. notes on the maintenance of the right to repeal this act;

60.2.4. whether the interested person should take certain actions and allow or refrain from committing certain actions (terms of execution for the obligation) or amendment of the terms related to the execution of the obligation or attachment of new terms.

60.3. Additional provisions must comply with the objectives of the administrative act. A complaint can be filed on the additional provisions only together with the administrative act.

Article 61. Justification of the administrative act

61.1. An administrative act determined in writing or in written form should be justified in writing.

61.2. During the justification, the factual and legal circumstances of the case and the evidence confirming or refusing these circumstances, as well as the laws and other normative legal acts referenced in the adoption of the administrative act should be indicated.

61.3. If the administrative act is adopted within the scope of the discretionary powers, administrative body should accurately and clearly justify its own discretions.

61.4. The administrative body is obliged to justify the act it has adopted only with the facts and evidence explored during the proceedings.

61.5. Justification of the administrative act is not required in the following cases:

61.5.1. when the application of the interested person is confirmed by the administrative body or a favorable administrative act is adopted with respect to the interested person;

61.5.2. when a large number of similar administrative acts are adopted by the administrative body or the administrative acts are adopted with the help of the technical (automatic) devices and there is no need to justify each such administrative act separately;

61.5.3. when a general order adopted by the administrative body is openly announced to an indefinite number of people or is published in the mass media;

61.5.4. in other cases stipulated by the legislation of the Republic of Azerbaijan.

Article 62. Providing information about the adoption of an administrative act

62.1. The administrative body is obliged to provide official information to interested persons or their representatives about the adoption of the administrative act. Official information is provided by directly announcing, submitting or publishing the administrative act to the interested persons.

62.2. The administrative act sent within the country via postal communication is considered to be submitted to the interested person after 5 days from the date of its submission to the mail while the administrative act sent by electronic means is considered to be submitted to the interested person after 3 days from the date of its submission.

62.3. The rule stipulated in Article 62.2 of this Law does not apply to cases where the interested person has not received the administrative act or received it late. In cases where the interested person claims that he has not received the administrative act or that he has received it late, administrative body is responsible for proving whether the administrative act has been provided to him and the duration of it.

62.4. In the cases stipulated by the legislation of the Republic of Azerbaijan, written administrative act is published in mass media. Administrative act is considered to have been announced after 10 days from the date of its publication.

62.5. The procedure for the publication of the written administrative act in the mass media is determined by the relevant administrative body.

Article 63. Amendment of obvious errors in the administrative act

63.1. On its own initiative or according to the application of the interested persons, administrative body may correct errors of writing and calculation in the administrative act it has adopted.

63.2. Administrative body may demand the document that needs to be amended.

63.3. Amendments to the administrative act must be confirmed with the signature of the relevant official of the administrative organ or members of the collegial administrative organ.

63.4. Administrative body is obliged to officially inform the interested persons about the amendments made to the administrative act in accordance with the procedure identified with Article 62 of this Law.

Article 64. Legal power and validity of the administrative act

64.1. Administrative act comes into legal force from the moment the person that it has been addressed to or the person whose interests it deals with are informed about it or from the moment it is known to these persons. Administrative act comes into legal force and is considered legally valid in the content about which the information is given.

64.2. The administrative act retains its legal force and is considered legally valid until it is withdrawn, repealed or amended with the procedures defined or invalidated by expiration or anything else.

64.3. The administrative body is obliged to inform interested persons about the withdrawal, repeal, amendment or being considered invalid of an administrative act.

64.4. Invalid administrative act has no legal power.

Article 65. Invalidity of the administrative act

65.1. The following administrative acts are considered invalid:

65.1.1. a written administrative act that is not known to be adopted which administrative body;

65.1.2. an administrative act adopted by the administrative body that does not possess relevant authority;

65.1.3. an administrative act that can be adopted only in the form of a certain official document (submission of an official document) according to the legislation but does not meet this requirement;

65.1.4. an administrative act requiring the interested person to take actions that may lead to administrative or criminal liability;

65.1.5. an administrative act that cannot be executed for factual reasons;

65.1.6. an administrative act that it is unclear to whom it is addressed.

65.2. Invalid administrative act is considered useless (insignificant) from the moment of its adoption and does not create any legal consequences.

65.3. On its own initiative or at the request of the interested person, the administrative body that has adopted the administrative act, is obliged to confirm the act's invalidity in the cases stipulated by Article 65.1 of this Law. Interested persons are informed about this in accordance with the procedure stipulated by Article 62 of the same Law.

Article 66. Consequences of non-adoption of an administrative act during the administrative proceedings period

In the event that an administrative act is not adopted by the administrative body on the application of the interested person within the period defined in Article 52 of this Law, the interested person may apply to the court.

Article 67. Repeal of the unlawful administrative act

67.1. An administrative act that has been adopted by the administrative body as a result of violation or improper application of legal norms or material law norms on administrative proceeding is considered to be unlawful.

67.2. Unlawful administrative act may be repealed by the administrative body that has adopted it or by a higher administrative body in terms of subordination as well as in court.

67.3. Unlawful unfavorable administrative act must be repealed in any case. If any other rule is not stipulated by the relevant laws of the Republic of Azerbaijan, the annulment of the unlawful unfavorable Administrative Act eliminates the legal consequences arising from the moment of the act. Unlawful unfavorable administrative act should be repealed in any case. When another rule is not stipulated by the relevant laws of the Republic of Azerbaijan, repeal of the unlawful unfavorable administrative act eliminates legal consequences created from the moment this act had been prescribed.

67.4. Unlawful favorable administrative act may only be repealed within the limits stipulated by this Article.

67.5. In the cases where the interested person has confided in the content of it and this confidence is legally protected, as well as in cases where it does not violate the rights or legally protected interests of other persons and state interests or public interests, repeal of an unlawful favorable administrative act that provides for one-time or current monetary or commodity obligations with respect to the interested person or caused the fulfillment of such obligations is prohibited. In the event that the interested person has spent the money given to him or has used the property and therefore is not able to return them or will suffer a significant damage if he returns them, this person has the right to legally protected confidence.

67.6. The interested person may not refer to the right to legally protected confidence in the following cases:

67.6.1. when he has achieved the adoption of an administrative act through bribery, intimidation or deception;

67.6.2. when the adoption of an administrative act is achieved by submitting documents containing incorrect or distorted information;

67.6.3. if he knew that the administrative act was illegal or did not know as a result of gross negligence.

67.7. In cases indicated by Article 67.6 of this Law, the unlawful favorable administrative act must be repealed. The repeal of this act eliminates legal consequences created from the moment this act had been prescribed. In this case, the interested person is obliged to pay for the money spent or the items used. The amount of the payment is determined in accordance with the provisions of the Civil Code of the Republic of Azerbaijan On Unjustified Enrichment.

67.8. An unlawful favorable administrative act that interferes with the rights or legally protected interests of other persons and state or public interests must be repealed. The repeal of this act does not eliminate legal consequences created from the moment this act had been prescribed.

67.9. In the event that the confidence of the interested person is legally protected, a compensation should be paid to him for the material damage caused by having confidence in the content of the administrative act that has been repealed in accordance with the Article 67.8 of this Law. Compensation is paid in accordance with the appeal of the interested person.

67.10. The amount of the compensation to be paid to the interested person is determined by the body that has repealed the unlawful administrative act and should be proportional to the amount of real damage inflicted on this person.

67.11. The interested person can claim the compensation to be paid within one year. The flow of the process begins from the day the interested person is informed about the repeal of the illegal administrative act in accordance with the procedure identified by this Law.

67.12. Unlawful administrative act may be repealed within one year from the date the cases conditioning its repeal are known. This rule does not apply to the cases stipulated in Article 67.6.1 of this Law.

67.13. The interested person is informed about the repeal of the unlawful administrative act in accordance with the procedure identified with Article 62 of this Law.

Article 68. Repeal of a legal administrative act

68.1. Legally unfavorable administrative act may be repealed in whole or in part by the body that has adopted it excluding the cases where the repeal of this act is directly prohibited by the law.

68.2. Legally favorable administrative act can only be repealed in the following cases:

68.2.1. when the repeal of the administrative act is directly stipulated by law or when the administrative act itself has a relevant record on it;

68.2.2. when the interested person is not using the privileges (rights) established by the administrative act or does not use them properly and for proper period of time;

68.2.3. when an administrative act's state of staying in force may cause a damage to the state and public interests due to the legal or factual circumstances arisen after the adoption of this act;

68.2.4. when changing the legal norm according to which an administrative act was adopted results in the justification of an administrative organ for not accepting it and the interested person is not using the privileges (rights) established by the administrative act or the obligations guaranteed by the administrative act in relation to him are not fulfilled or this act's state of staying in force may cause a damage the state or public interests.

68.3. Repeal of a legal administrative act does not eliminate legal consequences created from the moment this act had been prescribed.

68.4. The legal administrative act may be repealed within one year from the date the cases conditioning its repeal are known.

68.5. In the event that the confidence of the interested person is legally protected, a compensation should be paid to him for the material damage caused by having confidence in the content of the administrative act that has been repealed in accordance with the Article 68.2.3 and 68.2.4 of this Law. Compensation is paid in accordance with the appeal of the interested person.

68.6. The amount of the compensation to be paid to the interested person is determined by the body that has repealed legal administrative act and should be proportional to the amount of real damage inflicted on this person.

68.7. Interested person is informed about the repeal of the legal administrative act in accordance with the procedure identified with Article 62 of this Law.

Article 69. Invalidation or repeal of a part of the administrative act

69.1. Invalidation or repeal of a part of the administrative act is executed in accordance with the procedure identified with Article 65, 67 and 68 of this Law.

69.2. The invalidity or cancellation of a part of the administrative act does not result in the invalidity or cancellation of other parts of this act (if these parts are not related to each other).

Article 70. Returning the documents

Documents or items issued on the basis of an administrative act to confirm or execute any right may be requested by the relevant administrative body after this administrative act is deemed invalid or cancelled. The person who factually owns those documents or items is obliged to return them.

Chapter VII

Proceedings on Administrative Complaints

Article 71. Right to file a complaint against an administrative act

71.1. Interested persons have the right to file a complaint against an administrative act or refusal of its adoption in order to protect their rights or legally protected interests.

71.2. In cases where the purpose of the appeal of a person is not related to the adoption of the administrative act, a complaint may also be filed against the action or inaction of an administrative body in accordance with the rules of this chapter.

71.3. A complaint may be independently filed against interim administrative acts to a higher administrative body in terms of subordination or another body that have the authority to consider the complaint (hereinafter - the complaint instance) only about the following cases:

71.3.1. about authority;

71.3.2. about the objection;

71.3.3. about refusal to submit the proceedings materials to the interested person to become acquainted or to inform the interested person about the case;

71.3.4. in other cases directly stipulated by law.

Article 72. Procedure for filing *and withdrawing* an administrative complaint

72.1. An administrative and judicial complaint can be filed against an administrative act.

72.2. When both an administrative complaint (administrative lawsuit) and judicial complaint is filed against an administrative act at the same time, the complaint is considered in court and the proceedings initiated on this complaint are terminated in the complaint instance.

72.3. An administrative complaint is submitted to the complaint instance directly or through the administrative body that has adopted the administrative act. The administrative body is obliged to send this complaint to the complaint instance within 3 days.

72.4. The provisions of this chapter apply to complaints filed through administrative procedure.

72.5. Judicial complaint (administrative lawsuit) against administrative acts is filed in accordance with the procedure identified by relevant law of the Republic of Azerbaijan.

72.6. *Administrative complaint can be withdrawn on the basis of the application of the interested person or his representative until relevant decision on this complaint stipulated by Article 80 of this Law is made.*

Article 73. Period for filing an administrative complaint

73.1. When another rule is not stipulated by the law, the complaint is submitted to the relevant complaint instance within 30 days from the date the administrative act has come into force.

73.2. When an administrative act does not specify possible means of legal protection against it and the procedure and period for using (filing a complaint) these means of legal protection or when the administrative act interferes with the legal interests of other interested persons that it has not been addressed to (for the first time), complaint may be filed against this administrative act within 6 months from the date it has come into force.

73.3. When the period for filing a complaint against an administrative act is missed due to a justified reason, this period is restored by the complaint instance according to the application of the interested person.

Article 74. Form and content of administrative complaint

74.1. The administrative complaint is drawn up in writing.

74.2. The administrative complaint should contain the following information:

74.2.1. name and address of the administrative organ where the complaint was filed;

74.2.2. surname, name, patronymic, place of residence or location (name and legal address of the legal entity), procedural status in administrative proceedings of the person that has filed a complaint;

74.2.3. administrative act or action (inaction) on which the complaint has been filed;

74.2.4. the request of the person who has filed the complaint and the basis of this request;

74.2.5. the date that the complaint has been drawn up;

74.2.6. signature of the person filing the complaint.

74.3. If an administrative complaint does not meet the formal requirements stipulated by this Article, administrative body appoints a short period of time for adjusting the complaint accordingly and explains the legal consequences of non-compliance with the formal requirements to the complainant.

Article 75. Justification for keeping an administrative complaint pending

75.1. Complaint instance keeps the administrative complaint pending in the following cases:

75.1.1. when the requirements stipulated in Article 74 of this Law are not met;

75.1.2. when another authoritative administrative body or court has a decision on the subject of the complaint that *has come into legal force*;

75.1.3. when the period for filing an administrative complaint that has been stipulated by law has been missed and has not been restored;

75.1.4. *when the complaint was withdrawn according to the application of the interested person or his representative.*

75.2. Complaint instance makes a decision to keep the complaint pending. A complaint may be filed against this decision in the procedure prescribed by this Law.

75.3. Complaint instance should give the person who submitted the complaint an opportunity to express his opinion before the decision on the complaint is taken.

75.4. After the elimination of the justifications stipulated by Article 75.1.1 of this Law, an administrative complaint in the usual manner may be filed again.

Article 76. Legal consequences of filing an administrative complaint

76.1. Excluding the cases where a decision on suspending the execution of an administrative act has been made according to Article 76.2 of this Law, filing an administrative complaint does not suspend the execution of the administrative act against which it has been filed.

76.2. When an administrative complaint has been filed, the issue of suspending the execution of an administrative act against which the complainant has been filed is considered immediately according to the application of the interested person or by the complaint instance with its own initiative for its service duty and the relevant decision is taken.

76.3. The decision to suspend the execution of an administrative act must be justified by the complaint instance.

Article 77. A court defense of a temporary nature

77.1. Regardless of the filing of an administrative complaint, the interested person can appeal to the court for the defense of a temporary nature.

77.2. The application of the interested person on the defense of temporary nature is considered by the relevant courts in accordance with the procedure and period prescribed by the legislation of the Republic of Azerbaijan.

Article 78. Period of consideration for administrative complaint

78.1. If no other period is specified in the law, the complaint instance is obliged to consider the administrative complaint within 1 month from the date of its submission and make a decision accordingly.

78.2. The complainant may file a complaint to the court when a decision has not been made by the complaint instance within the period stipulated by Article 78.1 of this Law or when he disagrees with the decision that has been made by the complaint instance.

Article 79. Procedure for consideration of an administrative complaint

79.1. Proceedings on administrative complaints are carried out taking into account the specifics of this chapter and in accordance with the procedure established in Chapter IV of this Law.

79.2. When the complaint is submitted to the administrative body that has adopted the administrative act, the body is obliged to send the complaint and the materials related to the proceedings to the complaint instance. If the complaint is submitted by the interested party directly to the complaint instance, this body may request materials related to the proceedings from the administrative body that has adopted the administrative act against which the complaint has been filed.

79.3. During the proceedings on the complaint, the complaint instance considers the case accordingly and in full and investigates legality and expediency of the act against which the complaint has been filed.

79.4. The decision of the complaint instance on the complaint should be based on evidence both provided in the case and presented additionally.

79.5. In no case can the complaint instance entrust the consideration of the complaint to the administrative body or its officials that has adopted the administrative act against which the complaint has been filed.

Article 80. Decision making on administrative complaint

80.1. After reviewing the administrative complaint, the complaint instance:

80.1.1. *keeps* the administrative act unchanged and administrative complaint disregarded *or*;

80.1.2. *repeals* the administrative act completely or partially and adopts a new administrative act on the basis of the evidence provided in the case or presented additionally *or*;

80.1.3. *amends* the administrative act;

80.1.4. *if the administrative complaint is filed in accordance with Article 71.2 of this Law against the action or inaction of the administrative body, the decision on the result of the investigation that has been conducted according to the complaint is taken.*

80.2. The decision taken by the complaint instance on the administrative complaint is considered to be an administrative act and must comply with the requirements established by this Law on administrative acts.

Chapter VIII

Execution of an Administrative Act

Article 81. Procedure for execution of administrative acts

81.1. Administrative act is mandatory for the person (persons) to whom it is addressed and this person (persons) is obliged to obey it.

81.2. If another rule is not stipulated by the law, the decision on the administrative act as well as administrative complaint is executed by the administrative body that has adopted it.

81.3. Administrative body is obliged to exactly determine the actions that the person should perform in connection with the execution of an administrative act.

81.4. Interested person has the right to execute the administrative act with the legal methods and means that are more convenient for him.

81.5. Legal requirements of the administrative body on the execution of an administrative act are mandatory for all state and local self-governing bodies, legal entities and physical persons.

Article 82. Execution of monetary requests

82.1. Mandatory execution of administrative acts on the payment of monetary requirements is carried out by executive officers according to the Law of the Republic of Azerbaijan On Execution.

82.2. The administrative body that has adopted the administrative act makes a decision on directing the request to execution. In this case, the decision of the court is not required for directing the request to execution.

82.3. The following are the conditions for making a decision on directing the request to execution:

82.3.1. an administrative act that prescribes the payment of monetary requirements by the debtor for at least 10 days has been adopted;

82.3.2. the execution period specified for the payment of monetary requirements has come to an end;

82.3.3. after the warning to the debtor by the administrative body, the debtor does not carry out payment within 10 days from the date of the announcement of the notice.

Article 83. Execution of the administrative acts that makes the debtor perform certain actions, tolerate certain actions or refrain from doing certain actions

83.1. A sufficient period (at least 10 days) should be set to the interested person for the voluntary execution of an administrative act that makes the debtor perform certain actions, endure certain actions or refrain from doing certain actions.

83.2. An administrative act that is not executed voluntarily within the period prescribed in accordance with Article 83.1 of this Law is executed mandatorily.

83.3. Mandatory execution of an administrative act that makes the debtor perform certain actions, endure certain actions or refrain from doing certain actions can be provided by the following mandatory execution measures:

83.3.1. execution of the action prescribed by the administrative act at the expense of the debtor (interested person) by another person or administrative body;

83.3.2. a fine;

83.3.3. direct coercion.

83.4. Interested person should be notified in advance by the administrative body about the application of mandatory execution measures. In cases directly stipulated by the legislation of the Republic of Azerbaijan, as well as in urgent cases related to the prevention or elimination of a threat that can be a damage to state or public interests, the interested person may not be warned in advance about the application of mandatory execution measures.

83.5. The notice is given in written form and is officially presented to the interested person in the procedure prescribed by this Law.

83.6. The notice indicates the period specified for the voluntary execution of the administrative act and the corresponding mandatory execution measure that is intended to be applied after the expiration of this period. Only one mandatory execution measure can be stipulated by the notice. In the event that the previously chosen mandatory execution measure does not yield any results, application of a more serious or another mandatory execution measure is allowed. Mandatory execution measures can be repeated, hardened or modified until the administrative act is executed.

83.7. The notice should refer to the administrative act to be executed and the justification for the application of mandatory execution measures should be indicated.

83.8. Administrative body is obliged to comply with the principle of proportionality in the application of mandatory executive measures.

83.9. If the person executes the administrative act, application of the mandatory execution measures should be stopped immediately.

Article 84. Execution of an administrative act at the expense of the debtor (interested person)

84.1. If the action (actions) stipulated by the administrative act is not carried out by the debtor and the execution of this action is possible by another person or body, administrative body may entrust the execution of the action to that person or body at the expense of the debtor.

84.2. In cases stipulated by Article 84.1 of this Law, the expenses related to the execution of the administrative act is paid at the expense of the interested person (debtor).

Article 85. Ensuring the execution of an administrative act through a fine

85.1. A fine may be imposed by the administrative body in accordance with the legislation in order to ensure the execution of an administrative act that makes a person perform a certain action or refrain from a certain action.

85.2. Physical persons cannot be fined more than forty-four Manats, while legal entities cannot be fined more than three hundred and thirty Manats.

85.3. The amount of the fine may not be less than four Manats.

85.4. The fine is transferred to the state budget.

Article 86. Direct coercion

86.1. When the execution of the administrative act is not possible through the mandatory execution measures stipulated by Articles 84 and 85 of this Law or when the application of such measures is not possible in terms of objective conditions, administrative body may directly force the interested person to perform certain actions or refrain from doing certain actions or it may immediately carry out this action itself.

86.2. Relevant measures stipulated by the Law of the Republic of Azerbaijan On Police may be used during the direct coercion.

86.3. Direct coercion measure may be applied only by the administrative body with the relevant authority and in accordance with the procedure prescribed by law.

Article 87. Procedure for the execution of administrative acts adopted by municipalities

Mandatory execution of administrative acts adopted by the municipalities is carried out by executive officers in accordance with the Law of the Republic of Azerbaijan On Execution.

Article 88. Filing a complaint against the decision on the application of mandatory execution measures

The interested person may file a complaint to the upper administrative body in accordance with the procedure identified with Chapter VII of this Law or to the court in accordance with the procedure identified with the legislation of the Republic of Azerbaijan for the application of compulsory execution measures.

Chapter IX Responsibility

Article 89. Responsibility of administrative bodies

89.1. Relevant administrative body is responsible for the damage caused to interested person as a result of unlawful decisions (administrative acts) or actions (inaction) of the administrative bodies in accordance with the procedure identified by the Civil Code of the Republic of Azerbaijan.

89.2. Interested person may file a complaint to the relevant court against the decision of an administrative body to refuse to pay a compensation.

Article 90. Responsibility of administrative body officials

90.1. Officials of administrative bodies bear disciplinary, administrative or criminal responsibility in accordance with the procedure identified by the legislation of the Republic of Azerbaijan for violating the provisions of this Law.

90.2. In the event that the compensation is paid to the interested person for the damage caused as a result of the fault that is gross negligence or intent of an official, this official can be held materially accountable by the relevant administrative body in the form of a regressive claim.

Article 91. Entry into force of the Law

This Law enters into force on the same day as the Administrative Procedural Code of the Republic of Azerbaijan.

Ilham Aliyev
President of the Republic of Azerbaijan

Baku, October 21, 2005

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