

## **About administrative proceedings**

### **LAW OF THE REPUBLIC OF AZERBAIJAN**

The purpose of this Law is to ensure the observance of human rights and freedoms by administrative bodies and to achieve the rule of law.

#### **Chapter I.**

#### **GENERAL PROVISIONS**

##### **Article 1. Rules established by law**

1.1. This Law determines the legal bases, principles and rules of procedure of activities carried out by administrative bodies in connection with the adoption, execution or annulment of administrative acts.

1.2. The provisions of this Law shall also apply to other actual activities (actions) of administrative bodies in relation to individuals or legal entities.

##### **Article 2. Basic concepts used in the law**

2.0. The main concepts used in this Law have the following meanings:

2.0.1. administrative body - relevant executive authorities of the Azerbaijan Republic, their local (structural) and other bodies, municipalities, as well as any natural or legal person authorized by law to adopt an administrative act;

2.0.2. administrative act - a decision, order or other type adopted by an administrative body for the purpose of regulating or resolving a certain (specific) issue related to the general (public) field of law and creating certain legal consequences for the legal or natural person (persons) to whom it is addressed it is a measure of power;

2.0.3. interested person - a person who has applied to an administrative body in connection with the adoption of an administrative act or taking an appropriate action, or an administrative act against which an administrative act has been adopted or the relevant action (inaction) has been taken, or an administrative act intended or to be adopted; or any natural or legal person whose actions directly affect or may affect the rights or legally protected interests of the administrative body and who is involved in administrative proceedings on the initiative of the administrative body at his own request or in cases arising from his official position;

2.0.4. application - a written appeal of an interested person to an administrative body in connection with the adoption of an administrative act or the exercise of any right belonging to him;

2.0.5. administrative complaint - a written application of an interested person to an higher administrative body in order to protect his / her rights and legally protected interests in terms of subordination from an administrative act, refusal to adopt an administrative act or action or inaction of an administrative body;

2.0.6. Administrative proceedings - activities carried out by the relevant administrative bodies on the adoption, execution, amendment or annulment of an administrative act on the basis of an application of individuals or legal entities or on the initiative of administrative bodies within the procedural rules established by this Law ;

2.0.7. discretionary powers - granting by law an administrative body or official the right to choose one of the possible legitimate decisions;

2.0.8. Mutual trust - trust based on certain legal actions or administrative practice in the relationship between an administrative body and an individual or legal entity;

2.0.9. Interim administrative act - an act adopted by an administrative body in connection with the organization and implementation of a specific procedure;

2.0.10. Favorable administrative act - an act granting the right to an interested person or confirming his right or taking the position (duties) imposed on him;

2.0.11. unfavorable (encumbering) administrative act - an act depriving an interested person of his right or restricting his right, or imposing certain duties (responsibilities) on him.

### **Article 3. Scope of the law**

3.1. The provisions of this Law shall apply to the activities of bodies defined (classified) as administrative bodies by the legislation of the Republic of Azerbaijan.

3.2. This Law applies to administrative bodies:

3.2.1. criminal procedure activities on criminal prosecution;

3.2.2. does not apply to activities on administrative offenses.

*3.2-1. Implementation of administrative proceedings in the Alat free economic zone is regulated in accordance with the requirements of the Law of the Republic of Azerbaijan "On the Alat free economic zone". [\[1\]](#)*

3.3. The special laws of the Azerbaijan Republic may establish provisions supplementing the provisions of this Law or special rules related to administrative proceedings (*except for the cases specified in Article 30.5 of this Law*) . [\[2\]](#)

### **Article 4. Relevant**

4.1. Administrative bodies shall carry out administrative proceedings on cases within their competence by law.

4.2. The administrative body is obliged to independently determine whether it is authorized to consider the appeal.

4.3. Disputes between administrative bodies concerning jurisdiction or powers shall be resolved in accordance with the established procedure by a commission established by a higher administrative body or the relevant executive authority in terms of subordination. *The procedure for resolving disputes between administrative bodies concerning jurisdiction and authority shall be determined by the relevant executive authority.* [\[3\]](#)

### **Article 5. Mutual legal assistance between administrative bodies**

5.1. The administrative body shall be obliged to provide legal assistance to another administrative body within the scope of its powers and capabilities on the basis of the application of that body.

*5.1-1. The administrative body shall provide legal assistance within 15 days from the date of receipt of the application, except for the cases provided for in Articles 7.1 and 7.2 of this Law. In cases where a longer period is required for the provision of legal assistance, the period for the provision of legal assistance by an administrative body may be extended to 15 days by providing substantiated written information to another administrative body that has applied for it for this purpose.* [\[4\]](#)

5.2. From the point of view of subordination, mutual assistance of administrative bodies in subordinate relations is not considered as mutual legal assistance.

### **Article 6. Terms of legal aid**

6.0. The administrative body may apply for legal assistance in the following cases:

6.0.1. in cases when he is unable to carry out any action independently due to legal and factual reasons;

6.0.2. in cases when facts unknown to him and which he cannot determine independently are required for the solution of a certain issue;

6.0.3. in cases when the necessary documents or other evidence required to resolve a certain issue are at the disposal of the relevant administrative body to which legal assistance has been applied;

6.0.4. if the necessary expenses required to resolve a certain issue independently exceed the expenses required to resolve the issue by another administrative body in the form of legal assistance.

## **Article 7. Grounds for refusal to provide legal assistance**

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

7.1.1. if the implementation of measures required in the form of legal assistance does not fall within its powers established by law;

7.1.2. if the measures to be taken in the form of legal assistance are illegal;

7.1.3. if the provision of legal assistance significantly impedes him in the performance of his functional duties;

7.1.4. when the documents and (or) information required in the form of legal assistance constitute this or that secret protected by law.

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

7.2.1. if another administrative body can provide legal assistance in a simpler way or at a lower cost;

7.2.2. if that administrative body can provide legal assistance only at the expense of a large amount disproportionate to the requested assistance.

7.3. If the administrative body refuses to provide legal assistance, it must notify the other administrative body that applied for it for this purpose in writing within three days from the date of receipt of the application.

7.4. The requesting administrative body may apply to the higher administrative body exercising control over the requested legal assistance body for consideration of the issue related to the refusal of legal assistance. The issue is considered by the higher administrative body *within 5 days* and a final decision is made. If the refusal of legal aid is considered unfounded, the higher administrative body shall instruct the administrative body to which the legal aid has been applied to provide such assistance immediately. <sup>[5]</sup>

## **Article 8. Reimbursement of legal aid expenses**

The body applying for legal assistance shall reimburse the expenses incurred in connection with the provision of such assistance if it exceeds twenty-two manats . <sup>[6]</sup>

## **Article 9. The right to officially certify copies of documents**

9.1. The administrative body may certify copies of administrative acts or other documents adopted by it or its subordinate body.

9.2. Certified copies of administrative acts or other documents duly adopted by the administrative body shall have official force.

9.3. It is not allowed to approve a document whose content has been changed or whose integrity has been violated.

9.4. When approving the document, a sheet containing the following information should be prepared:

9.4.1. the exact name of the document;

9.4.2. a note that the copy of the document is identical to its original;

9.4.3. date and place of document approval;

9.4.4. signature of the responsible official and stamp of the administrative body.

9.5. Each page of the certified copy of the document must be signed and stamped by the official.

9.6. The fact of approval of a copy of an administrative act or other document must be registered with the relevant administrative body in accordance with the established procedure.

## Chapter II **GENERAL PRINCIPLES**

### **Article 10. General principles of the rule of law**

10.1. Administrative proceedings in the Republic of Azerbaijan shall be carried out on the basis of procedural guarantees provided for in the Constitution of the Republic of Azerbaijan and international agreements to which the Republic of Azerbaijan is a party, as well as universally accepted principles of law and rule of law.

10.2. The universally accepted principles of law and the rule of law are directly applied by administrative bodies in the conduct of administrative proceedings.

10.3. The principles provided for in this Law may not be construed as diminishing the importance of other principles.

### **Article 11. Principle of legality**

11.1. Administrative bodies are obliged to comply with the requirements of the law.

11.2. Administrative bodies may interfere with a person's rights and freedoms only in cases and in the manner prescribed by law.

### **Article 12. The principle of equality**

12.1. Everyone is equal before the law and the administration.

12.2. It is prohibited for an administrative body to make different decisions on different cases that have the same important facts.

12.3. It is prohibited for an administrative body to make the same decisions in different cases with different important facts.

12.4. The administrative body is obliged to exercise discretionary powers in the same way and in the same manner. This provision does not preclude changes in existing administrative practices related to the exercise of discretionary powers.

### **Article 13. The principle of protection of the right of trust**

13.1. The trust of individuals or legal entities in the administrative practice of administrative bodies shall be protected by law.

13.2. The administrative body is obliged to act in accordance with the existing administrative practice. Existing administrative practices can be replaced by new ones only if the public interest so requires. The new administrative practice must be sustainable and general.

13.3. The trust of individuals or legal entities in the promises and statements of the competent administrative bodies regarding the subsequent adoption or non-adoption of a certain administrative act shall be protected by law.

13.4. Promises or statements of administrative bodies provided for in Article 13.3 of this Law shall be considered a reliable guarantee only if they are in writing and shall form the basis of a person's right to trust. Articles 63 and 67-69 of this Law also apply to guarantees.

13.5. The trust of individuals or legal entities cannot be based on illegal actions.

#### **Article 14. Procedure for exercising discretionary powers**

14.1. The administrative body is obliged to exercise discretionary powers within the limits established by law (within the powers granted to it by law).

14.2. Decisions made on the basis of discretionary powers must be consistent with the purpose of those powers.

14.3. Decisions aimed at unreasonable restriction of the rights and freedoms of individuals or legal entities may not be made in the exercise of discretionary powers.

#### **Article 15. Prohibition of abuse of formal requirements**

15.1. It is prohibited for administrative bodies to impose certain obligations on individuals and legal entities only for the purpose of ensuring compliance with formal requirements, except in cases provided for by law.

15.2. Failure to comply with or improper compliance with formal requirements by individuals or legal entities in cases not expressly provided for by law may not be grounds for refusal to make a relevant decision by the administrative authorities.

15.3. Administrative bodies may not refuse to accept documents submitted by individuals or legal entities due to obvious and correctable errors made during writing and accounting.

#### **Article 16. Prohibition of refusal to apply the law**

16.1. An administrative body that is obliged to apply any rule of law in respect of an individual or legal entity shall be obliged to apply that rule on its own initiative at the request of the interested person or in cases arising from official position.

16.2. Where the application of the rule of law relates to the discretionary powers of the administrative body, the interested person shall have the right to demand the proper exercise of the discretionary powers.

#### **Article 17. The principle of proportionality**

Measures envisaging any interference with the legal status (fundamental freedom of movement) of individuals or legal entities must be proportionate to the legal purpose pursued by the administrative body, and necessary and useful in terms of their content, place, time and scope of persons to achieve that goal.

#### **Article 18. The principle of minimum content**

18.1. An administrative body may not require the performance of any other action (which is or may be included in the scope of that action) previously performed by individuals or legal entities.

18.2. References and permits issued by administrative bodies shall contain partial references and permits appropriate to their purpose.

#### **Article 19. Presumption of validity**

19.1. Documents and evidence submitted by individuals or legal entities in connection with the factual circumstances of the case during the administrative proceedings shall be considered valid if they are not proved to be untrue. It is prohibited to demand from individuals or legal entities additional documents or information confirming the validity of these documents and evidence.

19.2. In case of reasonable doubts about the authenticity of the submitted documents and evidence, the administrative body shall take measures to determine their authenticity independently and at its own expense.

### **Chapter III**

## **PROCEDURE PRINCIPLES AND GUARANTEES**

#### **Article 20. The right to appeal to an administrative body**

20.1. Everyone has the right to appeal to the administrative body, to submit a petition or to receive information from the administrative body on issues directly related to his rights and legitimate interests.

20.2. Unless otherwise provided by law, the administrative body shall be obliged to consider appeals on issues within its competence, make a relevant decision on those appeals or provide information.

#### **Article 21. Participation of interested persons in administrative proceedings**

21.1. Unless otherwise provided by law, the administrative body must inform the interested person or his representative about the administrative proceedings and ensure his participation in the case.

21.2. Unless otherwise provided by law, before adopting an administrative act, the administrative body shall be obliged to inform interested persons or their representatives about its content, in particular the established facts of the case and the measures envisaged in the case, and listen to their opinions.

21.3. The administrative body may refuse to listen to the interested persons or their representatives in the following cases:

21.3.1. if it is envisaged to adopt an administrative act that fully satisfies the requirements of interested persons;

21.3.2. if there is a need to immediately adopt an administrative act in connection with the prevention or elimination of a threat that may harm public or state interests;

21.3.3. if the hearing may lead to the omission of the time limit for the adoption of an administrative act;

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

21.3.5. if it is envisaged to adopt an interim administrative act, which cannot be appealed independently;

21.3.6. if it is envisaged to apply measures related to the compulsory execution of administrative acts.

#### **Article 22. Impartiality in the consideration of the case**

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

22.2. An official who has an interest in the outcome of the case may not participate in the administrative proceedings.

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

23.1. The administrative body *shall* be obliged to assist the interested person in filing *an application, complaint or petition*, to identify and eliminate errors in the *application, complaint or petitions*, and to explain to him the rights and obligations of the person participating in the administrative proceedings. [\[7\]](#)

23.2. Upon the request of individuals or legal entities, the relevant administrative body is obliged to provide them with samples of applications and other forms (forms) related to administrative proceedings, or send them by post or other electronic means of communication.

#### **Article 24. Objective investigation of the case**

24.1. The administrative body is obliged to thoroughly, completely and objectively investigate all the facts that are important for the proper resolution of the case during the administrative proceedings.

24.2. The administrative body may not refuse to investigate and take into account the circumstances in favor of the interested persons.

24.3. The investigation of all cases of the case during the administrative proceedings arises from the official position of the administrative body. The method and scope of the investigation shall be determined by the administrative body. The administrative body shall not be bound by the explanations of the interested persons and the evidence presented.

24.4. If the submitted evidence is insufficient, the administrative body is obliged to collect additional evidence on its own initiative.

24.5. The administrative body may not refuse to accept the *applications, complaints or petitions* submitted by the persons participating in the administrative proceedings and the consideration of which falls within its competence due to their non-relevance or groundlessness. [\[8\]](#)

#### **Article 25. The right to get acquainted with the materials of administrative proceedings**

25.1. Except as provided by law, interested persons shall have the right to get acquainted with the materials of the administrative proceedings or to receive information on the proceedings both during and after the proceedings.

25.2. Unless otherwise provided by law, information on administrative proceedings may be provided to other persons only with the consent of interested persons.

25.3. The administrative body must provide the relevant information within 3 days from the date of receipt of the application.

25.4. An administrative body may not use any confidential documents protected by law to the detriment of interested persons.

25.5. In case of refusal to submit a document containing any secret protected by law for review, the administrative body shall be obliged to inform the interested person about the content of the document as fully as possible, without prejudice to the legally protected interests.

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

25.7. In exceptional cases, interested persons may, on the basis of a written application, get 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. An interested person has the right to obtain copies of documents and other materials related to administrative proceedings.

25.9. A fee may be established for the production of copies of documents and other materials and their sending by post in accordance with the legislation of the Azerbaijan Republic.

#### **Article 26. Ensuring the confidentiality of documents or information containing any secrets protected by law**

The applicant has the right to demand from the administrative body to ensure the confidentiality of documents or information that contain secrets related to his family and personal life, as well as professional or commercial secrets.

#### **Article 27. Language of administrative proceedings**

27.1. Administrative proceedings shall be 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. Persons participating in the administrative proceedings and who do not know the language of the proceedings shall be explained and provided with the right to use the services of an interpreter.

*27.2-1. Persons with disabilities who participate in administrative proceedings and need the assistance of specialized mediators are provided with the services of specialized mediators (readers and professional sign language interpreters). In this case, specialized intermediaries (readers and professional sign language interpreters) shall be considered translators for the purposes of this Law. [\[9\]](#)*

27.3. Documents and information shall be provided to the persons participating in the administrative proceedings in the language of the proceedings.

### **Chapter IV ADMINISTRATIVE EXECUTION**

#### **Article 28. Grounds for initiating administrative proceedings**

28.1. The grounds for initiating administrative proceedings are as follows:

28.1.1. application of an individual or legal entity;

28.1.2. the obligation of the administrative body to adopt an administrative act on the initiative of the administrative body or in cases provided by law;

28.1.3. in case of appeal against administrative act, administrative complaint.

28.2. In cases provided for in Articles 28.1.1 and 28.1.3 of this Law, administrative proceedings shall begin from the moment of registration of the application or complaint, respectively.



28.3. In cases provided for in Article 28.1.2 of this Law, administrative proceedings shall begin from the moment the interested person is informed about the proceedings or the first procedural action is taken in relation to the interested person.

28.4. Administrative proceedings on the grounds provided for in Articles 28.1.1 and 28.1.2 of this Law shall be conducted in accordance with the rules set forth in this Chapter.

28.5. Administrative proceedings on the grounds provided for in Article 28.1.3 of this Law shall be carried out in accordance with the rules set forth in this Chapter, taking into account the features defined in Chapter VII of this Law.

## **Article 29. Submission of applications or petitions**

29.1. Unless otherwise provided by the legislation of the Azerbaijan Republic, the application shall be submitted by the interested person in person to the relevant administrative body authorized to adopt an administrative act in connection with the issue raised in the application or sent by mail or electronically.

29.2. An application by an interested person shall be submitted to the relevant administrative body in writing in accordance with the procedure provided for in Article 29.1 of this Law.

## **Article 30. Form and content of the application**

30.1. The application must be in writing.

30.2. The application must contain the following information:

30.2.1. the name of the administrative body to which the applicant applies;

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

30.2.3. if the application is submitted on behalf of a legal entity, its name and legal address;

30.2.4. a summary of the request;

30.2.5. date of application and 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. list of documents attached to the application.

30.3. *Documents to be submitted by law shall be attached to the application in compliance with the requirements of Article 32.2-1 of this Law .* [\[10\]](#)

30.4. If the application does not meet the requirements provided for in this article, the administrative body shall set a short period for the application to be amended in accordance with those requirements and explain to the applicant the legal consequences of non-compliance with the formal requirements.

30.5. *The administrative body uses the electronic information resources of state bodies (institutions) (databases, information retrieval systems, registers and other information resources) to obtain the documents to be attached to the application by law, including electronic documents, within certain limits. If this is not possible, the submission of such documents shall be requested from the relevant body (institution) with the consent of the applicant or provided by the applicant. These documents may be submitted on paper or in electronic form in accordance with Article 32.4 of this Law.* [\[11\]](#)

## **Article 31. Acceptance and registration of applications or petitions**

31.1. The administrative body must accept the application submitted by the applicant in person or by mail and register it on the same day.

31.2. The administrative body shall be obliged to issue or send a reference to the applicant on the registration date and number of the application no later than three days from the date of receipt of the application.

31.3. The administrative body is obliged to accept the application and attach it to the proceedings.

#### **Article 32. Request for additional documents or information**

32.1. Within three days, the administrative body shall check the compliance of the application with the requirements provided for in Article 30 of this Law.

32.2. If the applicant *fails* to submit the documents or information required by law and other normative legal acts, 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*. [\[12\]](#)

*32.2-1. The administrative body may not require the applicant to obtain the documents or information necessary for the administrative proceedings and at the disposal of another administrative body. Documents or information necessary for administrative proceedings and at the disposal of another administrative body shall be obtained by the administrative body itself. The requirement of the administrative body to obtain such documents or information from the applicant entails administrative liability in accordance with the Code of Administrative Offenses of the Republic of Azerbaijan.* [\[13\]](#)

32.3. The administrative body may not request from the applicant any other documents or information other than those provided for in the legislation of the Republic of Azerbaijan.

32.4. Unless otherwise provided by law, the period set by the administrative body for the submission of additional documents or information shall not exceed 15 days.

32.5. Unless otherwise provided by law, the period for consideration of the application shall be suspended if additional documents or information are not submitted to the administrative body within the period specified in Article 32.4 of this Law.

32.6. The period of time is resumed from the moment of submission of additional documents or information to the administrative body.

#### **Article 33. Sending the application to the competent administrative body**

33.1. If consideration of the application and adoption of the relevant administrative act on that application falls within the competence of another administrative body, the administrative body to which the applicant applies shall send the application and attached documents to the competent administrative body no later than 10 days from the date of receipt of the application.

33.2. The applicant must be notified in writing within 6 days of sending the application and the attached documents to the competent administrative body.

33.3. It is not allowed to give any opinion on the merits of the application by the administrative body that sent the application to the relevant competent authority, unless otherwise provided by the legislation of the Republic of Azerbaijan.

33.4. In the cases provided for in Article 33.1 of this Law, if the application is submitted within the period established by law, the period for submission of the application shall be deemed to have been complied with by the interested person.

#### **Article 34. Retention of the application without consideration**

34.1. The application may be left unconsidered by the competent administrative body in the following cases:

34.1.1. Except for the cases provided for in Article 35.1 of this Law, if it is established that a decision has already been made by the administrative body or the relevant higher administrative body on the applicant (persons) and on the same grounds indicated in the application;

34.1.2. if there is a valid court decision on the case;

34.1.3. in case of non-compliance with the requirements provided for in Articles 30 and 35.5 of this Law . [\[14\]](#)

34.2. The decision to keep the application without consideration shall be made by the administrative body in the form of an administrative act.

34.3. *After elimination of the shortcomings provided for in Article 34.1.3 of this Law, the application may be re-applied to the administrative body.* [\[15\]](#)

### **Article 35. Grounds for re-application for resumption of administrative proceedings**

35.1. An interested person may apply to the administrative body with a repeated application in connection with the annulment or change of the administrative act which cannot be appealed:

35.1.1. if the actual or legal circumstances that were the basis for the adoption of the administrative act change in favor of the interested person;

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

35.1.3. if it is determined by an effective judicial act that the administrative act was adopted as a result of deception, intimidation or other illegal actions, or that the person representing the administrative body committed a crime in the course of the proceedings.

35.2. In the cases provided for in Article 35.1 of this Law, the administrative body shall be obliged to re-examine the application and make a relevant decision on the application.

35.3. An application shall be accepted only if the interested person substantiates that it is not possible to submit one or another of the grounds provided for in Article 35.1 of this Law during the previous proceedings for reasons beyond his control.

35.4. The application must be submitted within 3 months. The period of limitation shall begin from the day when the interested person becomes aware of the circumstances that are the basis for resuming the proceedings.

35.5. The grounds for granting the opportunity to re-apply for the resumption of administrative proceedings must be stated in the application. If these grounds are not specified in the application, the administrative body shall adopt an administrative act to keep the application unconsidered.

### **Article 36. Participants in administrative proceedings**

36.1. The following persons are considered to be participants in administrative proceedings:

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

36.1.2. individuals or legal entities about whom an administrative act is envisaged to be adopted or who have applied for the adoption of an administrative act;

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

36.2. Only persons who have reached the age of majority and have full legal capacity have the right to file an application and perform other procedural actions in administrative proceedings.

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

36.4. If the administrative act to be adopted affects the legally protected interests of third parties, the administrative body may involve them in the proceedings as a participant on its own initiative or at the request of those persons.

36.5. Third parties involved in the proceedings have all the rights and obligations of the participants in the proceedings. If a third party with compulsory participation is involved in the proceedings, the administrative act adopted at the end of the proceedings shall be valid in respect of him and shall create rights and obligations for him.

36.6. Provisions of substantive law related to legal succession shall be applied in administrative proceedings. Rights directly related to the identity of the participant are not allowed to be inherited.

#### **Article 37. Representation in administrative proceedings**

37.1. An individual or legal (interested) person may participate in the administrative proceedings in person or be represented through a representative.

37.2. Personal participation in administrative proceedings does not deprive a person of the right to be represented by a representative in the case.

37.3. The powers of the representative shall be confirmed by a power of attorney issued 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 he represents.

37.4. Individuals who are incapable or have limited legal capacity shall be represented in administrative proceedings by their legal representatives. Legal representatives must submit a document confirming their authority to the administrative body.

37.5. Legal representatives may delegate their participation in the proceedings to another person of their choice.

37.6. The representative is obliged to defend the interests of the person he represents in good faith.

37.7. The administrative body is represented in the administrative proceedings through the head of that body, his deputy or other official appointed by the head of that body.

37.8. Unless otherwise provided by law, the administrative body shall apply to the representative on all issues related to administrative proceedings.

#### **Article 38. The right of an interested person to be represented in administrative proceedings through a lawyer**

38.1. An interested person has the right to be represented by a lawyer in administrative proceedings and to use the assistance of a lawyer.

38.2. Lawyers acting in accordance with the legislation of the Republic of Azerbaijan may participate in administrative proceedings as advocates.

## Article 39. **Expenses**

39.1. Unless otherwise provided by the legislation of the Azerbaijan Republic, expenses related to administrative proceedings shall be reimbursed at the expense of the relevant administrative body.

39.2. Unless otherwise provided by the legislation of the Azerbaijan Republic, the expenses incurred by the interested person or his / her 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. If an administrative complaint is upheld, the costs of the proceedings shall be reimbursed by the relevant administrative body.

## Article 40. **Obligation to appoint a commissioner to receive documents**

40.1. An interested person participating in the administrative proceedings and who does not have a permanent residence in the Azerbaijan Republic shall appoint an authorized person registered at the place of residence in the Azerbaijan Republic within three days from the date of notification of the administrative body. The administrative body shall be obliged to send all the documents intended for the interested person to that commissioner.

40.2. If a person fails to comply with the requirement provided for in Article 40.1 of this Law, the administrative body shall not be liable for non-receipt of documents by that person, and this may not be a ground for invalidating an administrative act, except as provided by law.

## Article 41. **Involvement of an expert or specialist** [\[16\]](#)

41.1. During the administrative proceedings, the administrative body may, at the request of interested persons or on its own initiative, *involve an expert or specialist* to explain the facts of the case. [\[17\]](#)

41.2. The administrative body shall make a decision on the appointment of an expert examination and shall determine the scope of questions (subject of expert examination) in which the expert opinion is required.

41.3. Interested parties have the right to submit additional questions to be examined during the examination and additional documents related to these questions to the administrative body.

The administrative body is obliged to justify the rejection of the questions proposed by the interested parties.

41.4. Examination *shall be carried out by experts of forensic examinations or private forensic experts or specialists on the basis of a decision of an administrative body or a contract concluded with interested persons* . [\[18\]](#)

41.5. *Unless otherwise provided by the legislation of the Azerbaijan Republic, the expert shall issue a written opinion no later than 30 days from the date of receipt of the decision of the administrative body on appointment of an expert examination, confirm it with his signature and immediately send it to the administrative body.* [\[19\]](#)

41.5-1. *If it is not possible to ensure the examination within the period specified in Article 41.5 of this Law, the head of the forensic examination department shall inform the administrative body about it with the reasons. In this case, the administrative body decides to extend the period of the examination, taking into account the degree of complexity of the investigation.* [\[20\]](#)

41.6. In cases requested by the administrative body or the interested person, the expert or specialist is obliged to provide additional explanations regarding the opinion.

*41.6-1. The specialist must have 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 expert does not replace the expert opinion.* <sup>[21]</sup>

41.7. Unless otherwise provided by the legislation of the Azerbaijan Republic, the expenses related to the examination, payment of the expert or specialist shall be reimbursed by the administrative body.

*41.8. Interested persons have the right to formally apply to the forensic examination office or private forensic experts to order an expert examination on their own initiative in order to determine the circumstances that may serve their interests.* <sup>[22]</sup>

*At the request of an interested person, the expert examination shall be carried out at the expense of the person who ordered the expert examination on the basis of a contract concluded between that person and the head of the forensic examination department or a private forensic expert. The person who ordered the examination shall provide the expert with a list of questions and objects for research.*

*The expert shall give a written opinion to the person who ordered the examination within the period specified in the contract. The expert opinion issued as a result of the expert examination ordered by the interested person shall be attached to the materials by the administrative body and evaluated along with other evidence.*

#### **Article 42. Grounds for objection to an official**

42.1. An official representing the interests of the administrative body:

42.1.1. if he is personally interested in the result of that work;

42.1.2. if he / she is related to the interested person or his / her representative participating in the case or has been related to them before;

42.1.3. if there is a representative of the interested person participating in the case;

*42.1.3-1. has previously participated as a mediator in the mediation process between the parties in that case;* <sup>[23]</sup>

42.1.4. if he or his family members are related to the legal entity owned by the interested person ; <sup>[24]</sup>

42.1.5. may not participate in administrative proceedings if there are other sufficient grounds to doubt its objectivity or impartiality.

42.2. If there are grounds provided for in Article 42.1 of this Law, the official shall be obliged to object to himself.

42.3. An interested person may object to the official reviewing the case on the grounds provided for in Article 42.1 of this Law, and to any member of the board if the case is considered in a collegial manner.

#### **Article 43. Grounds for objection to an expert, specialist or translator**

43.1. The participation of an expert, specialist or translator in the administrative proceedings shall not be allowed if there are grounds provided for in Article 42.1 of this Law.

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

43.2.1. if he is dependent on the persons involved in the case or their representatives for official or other reasons;

43.2.2. when conducting an inspection of the materials that were the basis for the initiation of administrative proceedings or when those materials are used in the administrative proceedings.

#### **Article 44. Procedure for consideration and resolution of protests**

44.1. An application of an official to object to himself or herself or to object to an official must be submitted in writing and substantiated before the administrative act on the case is adopted.

44.2. An appeal must be considered no later than one day from the date of the protest.

44.3. The application for protest shall be considered by the direct head of the objected official or the head of that administrative body and the relevant decision shall be made. The application on objection to the head of the administrative body shall be considered by the relevant control body and a decision shall be made.

44.4. An application to object to a member of the collegial body shall be considered by the members of the collegial body without the presence of the objected official and a relevant decision shall be made by a majority of votes.

44.5. The administrative body shall inform the interested person about the decision on the protest in accordance with the procedure provided for by this Law.

44.6. The decision on the protest may be appealed in accordance with the procedure established by this Law.

#### **Article 45. Evidence in administrative proceedings**

45.1. The administrative body shall independently collect and take into account the evidence deemed useful and necessary for the determination of the facts of the case.

45.2. During the administrative proceedings, the administrative body shall use the following means of evidence:

45.2.1. from documents;

45.2.2. explanations of the parties and third parties involved in the case;

45.2.3. testimony of witnesses;

45.2.4. conducting relevant examinations;

45.2.5. from expert opinions;

45.2.6 references submitted by other administrative bodies in the form of legal assistance;

45.2.7. other evidence relevant to the case may be used.

45.3. Evidence obtained in violation of the law shall not be used.

#### **Article 46. Submission and request of evidence**

46.1. Persons participating in administrative proceedings are obliged to assist in determining all the facts of the case, to provide information about the facts relevant to the case and known to them, and to provide the necessary evidence in their possession.

46.2. If the person involved in the case is not able to obtain the necessary evidence independently, he / she shall apply to the administrative body with a request to request such evidence. The petition must indicate the importance, evidence and location of the evidence for the case. The administrative body is obliged to request such evidence and ensure their submission.

46.3. It is prohibited to demand from the interested person proof of the authenticity of the content of the document in the case.



#### **Article 47. Evaluation of evidence**

47.1. The administrative body evaluates the evidence in accordance with all the factual and legal circumstances relevant to the case.

47.2. At the request of interested persons, the administrative body shall be obliged to explain or comment on all the facts, arguments or evidences which it wants to substantiate the administrative act to be adopted, as well as on the legal basis proposed for the adoption of the administrative act.

#### **Article 48. Calculation of terms in administrative proceedings**

48.1. Actions related to administrative proceedings shall be carried out within the time limits established by this Law and other relevant laws of the Azerbaijan Republic.

48.2. The expiration of the period established by law shall begin from the calendar date on which the beginning of the period is determined or from the day following the event.

48.3. In cases when the deadlines are not defined by law, they are set by the administrative body.

48.4. The period of time set by the administrative body shall begin from the moment when that body informs the interested person about it or from the moment of official publication of the relevant information in cases stipulated by the legislation of the Azerbaijan Republic.

48.5. Periods are calculated in calendar days.

48.6. If the last day of the period falls on a non-working day, the next working day shall be considered the day of expiration.

#### **Article 49. Extension of terms**

49.1. The deadlines set by the administrative body may be extended by that body at the request of the interested person.

49.2. The administrative body is obliged to notify the interested persons about the consequences of non-compliance with the established term.

#### **Article 50. Restoration of terms**

50.1. If the administrative body deems the reason for the missed period established by law to be justified, it shall restore the missed period at the request of the interested person.

50.2. An interested person must apply to the administrative body with a written application to restore the missed period within 10 days from the date of elimination of the reasons specified in Article 50.1 of this Law. The application must be accompanied by documents confirming the reason for the delay.

50.3. The administrative body shall consider the application for reinstatement of the missed period within 5 days.

50.4. An overdue action must be taken at the same time as the application for reinstatement (application, complaint, documents must be submitted, etc.).

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

50.6. Interested persons may appeal against the decision of the administrative body to refuse to reinstate the missed period in accordance with this Law.



## **Article 51. Notification on administrative proceedings**

51.1. The administrative body shall be obliged to inform the persons participating in the administrative proceedings and, if necessary, the witnesses, experts, translators and representatives of other bodies about the time and place of the meeting on administrative proceedings.

51.2. In order to deliver relevant information to the persons specified in Article 51.1 of this Law, the administrative body may use various means of communication.

51.3. The notification shall be sent to the address indicated by the person participating in the administrative proceedings.

51.4. The notification shall be given to the person participating in the case or his representative, as well as to the close relatives of the citizen living with him.

51.5. There must be sufficient time at the disposal of the persons involved in the case to attend the administrative proceedings in time and to prepare for the case.

## **Article 52. Term of administrative proceedings**

52.1. No later than 30 days from the date of registration of the application or appeal in the competent administrative body, that administrative body shall make a decision on the adoption or refusal to accept the administrative act.

52.2. Relevant laws of the Azerbaijan Republic may establish a period less or more than the period provided for in Article 52.1 of this Law.

52.3. In cases when a period exceeding the period provided for in Article 52.1 of this Law is required to determine the circumstances relevant to the administrative proceedings, the term of the administrative proceedings may be extended twice by the administrative body for 30 days each. The interested person shall be notified by the administrative body of the extension.

52.4. In cases provided for in Article 52.3 of this Law, the circumstances that led to the extension of the period shall be substantiated by the administrative body in the administrative act.

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

## **Chapter V**

### **COLLECTIVE ADMINISTRATION BODY ADMINISTRATIVE EXECUTION**

## **Article 53. Rules of administrative proceedings in a collegial administrative body**

53.1. Unless otherwise provided by law, proceedings in a collegial administrative body shall be carried out taking into account the provisions of this Chapter.

53.2. Unless otherwise provided by the legislation of the Azerbaijan Republic, the decision on the application submitted to the collegial body shall be made only by the collegial body.

53.3. The rule provided for in Article 53.2 of this Law shall not apply to cases when the application is sent by the senior official of the collegial body to the relevant administrative body or the application is not considered.

## **Article 54. Procedure for holding a meeting of a collegial body**

54.1. The meeting of the collegial body shall be opened and closed by the senior official of this body, or in his absence by the person elected chairman of the meeting in accordance with the legislation.

54.2. The 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 the meeting.

55.2. A collegial administrative body shall have the power to make a decision if at least half of its members (not less than three) are present at the meeting.

55.3. Unless otherwise provided by the legislation of the Azerbaijan Republic, the decision of the collegial administrative body shall be deemed adopted if more than half of the members present at the meeting vote in favor of that decision.

#### **Article 56. Minutes of the meeting of the collegial administrative body**

56.1. Minutes of the meeting of the collegial administrative body shall be compiled containing the following information:

56.1.1. on the name of the collegial administrative body;

56.1.2. about the time and place of the meeting;

56.1.3. on the chairman and members of the meeting;

56.1.4. on the subject of discussion;

56.1.5. on the decision made.

56.2. The minutes of the meeting shall be signed by the chairman and secretary of the meeting.

### **Chapter VI ADMINISTRATIVE ACTS**

#### **Article 57. Form of administrative act**

57.1. Unless otherwise provided by law or other form is not allowed, the administrative act shall be adopted in writing.

57.2. A written administrative act shall be drawn up by the relevant official of the administrative body conducting the proceedings or one of the officials of the collegial administrative body. The administrative act is signed by the relevant official of the administrative body or by the members of the collegial administrative body.

57.3. In cases directly provided by the legislation of the Azerbaijan Republic, as well as in urgent cases related to the prevention or elimination of a threat that may harm the state or public interests, an administrative act may be adopted orally or in another understandable form (other understandable form).

57.4. According to Article 57.3 of this Law, an administrative act adopted orally or in another understandable form (other understandable form) must be approved in writing within 5 days from the date of its publication in the following cases:

57.4.1. if the administrative act restricts the rights and legally protected interests of the addressee or other interested person (in case of adoption of an unfavorable administrative act);

57.4.2. if the administrative body promises to adopt the administrative act in writing;

57.4.3. when directly provided by law.

57.5. In cases provided by law, an administrative act may be adopted in the form of light, sound signals and signs, descriptions or other forms.

#### **Article 58. General requirements for an administrative act**

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

58.2. The administrative act must be sufficiently clear and understandable in terms of content.

58.3. The administrative act must clearly indicate the legal or natural persons to whom it is addressed, the issues it regulates or resolves.

#### **Article 59. Details of a written administrative act**

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

59.1.1. the 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 name, patronymic, surname and address of the natural person;

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

59.1.4. last name, first name and signature of the responsible official of the administrative body or members of the collegial administrative body who adopted the administrative act;

59.1.5. information on possible legal remedies against the act, the period of use of these remedies and the body (bodies, including the court) in which the interested person may file a complaint (claim);

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

59.2. When an administrative act is adopted with the help of technical (automatic) devices, it is possible that the act does not have the signature of the official and the seal of the administrative body.

59.3. The content of an administrative act may be expressed by various code symbols.

In such cases, an appropriate explanation must be attached to the administrative act in order for the person to whom the administrative act is addressed to clearly understand its content.

#### **Article 60. Provision of additional provisions (instructions) in an administrative act**

60.1. The administrative act required to be adopted may provide for additional provisions in cases established by the legislation of the Azerbaijan Republic or in order to ensure the implementation of the legal provisions of the administrative act.

60.2. In the administrative act adopted by the administrative body on the basis of discretionary powers:

60.2.1. the time of entry into force or expiration or validity of any privilege or position (obligation) provided for by that act;

60.2.2. that the time of entry into force or termination of any privilege or position (obligation) depends on the occurrence of any future event;

60.2.3. notes on the retention of the right to annul the act;

60.2.4. Additional provisions may be provided for the interested person to take certain actions and to allow certain actions or to refrain from taking certain actions (conditions of

performance of the obligation) or to change the conditions related to the performance of the obligation or to add new conditions.

60.3. Additional provisions must be consistent with the objectives of the administrative act. Additional provisions may be appealed only together with the administrative act.

#### **Article 61. Substantiation of administrative act**

61.1. An administrative act approved in writing or in writing must be substantiated in writing.

61.2. During the substantiation, the factual and legal circumstances of the case and the evidence confirming or refuting these cases, as well as the laws and other normative legal acts referred to in the adoption of the administrative act shall be indicated.

61.3. If the administrative act is adopted within the discretionary powers, the administrative body must clearly and clearly substantiate its views.

61.4. The administrative body is obliged to substantiate the act adopted only with the facts and evidence examined during the proceedings.

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

61.5.1. if the administrative body satisfies the application of the interested person or adopts a favorable administrative act in relation to the interested person;

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

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

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

#### **Article 62. Providing information on the adoption of an administrative act**

62.1. The administrative body is obliged to officially inform the interested persons or their representatives about the adoption of the administrative act. Official information is provided to interested parties by direct announcement, submission or publication of the administrative act.

62.2. An administrative act sent within the country by post shall be deemed to have been submitted to the interested person after 5 days from the date of its submission by mail, and an administrative act sent electronically shall be considered submitted to the interested person after 3 days from the date of its submission.

62.3. The rule provided for in Article 62.2 of this Law shall not apply to cases where the interested person has not received or received an administrative act late. In cases where an interested person claims that he did not receive an administrative act or received it late, it is the administrative body's responsibility to prove the fact and term of submission of the act.

62.4. In cases stipulated by the legislation of the Azerbaijan Republic, the written administrative act is published in mass media. An administrative act shall be deemed to have been announced 10 days after its publication.

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

#### **Article 63. Correction of obvious mistakes in administrative act**

63.1. The administrative body may, on its own initiative or at the request of interested persons, correct the typographical and accounting errors in the administrative act.

63.2. The administrative body may request a document that needs to be amended.

63.3. Amendments to the administrative act must be approved by the signature of the relevant official of the administrative body or members of the collegial administrative body.

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

#### **Article 64. Legal force and validity of an administrative act**

64.1. An administrative act shall enter into force from the moment the person to whom it is addressed or the person whose interests are affected is informed about it or from the moment when those people are informed about it. An administrative act shall enter into force in the content of the information and shall be considered legally valid.

64.2. An administrative act shall remain in force and be considered legally valid until it is revoked, annulled, changed, expired or invalidated for any other reason in accordance with the procedure established by law.

64.3. The administrative body is obliged to inform the interested persons about the revocation, annulment, change or invalidation of the administrative act.

64.4. An invalid administrative act has no legal force.

#### **Article 65. Invalidation of an administrative act**

65.1. The following administrative acts are considered invalid:

65.1.1. written administrative act, which is not known by which administrative body;

65.1.2. administrative act adopted by an administrative body without relevant authority;

65.1.3. an administrative act that can be adopted in accordance with the legislation only in the form of a certain official document (submission of an official document), but does not meet that 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. administrative act which cannot be executed due to actual reasons;

65.1.6. it is not clear to whom the administrative act is addressed.

65.2. An invalid administrative act shall be considered invalid (insignificant) from the moment of its adoption and shall not have any legal effect.

65.3. The administrative body that adopted the administrative act shall be obliged to confirm the invalidity of the act on its own initiative or at the request of an interested person in the cases provided for in Article 65.1 of this Law. Interested persons shall be informed about this in accordance with Article 62 of this Law.

#### **Article 66. Consequences of non-adoption of an administrative act during administrative proceedings**

In case of non-adoption of an administrative act by the administrative body within the period specified in Article 52 of this Law, the interested person may apply to the court on the application of the interested person.

#### **Article 67. Abolition of an illegal administrative act**

67.1. An administrative act adopted by an administrative body as a result of violation or incorrect application of legal norms or substantive legal norms on administrative proceedings shall be considered illegal.

67.2. An illegal administrative act may be annulled by the administrative body that adopted the act or by a higher administrative body in terms of subordination or in court.

67.3. An illegal unfavorable administrative act must be annulled in any case. Unless otherwise provided by the relevant laws of the Republic of Azerbaijan, the annulment of an illegal unfavorable administrative act shall eliminate the legal consequences arising from the entry into force of that act.

67.4. An illegally favorable administrative act may be revoked only within the limits provided for in this Article.

67.5. In the event that the interested person has confidence in the content and that trust is protected by law, as well as does not harm the rights or legally protected interests of other persons, state interests or public interests, It is not allowed to annul an illegally favorable administrative act that caused the arrival of If the interested person spends the money given to him or uses the property and therefore is unable to return it or suffers significant damage if he returns it, that person has the right to be protected by law.

67.6. An interested person may not refer to the right of trust protection in the following cases:

67.6.1. when an administrative act is adopted through bribery, intimidation or deception;

67.6.2. if the administrative act is adopted by submitting documents reflecting incorrect or distorted information;

67.6.3. if he knows that the administrative act is illegal or as a result of gross negligence.

67.7. In cases specified in Article 67.6 of this Law, an illegally favorable administrative act must be annulled. The annulment of this act eliminates the legal consequences arising from the moment of its entry into force. In this case, the interested person is obliged to reimburse the money spent or the item used. The amount of payment is determined in accordance with the provisions of the Civil Code of the Republic of Azerbaijan related to unjust enrichment.

67.8. An illegally favorable administrative act that harms the rights or legally protected interests of other persons, state interests or public interests must be annulled. The annulment of this act does not eliminate the legal consequences arising from its entry into force.

67.9. In cases where the trust of an interested person is protected by law, he shall be compensated for material damage caused to that person due to his confidence in the content of the administrative act annulled in accordance with Article 67.8 of this Law. Compensation is paid at the request of the interested person.

67.10. The amount of compensation to be paid to an interested person shall be determined by the body that annulled the illegal administrative act and shall be proportional to the amount of actual damage caused to that person.

67.11. An interested person can claim compensation within 1 year. The limitation period shall begin from the day when the interested person is notified about the annulment of the illegal administrative act in accordance with the procedure established by this Law.

67.12. An illegal administrative act may be revoked within 1 year from the date of discovery of the circumstances that led to the annulment of that act. This rule shall not apply to the cases provided for in Article 67.6.1 of this Law.

67.13. An interested person shall be notified of the annulment of an illegal administrative act in accordance with Article 62 of this Law.

## **Article 68. Abolition of a legal administrative act**

68.1. A legally unfavorable administrative act may be annulled in whole or in part by the body that adopted it, except in cases when the annulment of that act is directly prohibited by law.

68.2. A legally favorable administrative act may be revoked only in the following cases:

68.2.1. if the annulment of the administrative act is directly provided by law or if the administrative act itself contains a relevant note about it;

68.2.2. if the interested person does not use the privileges (rights) established by the administrative act or does not use them in due time and time;

68.2.3. due to legal or factual circumstances arising after the adoption of the administrative act, if the validity of the act may harm the state interests or public interests;

68.2.4. that the administrative body has the right not to adopt the act as a result of the change of the legal norm which was the basis for the adoption of the administrative act and the interested person does not use the privileges (rights) established by the administrative act or the obligations guaranteed by the administrative act are not fulfilled or in cases where it may harm the public interest.

68.3. The annulment of a legal administrative act does not eliminate the legal consequences arising from its entry into force.

68.4. A legal administrative act may be revoked within 1 year from the date of discovery of the circumstances that led to the annulment of that act.

68.5. In cases where the trust of an interested person is protected by law, he / she shall be compensated for material damage caused to that person due to his / her confidence in the content of the annulled administrative act in accordance with Articles 68.2.3 and 68.2.4 of this Law. Compensation is paid at the request of the interested person.

68.6. The amount of compensation to be paid to an interested person shall be determined by the administrative body that annulled the legal administrative act and shall be proportional to the amount of actual damage caused to that person.

68.7. An interested person shall be notified of the annulment of a legal administrative act in accordance with the procedure provided for in Article 62 of this Law.

#### **Article 69. Invalidation or annulment of a part of an administrative act**

69.1. A part of an administrative act shall be considered invalid or annulled in accordance with Articles 65, 67 and 68 of this Law.

69.2. The invalidation or annulment of a part of an administrative act shall not entail the invalidation or annulment of other parts of that act (if those parts are not related to each other).

#### **Article 70. Return of documents**

Documents or items issued on the basis of an administrative act to confirm or exercise any right may be demanded by the relevant administrative body after the administrative act is considered invalid or annulled. The person who actually owns those documents or items is obliged to return them.

### **Chapter VII**

## **EXECUTION ON ADMINISTRATIVE COMPLAINTS**

#### **Article 71. The right to appeal against an administrative act**

71.1. Interested persons have the right to appeal against an administrative act or refusal to adopt an administrative act in order to protect their rights or legally protected interests.

71.2. If the purpose of the person's appeal is not related to the adoption of an administrative act, the action or inaction of the administrative body may also be appealed in accordance with the rules of this chapter.

71.3. An appeal may be lodged with a higher administrative body or another body authorized to consider the complaint (hereinafter - the appellate instance) in terms of subordination independently of the interim administrative acts only in the following cases:

71.3.1. related to authority;

71.3.2. in connection with the protest;

71.3.3. in connection with the refusal to submit the materials of the proceedings to the interested person for review or to inform the interested person on the case;

71.3.4. in other cases directly provided by law.

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

72.1. An appeal against an administrative act may be filed administratively or in court.

72.2. In case of filing an administrative act (administrative claim) against an administrative act at the same time, the complaint shall be considered in court and the proceedings initiated on that complaint shall be terminated in the appellate instance.

72.3. Administratively, a complaint shall be submitted to the appellate instance directly or through the administrative body that adopted the administrative act. The administrative body is obliged to send the complaint to the appellate instance within 3 days.

72.4. The provisions of this chapter shall apply to administrative complaints.

72.5. A complaint (administrative claim) against administrative acts shall be filed in court in accordance with the procedure established by the relevant law of the Azerbaijan Republic.

72.6. *Until a decision is made on an administrative complaint provided for in Article 80 of this Law, the complaint may be withdrawn at the request of the interested person or his representative.* [\[25\]](#)

## **Article 73. Deadline for filing an administrative complaint**

73.1. Unless otherwise provided by law, within 30 days from the date of entry into force of the administrative act, the complaint shall be *issued on the basis of awarding academic degrees and scientific titles, nostrification (determination and recognition of equivalence) or re-certification of documents on scientific degrees and scientific titles issued in foreign countries. and in the case of administrative acts related to the deprivation of a scientific title (restoration of a scientific title and academic degree), these administrative acts shall be submitted to the relevant appellate instance within 2 months from the date of their adoption* . [\[26\]](#)

73.2. If the administrative act does not provide for possible legal remedies against him, the procedure and duration of use of these legal remedies (appeal) or if the administrative act affects the legitimate interests of other interested persons to whom it is not addressed, within 6 months from the date of its entry into force can be appealed.

73.3. If the time limit for filing a complaint against an administrative act is missed for a valid reason, the time limit shall be restored by the appellate instance upon the application of the interested person.

## **Article 74. Form and content of administrative complaint**



74.1. An administrative complaint shall be made in writing.  
74.2. The following information must be provided in the administrative complaint:  
74.2.1. name and address of the administrative body to which the complaint is filed;  
74.2.2. surname, name, patronymic, place of residence or location of the complainant (name and legal address of the legal entity), procedural status in the administrative proceedings;  
74.2.3. administrative act or action (inaction) against which the complaint is filed;  
74.2.4. the claim of the complainant and the grounds for the claim;  
74.2.5. the date of the complaint;  
74.2.6. signature of the person filing the complaint.  
74.3. If the administrative complaint does not meet the formal requirements provided for in this article, the administrative body shall set a short period for the complaint to be corrected in accordance with those requirements and explain to the complainant the legal consequences of non-compliance with the formal requirements.

#### **Article 75. Grounds for keeping an administrative complaint unconsidered**

75.1. The appellate court shall not consider the administrative complaint in the following cases:  
75.1.1. in case of non-compliance with the requirements provided for in Article 74 of this Law;  
75.1.2. if there is a decision of another competent administrative body or court on the subject of the complaint *that has entered into force* ; [\[27\]](#)  
75.1.3. if the period established by law for filing an administrative complaint is missed and the missed period is not restored;  
75.1.4. *if the complaint is withdrawn at the request of the interested person or his representative.* [\[28\]](#)  
75.2. The appellate court shall decide to keep the complaint unconsidered. This decision may be appealed in accordance with this Law.  
75.3. The appellate instance shall give the appellant the opportunity to express his opinion before a decision is made on the appeal.  
75.4. Once the grounds provided for in Article 75.1.1 of this Law have been eliminated, a general administrative appeal may be filed in accordance with the general procedure.

#### **Article 76. Legal consequences of filing an administrative complaint**

76.1. *The filing of an administrative complaint shall not suspend the execution of the appealed administrative act , except in cases when a decision is made to suspend the execution of an administrative act in accordance with Article 76.2 of this Law .* [\[29\]](#)  
76.2. In case of filing an administrative complaint, the issue of suspension of execution of the appealed administrative act shall be immediately considered by the appellate instance on the application of the interested person or on the initiative of the appellate instance and a relevant decision shall be made.  
76.3. The decision to suspend the execution of an administrative act must be justified by the appellate court.

#### **Article 77. Temporary protection in court**

77.1. Irrespective of the filing of an administrative complaint, the interested person may apply to the court for temporary protection.

77.2. The application of an interested person for temporary protection shall be considered by the relevant courts in the manner and within the period established by the legislation of the Azerbaijan Republic.

#### **Article 78. Term of consideration of administrative complaint**

78.1. Unless otherwise provided by law, the appellate court shall be obliged to consider the administrative complaint and make a decision on its merits within 1 month from the date of its receipt.

78.2. If the appellate court does not make a decision within the period specified in Article 78.1 of this Law or does not agree with the decision made by the appellate court, the appellant may appeal to the court.

#### **Article 79. Procedure for consideration of administrative complaint**

79.1. Proceedings on administrative complaints shall be carried out in accordance with the procedure established by Chapter IV of this Law, taking into account the specifics of this Chapter.

79.2. When the complaint is submitted to the administrative body that adopted the administrative act, that body is obliged to send the complaint and materials related to the proceedings to the appellate instance. If the complaint is submitted by the interested person directly to the appellate instance, that body may request the materials related to the proceedings from the administrative body that adopted the appealed administrative act.

79.3. During the proceedings on the complaint, the appellate court shall consider the case on the merits and in full, and investigate the legality and expediency of the appealed act.

79.4. The appellate court's decision on the appeal must be based on both existing and additional evidence.

79.5. In no case may the appellate court entrust the consideration of the complaint to the administrative body that adopted the appealed administrative act or its officials.

#### **Article 80. Decision-making on administrative complaint**

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

80.1.1. *keeps the administrative act without changing it, and without satisfying the administrative complaint or* ; <sup>[30]</sup>

80.1.2. *annul the administrative act in whole or in part and adopt a new administrative act on the basis of existing or additional evidence or* ; <sup>[31]</sup>

80.1.3. *changes the administrative act* ; <sup>[32]</sup>

80.1.4. *if the administrative complaint is filed against the action or inaction of the administrative body in accordance with Article 71.2 of this Law, it shall make a decision on the results of the investigation into the complaint.* <sup>[33]</sup>

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

#### ***Article 80-1. Resolving administrative disputes through mediation***

*80-1.1. Disputes arising from the adoption, execution or annulment of administrative acts by administrative bodies, or other actions or inactions of the administrative body (disputes provided for in Article 4.3 of this Law (including "On Territorial Structure and Administrative Territorial Division") In accordance with the Law of the Republic of Azerbaijan "On*

*Mediation", disputes between administrative territorial units on territorial issues may be resolved through mediation.*

*80-1.2. In case of concluding an agreement between the interested person and the administrative body on the application of the mediation process for the purpose of resolving the dispute through mediation, the limitation of the period provided for in Article 73 of this Law or the administrative complaint shall be suspended.*

*80-1.3. If the dispute is resolved through mediation, the administrative body shall submit the settlement agreement to the appellate court. In this regard, the appellate instance terminates the administrative complaint proceedings.*

*80-1.4. If the dispute is not resolved through mediation, the administrative body shall submit a protocol on the results of the mediation process to the appellate court. In this regard, the period of time provided for in Article 78 of this Law shall be restored and the appellate instance shall consider the administrative appeal.*

*80-1.5. The conciliation agreement concluded as a result of the mediation process shall include the adoption, amendment or annulment of administrative acts by the relevant administrative bodies, as well as the performance of the relevant action (inaction). [\[34\]](#)*

## Chapter VIII **EXECUTION OF AN ADMINISTRATIVE ACT**

### **Article 81 Procedure for execution of administrative acts**

81.1. An administrative act is binding on the person (persons) to whom it is addressed and that person (persons) is obliged to comply with it.

81.2. Unless otherwise provided by law, an administrative act, including a decision on an administrative complaint, shall be executed by the administrative body that adopted it.

81.3. The administrative body is obliged to determine exactly what actions a person should take in connection with the execution of an administrative act.

81.4. An interested person has the right to execute an administrative act by legal means and means that are more convenient for him.

81.5. The legal requirements of the administrative body related to the execution of the administrative act are binding on all state and local self-government bodies, legal entities and individuals.

### **Article 82. Execution of monetary claims**

82.1. Compulsory execution of administrative acts related to the payment of monetary claims is carried out by enforcement officers in accordance with the Law of the Republic of Azerbaijan "On Enforcement" . [\[35\]](#)

82.2. The administrative body that adopted the administrative act shall make a decision on the enforcement of the claim. In this case, a court decision is not required to enforce the claim.

82.3. The conditions for making a decision on the execution of the claim are as follows:

82.3.1. adoption of an administrative act by the debtor providing for the payment of monetary claims within at least 10 days; [\[36\]](#)

82.3.2. expiration of the period of execution established for the payment of monetary claims;

82.3.3. failure of the debtor to make the payment within 10 days after the notification of the debtor by the administrative body .

**Article 83. Execution of administrative acts forcing the debtor to take certain actions, to tolerate certain actions or to refrain from certain actions**

83.1. Sufficient time (at least 10 days) must be set for the interested person to voluntarily execute an administrative act that compels the debtor to take certain actions, to tolerate certain actions or to refrain from taking certain actions .

83.2. An administrative act that is not executed voluntarily within the period determined in accordance with Article 83.1 of this Law shall be executed compulsorily.

83.3. Compulsory execution of an administrative act compelling the debtor to take certain actions, to tolerate certain actions or to refrain from certain actions may be ensured through the following compulsory enforcement measures:

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

83.3.2. fine;

83.3.3. direct coercion.

83.4. The interested person must be notified in advance by the administrative body that compulsory enforcement measures will be applied. An interested person may not be notified in advance of the application of compulsory enforcement measures in cases directly provided for by the legislation of the Azerbaijan Republic, as well as in urgent cases related to the prevention or elimination of a threat that may harm the state or public interests.

83.5. The notification shall be in writing and shall be officially submitted to the interested person in accordance with the procedure established by this Law.

83.6. The notice shall indicate the period set for the voluntary execution of the administrative act and the relevant type of compulsory enforcement measure to be applied after the expiration of that period. The notice may provide for only one enforcement measure. If the previously chosen enforcement measure does not yield any results, the application of a more severe or other enforcement measure is allowed. Compulsory enforcement measures may be repeated, tightened or changed until the administrative act is executed.

83.7. The notice shall refer to the administrative act to be executed and indicate the grounds for the application of compulsory enforcement measures.

83.8. The administrative body is obliged to follow the principle of proportionality in the application of compulsory enforcement measures.

83.9. If a person executes an administrative act, the application of compulsory enforcement measures must be stopped immediately.

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

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

84.2. In cases provided for in Article 84.1 of this Law, expenses related to the execution of an administrative act shall be reimbursed at the expense of the interested person (debtor).

**Article 85. Enforcement of administrative act through penalty**

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

85.2. Individuals may not be fined more than forty-four manats, and legal entities - not more than three hundred and thirty manats . [\[37\]](#)

85.3. The amount of the fine may not be less than four manats . [\[38\]](#)

85.4. The fine is transferred to the state budget.

#### **Article 86. Direct coercion**

86.1. If it is impossible to execute an administrative act through compulsory enforcement measures provided for in Articles 84 and 85 of this Law, or if the application of these measures is not possible from the point of view of objective circumstances, the administrative body may directly compel the interested person to take certain actions or refrain from certain actions. he can perform that action immediately.

86.2. Relevant measures provided for by the Law of the Republic of Azerbaijan “On Police” may be used during direct coercion.

86.3. Direct coercive measures may be applied only by the competent administrative body and in the manner prescribed by law.

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

Compulsory execution of administrative acts adopted by municipalities is carried out by executive officers in accordance with the Law of the Republic of Azerbaijan “On Enforcement” . [\[39\]](#)

#### **Article 88. Appeal against the decision on application of compulsory enforcement measures**

An interested person may appeal an administrative act on the application of compulsory enforcement measures to a higher administrative body or to a court in accordance with the legislation of the Azerbaijan Republic in accordance with Chapter VII of this Law.

### **Chapter IX RESPONSIBILITY**

#### **Article 89. Responsibility of administrative bodies**

89.1. The relevant administrative body shall be liable for the damage caused to the interested person as a result of illegal decisions (administrative acts) or actions (inaction) of the administrative bodies in accordance with the Civil Code of the Azerbaijan Republic.

89.2. An interested person may appeal the decision of the administrative body to refuse to pay compensation to the relevant court.

#### **Article 90. Responsibility of officials of administrative bodies**

90.1. Officials of administrative bodies shall bear disciplinary, administrative or criminal liability for violation of the provisions of this Law in accordance with the legislation of the Azerbaijan Republic.

90.2. In cases when the interested person is compensated for the damage caused by the fault of the official, ie as a result of gross negligence or intent, the official may be held liable by the relevant administrative body in the form of recourse.

**Article 91. Entry into force of the law**

This Law shall enter into force on the same day as the Code of Administrative Procedure of the Republic of Azerbaijan . [\[40\]](#)

**Ilham Aliyev,**  
**President of the Republic of Azerbaijan**

Baku city, October 21, 2005  
№ 1036-IIQ