



Strasbourg, 13 March 2001

<cdl\doc\2001\cdl\028_e.doc>

Restricted
CDL (2001) 28
English only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

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

(22 February 2001)

Translation by K. Imholz
Draft dated February 22, 2001
Not yet passed by the Council of Ministers

REPUBLIC OF ALBANIA
THE ASSEMBLY

DRAFT LAW
Nr. _____ dated _____

ON
THE ORGANIZATION AND FUNCTIONING OF THE COUNCIL OF MINISTERS

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

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I
GENERAL PROVISIONS

Article 1
Object and Purpose

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

Article 2
Field of Action of the Law

This law extends its field of action to the organization and functioning of the Council of Ministers, the competencies of the Prime Minister, the vice prime minister, a minister, the General Secretary of the Council of Ministers and to the substatutory acts that these organs issue.

Article 3
Definitions

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

“**Normative act**”: is a substatutory act issued by the Council of Ministers and the ministers, which establishes juridical norms with a general obligation.

“Individual act”: a substatutory act issued by the Council of Ministers, the Prime Minister and the ministers, which regulates concrete questions with direct effects on the rights, duties and interests of a specific subject or group of subjects.

“Decision with the force of law”: a normative act with the force of law issued by the Council of Ministers in a case of need and urgency, for the taking of temporary measures.

“Decision”: a substatutory act issued by the Council of Ministers, with a normative or individual character.

“Instruction”: a substatutory act issued by the Council of Ministers and the ministers, which have an 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.

“Order”: a substatutory act of an individual nature issued by the Prime Minister and the ministers on the basis of acts with general juridical force, which regulates juridical relations for a specified subject or group of subjects.

CHAPTER II

THE 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 Education and Culture
 The Ministry of Health

(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
Appointment of the Prime Minister

The Prime Minister is appointed to office by the President of the Republic, at the beginning of the legislature or when his seat is vacant, on the proposal of the party of coalition of parties that have the majority of seats in the Assembly.

When the appointment of the Prime Minister is not approved by the Assembly, within 10 days the President of the Republic appoints a new Prime Minister.

When the Prime Minister appointed is again not approved by the Assembly, within 10 days the Assembly elects another Prime Minister. In this case the President appoints the new Prime Minister.

When a confidence motion submitted by the Prime Minister is refused by a majority of all members of the Assembly, or when a motion of no-confidence submitted by one fifth of the deputies is approved by a majority of all members of the Assembly,

within 15 days the Assembly elects another Prime Minister. In these cases the President appoints the new Prime Minister.

When the Assembly does not succeed in electing the new Prime Minister, the President of the Republic dissolves the Assembly.

Article 7 **Formation of the Council of Ministers**

The Prime Minister named according to articles 96, 104 or 105 of the Constitution submits the political program of the Council of Ministers, together with its composition, to the Assembly within 10 days for approval.

Article 8 **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 9 **Competencies of the Council of Ministers**

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

In addition to its competencies contemplated in the Constitution and in other laws, 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 deals with 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;
- ç) It immediately presents to the Assembly for approval decisions that have the force of law;
- d) It proposes to the Assembly that a question or draft law of special importance be submitted to referendum;
- dh) It presents to the Assembly for approval a request to establish a state of emergency in part or all of the territory of the Republic, in the case of a danger to the Constitutional

order and for public security. The state of emergency lasts for as long as the danger continues, but not more than 60 days;

e) It proposes to the President of the Republic the issuance of acts with the force of law, when the Assembly cannot meet because of a state of war. These acts shall be approved by the Assembly in its first meeting;

ë) It may impose, for a period no longer than 30 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. For 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 them for approval to the Assembly;

b) It secures and protects public peace, the strengthening of the constitutional order as well as respecting and protecting the fundamental human rights and freedoms.

3. In foreign policy:

a) It approves and denounces international agreements that are not subject to ratification, in accordance with the Constitutional law;

b) It examines, negotiates, [and] approves in principle international agreements where the state intends to be a party, and presents them for approval to the Assembly;

c) It gives approval for the denunciation, by a minister or directors of other central institutions, of agreements signed in its name;

d) It examines and decides on the principles and the directions of foreign policy, treaties and international agreements, regardless of their designation.

4. For 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 shall be given within 30 days from the day they are presented;

ç) 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. For 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. For reaching social objectives:

Within the constitutional competencies and the means at its disposal, and in fulfillment of free initiative and private responsibilities it aims at:

- employment under suitable conditions of all persons able to work;
- filling the needs of citizens for housing;
- the highest possible physical and mental health standard;
- education and qualification according to the abilities of children and the young, as well as the unemployed;
- a healthy and ecologically suitable environment for today's generation and future generations;
- the rational utilization of forests, waters, meadows and other natural resources on the basis of the principle of sustainable development;
- care and assistance for the aged, orphans and invalids;
- the development of sport and recreational activities;
- health rehabilitation, specialized education and the integration of the incompetent into society, as well as the continuous improvement of their living conditions;
- the protection of the cultural inheritance and special care for the Albanian language.

7. Administrative and decision-making competencies:

- a) In implementation of the Constitution, this law and other laws, it appoints or discharges high political or civil functionaries in the public administration, high military officials or the director of the State Police;
- b) For serious violations of the Constitution or laws, it may discharge or dissolve a directly elected organ of a unit of local government;
- c) It also examines and discusses other questions, for which members of the Council of Ministers need the political and administrative support of this organ;
- ç) It submits to the Constitutional Court international agreements that it considers incompatible with the Constitution.

Article 10

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 11 Competencies of the Prime Minister

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

- a) He represents the Council of Ministers and chairs its meetings;

b) He draws up 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 reasoned proposals for the appointment and discharge of ministers, high political or civil functionaries of the public administration, those 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 submits confidence motions;
- He responds to interpellances and questions of the deputies;
- In the name of the Council of Ministers, he submits the draft law on the budget of the state to the Assembly, 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;
- He suspends the application of acts of the ministers and proposes their repeal, submitting them to the Council of Ministers at the next meeting;
- He coordinates the work with the interested ministers, for the preparation and publication of their public declarations if the content of these declarations 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 of law and with those of the political and administration direction of the

Council of Ministers. In special cases, he may ask the responsible 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 to employees of the foreign service, according to the specification made by law.

5. For national security:

- He exercise the competencies given by law in the field of security services and data that is classified secret;
- Together with the minister of Defense, he implements the duties given by the President of the Republic, for the direction of the Armed Forces.

6. For administrative and order-giving competencies:

- He assures the unity of political and administrative direction;
- He specifies legislative technique, unified juridical and technical terminology, and the work methodology of the juridical activity in a ministry;
- He issues orders, in implementation of his competencies given by the Constitution, this law and other laws;
- He appoints or discharges high political or military functionaries, in implementation of the Constitution, this law and other laws.

7. Other:

- He creates inter-ministerial committees;
- He creates and constitutes work groups, in order to resolve particular problems within a set time period, with a studious or economic nature, the preparation of legal or substatutory acts. In the work group, specialists who do not belong to the public administration also take part, being paid by state budget funds or other sources of foreign assistance, according to the specification made by the Prime Minister.

Article 12
Release or Discharge of the Prime Minister

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

- When he resigns;
- 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. The 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 the Assembly refuses a motion of confidence or a motion of no-confidence is approved, or when the Assembly does not approve it.

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

Article 13 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 rules provided in article 73 of the Constitution. A criminal accusation against the Prime Minister is examined by the High Court.

Article 14 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 15 Competencies of a Minister

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

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

Article 16

Competencies of Appointing and Discharging Ministers

Ministers are appointed and discharged by the President of the Republic on the proposal of the Prime Minister within seven 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 ministers is examined by the Assembly within 10 days.

Article 17

Conditions for Being a Minister

- Persons who meet the following conditions may be appointed minister:
- They are Albanian citizens;
 - When none of the cases of incompatibility of function contemplated in article 18 of this law exists;
 - When they have not been convicted, by final court decision, of the commission of a crime;

Article 18

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 prefect;
- chairman or member of an electoral commission,
- 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 19

Discharge of a Minister

A minister is discharged when:

- he resigns;
- he is named to another duty;
- for incompetence in the performance of the duties charged on him;

- for serious violations of the Constitution and laws;
- for failing to implement the duties charged by the political program approved in the Assembly;
- when he becomes mentally incompetent or impossible from the health standpoint to perform the functions charged on him by the Constitution and the laws;
- when one of the cases contemplated in articles 17 and 18 of this law is determined to exist.

CHAPTER IV OFFICE OF THE PRIME MINISTER

Article 20 Organization and Functioning

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

Article 21 Cabinet of the Prime Minister

For the realization of services, for the successful conduct of work and for 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 22 Cabinet of the Vice Prime Minister

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

- the chief of cabinet;
- the councilors;
- 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.

CHAPTER V GENERAL SECRETARY OF THE COUNCIL OF MINISTERS

Article 23 The General Secretary

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

Article 24 Conditions for Being Named General Secretary

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

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

Article 25 Discharge of the General Secretary

The General Secretary is removed from office in these cases:

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

Article 26 Functions of the General Secretary

The General Secretary performs these functions:

- a) He organizes and effects the 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 signature of draft laws examined and approved in the Council of Ministers and the sending of them to the Assembly;

- ç) He follows and coordinates the three-month and annual program of proposals that are submitted for examination to the Council of Ministers, as well as coordinating its general program with the legislative program of the Assembly. These programs are approved in a meeting of the Council of Ministers;
- d) With the approval of the Prime Minister, he returns draft acts in a reasoned manner, when they are in conflict with the Constitution and law.
- dh) He directs the process of evaluation of draft acts that are submitted for examination to the Council of Ministers and submit them to the Prime Minister;
- e) He directs the process of drawing up the acts that are signed by the Prime Minister;
- ë) He organizes legal service in the apparatus of the Council of Ministers;
- f) He organizes the service of documentation, its movement, dissemination, computerization and the administration of correspondence that comes to the apparatus of the Council of Ministers;
- g) He organizes the work for the good functioning and the exchange of information and technology of this information, which is realized in the apparatus of the Council of Ministers;
- gj) He covers all the economic problems of the administration, of personnel, and of technical services in the apparatus of the Council of Ministers.

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

Article 27

Administration of the Council of Ministers

The organization and functioning of the administration of the Council of Ministers is regulated by decision of the Council of Ministers.

CHAPTER VI

ACTIVITY OF THE COUNCIL OF MINISTERS

Article 28

Meetings of the Council of Ministers

The Council of Ministers meets according to the announcement 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.

In special cases, according to the importance and the problematic nature of the materials included in the agenda, public employees or experts may also be invited to take part.

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

When, 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 meetings of the Council of Ministers, without the right to vote.

Article 29

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 30 of this law do not apply.

Article 30

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 that will be submitted for examination in a meeting of the Council of Ministers shall be sent to the members of the Council of Ministers at least five days before the date set for the meeting.

Article 31

Loyalty and Solidarity

Meetings of the Council of Ministers are closed.

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

The judgments, debates, and reports are confidential.

Minutes are kept at meetings of the Council of Ministers.

Article 32

Guaranteeing Impartiality of the Members of the Council of Ministers

A member of the Council of Ministers may not take part in the examination of a question, if he has a personal interest in it or in any other case when serious reasons of lack of impartiality are determined to exist.

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

Article 33

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, draft 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 submission of draft acts for examination are set by the Council of Ministers.

Article 34

Process of Drawing Up Acts

The drawing up of draft laws, draft decisions with the force of law, draft acts of the Council of Ministers and other materials of a general, informative or 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 for drawing up the above-mentioned acts is specified by the Council of Ministers.

Article 35

Coordination

The proposers of draft acts, in the preparatory phase, 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 and evaluation.

Drafts of codes, laws, normative decisions 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 decides to return draft acts to the proposing ministries when they do not meet the criteria and conditions for their submission specified by this law and by acts of the Council of Ministers.

Article 36

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 in question, as well as a summary that will be included in the media communication.

- Supporting statements shall contain:
- The objectives that will be achieved and whether they are connected 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 37

Expression of Opinion

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

Article 38

Examination of a Draft Act

- When it examines draft acts at its meetings, the Council of Ministers decides:
- Approval;
 - Amendment;
 - Postponement for later examination;
 - Non-approval.

Draft acts may be withdrawn by their proposers before or during examination at a meeting of the Council of Ministers.

Article 39

Approval of an Act

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

Acts of an individual nature may be approved by secret voting when this is considered appropriate by the Prime Minister.

Article 40

Minutes of the Meeting

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

The minutes are presented to the members before the next meeting, and they have the right to submit comments about them.

The minutes are signed by the General Secretary of the Council of Ministers.

Article 41

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.

Detailed rules about the content of the minutes and the manner of putting them together and the form of the final report are set by the Council of Ministers.

Article 42

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 also, in his absence and on 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 and they also examine proposals for important draft laws and draft decisions. The committees draw up and make appropriate recommendations to the Council of Ministers.

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

Article 43

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 submitted to the Council of Ministers for 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 submit 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 on the achievements or non-achievements from the implementation of the acts approved, for designated branches of the activity that they direct, within the principal directions of general state policy.

CHAPTER VII

ACTS

Article 44

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, for 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 45

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 46 **Acts of a Minister**

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

Article 47 **Legality of Acts**

The statutory acts of the Council of Ministers, the Prime Minister, and the ministers are issued only on the basis and for implementation of the Constitution and 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 48 **Validity of Acts**

The statutory acts of the Council of Ministers, the Prime Minister, and the ministers are valid when they meet the following conditions:

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

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

Article 49 **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.

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 there is provided in the acts:

- the date when the act is communicated to the interested subjects;
- the date when they are published;
- a special date, different from the date of approval.

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

Article 50 **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 also sent to the General Secretary of the Council of Ministers within the above time periods.

Article 51 **Repeal of Individual Acts**

Individual acts are repealed by a higher organ, or by the organ that issued them, on the initiative of the latter or after an administrative appeal by the subjects whose rights and interests are infringed.

Article 52 **Administrative Appeal of Acts**

Subjects whose interests and rights are infringed 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 53 **Judicial Appeal of Acts**

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

Individual acts of the Council of Ministers, the Prime Minister and the ministers and other central institutions are examined in the district court, Tirana, in accordance with the Code of Civil Procedure, except for the case contemplated by article 115 of the Constitution..

CHAPTER VIII **TRANSITIONAL PROVISIONS**

Article 54
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 the members of the Council of Ministers who are the proposers of the draft.

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

Acts of the Council of Ministers and the ministers that are judged in court are defended by the State's Attorney.

Article 55

The Council of Ministers and the Prime Minister are charged with issuing substatutory acts in implementation of articles 20, 21, 22, 23, 32, 33, 34, 40 and 41 of this law, on the basis of it and for its implementation.

Article 56
Entry into Force

This law is effective 15 days after publication in the "Official Journal." wjereas article 6 enters into force with the formation of the Council of Ministers that is formed after the Assembly elections of the year 2001.

CHAIRMAN
SKËNDER GJINUSHI