

On the basis of Article 88, item 2 of the Constitution of the Republic of Montenegro, I am passing the

D E C R E E

ON THE PROCLAMATION OF THE LAW ON ADMINISTRATIVE DISPUTE ("Official Gazette of the RMN", No. 60/03, 28.10.2003)

The Law on Administrative Dispute, which was passed by the Parliament of the Republic of Montenegro on the first sitting of its second regular session in 2003, on October 21, 2003, is proclaimed.

No. 01-1094/2

Podgorica, October 22, 2003

The President of the Republic of Montenegro

Filip Vujanović, (signed personally)

LAW ON ADMINISTRATIVE DISPUTE

I. GENERAL PROVISIONS

Article 1

In an administrative dispute, the court decides on the legality of an administrative act and on the legality of other individual acts, when provided by the law.

Article 2

- (1) An administrative act, in terms of this Law, is an act by which a state authority or a local self-government authority, institution or legal person, in exercising public authority, decides, in administrative matters, on rights, obligations or legal interests of a private or legal person.
- (2) An other individual act, in terms of this Law, is an act by which an authority or institution and legal person from paragraph 1 of this Article, decides on rights, obligations or legal interests of a private and legal person in other legal matters (hereinafter: other act).

Article 3

- (1) The right to start an administrative dispute shall have a private or legal person, who believes that some of his/her rights or legally based interests have been violated by an administrative or other act.

- (2) A state authority, organization, a settlement, group of persons or others who do not have the attribute of a legal person, may start an administrative dispute, if they are entitled to be holders of rights and obligations decided on in an administrative or other procedure.
- (3) If by an administrative or other act the law has been violated to the advantage of a private person, legal person or other party, an administrative dispute may be started by the state prosecutor or other competent authority.
- (4) An administrative dispute may be started by the state prosecutor or other competent authority when by an administrative or other act the law has been violated to the disadvantage of the state, a local self-government unit, institution or other legal person.

Article 4

- (1) An administrative dispute shall be decided on by the Administrative Court of the Republic of Montenegro (hereinafter: Administrative Court) and the Supreme Court of the Republic of Montenegro (hereinafter: Supreme Court).
- (2) In an administrative dispute the Court shall decide in a panel, except in cases laid out in Article 14, Paragraph 2 of this law.

Article 5

- (1) In an administrative dispute the Court shall decide by a judgment or by a decision.
- (2) By a judgment the Court shall decide on a legal suit.
- (3) By a decision the Court shall decide on procedural issues and issues set forth by this law.
- (4) Resolutions passed in an administrative dispute shall be binding.

Article 6

Courts, other state authorities, local self-government authorities, institutions and other legal persons with public authority shall, upon request of the court deciding in an administrative dispute, render legal assistance.

II THE ADMINISTRATIVE DISPUTE

Article 7

- (1) An administrative dispute may be started against an administrative or other act that has been passed in second instance.
- (2) An administrative dispute may also be started against an administrative or other act passed in first instance, against which appeal is not allowed in an administrative or other procedure.
- (3) An administrative dispute may also be started when the competent authority failed to pass an adequate administrative or other act on a petition, respectively appeal of a party, under the conditions stipulated by this Law.

Article 8

An administrative dispute may not be conducted against acts:

- 1) that have been passed in matters, in which judicial protection is provided beyond the administrative dispute;
- 2) that have been passed in matters decided on directly by the Parliament of the Republic of Montenegro and the President of the Republic by virtue of constitutional authority.

Article 9

- (1) An administrative or other act may be disputed:
 - 1) in the case of violation of the codes of procedure;
 - 2) in the case of inaccurate and incomplete establishment of the facts;
 - 3) in the case of inaccurate application of the material law.
- (2) It shall not be considered that the regulations have been applied inaccurately, if the competent authority had decided by free estimation on the basis of and in the framework of the authority conferred on it by legal regulations and in accordance with the objective, for which the authority has been conferred.

Article 10

The defendant in an administrative dispute is the authority, whose act is disputed.

Article 11

The status of a party in a dispute shall as well have a person, to whom the nullification of a disputed administrative or other act might directly be to his/her disadvantage (interested party).

Article 12

The state prosecutor or other competent authority may accede to the administrative dispute for the sake of protection of the public interest.

Article 13

- (1) As a rule, a complaint shall not avert the execution of an administrative or other act, against which it was filed.
- (2) Upon request of the plaintiff, the authority whose act is executed, respectively the authority competent for the execution if it is an act of an organization that is not authorized for the execution, shall defer the execution pending the validity of the court decision, if the execution might cause a damage to the plaintiff which could hardly be redressed, and if the deferment is not against the public interest or would not cause any major irreparable damage to the opposing party. Beside the request for deferment, it is required to enclose a proof of the submitted complaint. The request shall be decided on by the competent authority at the latest within three days from the receipt of the request.
- (3) The authority from paragraph 2 of this Article may as well, for other significant reasons, defer the execution of the disputed act, if it is not against the public interest.

Article 14

- (1) The plaintiff may demand of the court to pass an interim measure for the regulation of a condition pending the court decision, if by the measure specified in Article 13 paragraph 2 it should not be possible to prevent major adverse consequences for the plaintiff, or if the challenged act might cause an irreparable condition.
- (2) The chairman of the Court panel shall decide on the passing of interim measures within five days as of the day of submission of the request.
- (3) Appeal against the decision on the interim measure may be brought before the panel of the Administrative Court within three days. The appeal shall not withhold the execution of the passed interim measure.

(4) The panel of the Administrative Court shall decide on an appeal at the latest within seven days as of the day of reception of the appeal.

III THE PROCEDURE UPON COMPLAINT

Article 15

- (1) An administrative dispute shall be started by a complaint.
- (2) Complaints shall be decided on by the Administrative Court in a panel of three judges.

Article 16

- (1) The complaint shall be submitted within 30 days as of the delivery of the administrative act to the party submitting the complaint.
- (2) The deadline from paragraph 1 of this Article shall apply as well to an authority or person authorized for submission of a complaint, if the administrative act had been delivered to them. If the administrative act was not delivered to them, they may submit the complaint within 60 days from the delivery of the administrative act to the party, to whose advantage the act was passed.

Article 17

- (1) The complaint shall be submitted to the Administrative Court directly or by post. The day of submission of the complaint by registered mail, shall be considered as the day of submission to the court.
- (2) If the complaint is not submitted to the Administrative Court, but to another authority, and the competent court receives it after the deadline for submission of the complaint, it shall be considered that it was submitted on time, if the submission to another authority can be attributed to ignorance or evident oversight of the applicant.

Article 18

- (1) If the second instance authority failed to make a decision on the complaint of a party against the first instance decision within the period of 60 days or a legally determined shorter period, and if it fails to make it even in the period of additional seven days following repeated request, the party may start an administrative dispute as if his/her appeal had been refused.

- (2) A party may also proceed according to paragraph 1 of this Article when the first instance authority, against whose act appeal is not permitted, failed to make a decision upon his/her request.
- (3) If the first instance authority, against whose act appeal is permitted, failed to make a decision on a request within 60 days or a legally determined shorter period, the party shall be entitled to submit a request to the second instance authority. The party may start an administrative dispute against the decision of the second instance authority, while it is possible to start it under the conditions from paragraph 1 of this Article even if this authority fails to make a decision.

Article 19

- (1) It is required to include in the complaint the name and family name, profession and place of residence, respectively name and headquarters of the plaintiff, the act against which the complaint is directed, the elements for submission of the complaint, as well as the suggested direction and extent of nullification of the administrative act. The original or transcript of the act, against which the complaint is submitted, shall also be enclosed in the complaint.
- (2) If restitution of property or damage is sought by the complaint, it is required to make a specific claim as to the objects or the extent of damage incurred.
- (3) It is required to enclose in the complaint one transcript each of the complaint and of the enclosure for the accused authority and for each interested party, if there are any.

Article 20

The plaintiff may relinquish the complaint all until the passing of the resolution of the Administrative Court, in which case the court shall interrupt the procedure by a decision.

Article 21

- (1) If the complaint is incomplete or unintelligible, the chairman of the panel shall call upon the plaintiff to eliminate the deficiencies of the complaint in a given deadline and shall indicate the consequences of failure to act on the request of the court.
- (2) If the plaintiff fails to eliminate the deficiencies of the complaint in the given deadline, whereas these are such that they prevent the work of the Administrative Court, the court shall by a decision dismiss the complaint as irregular, unless it finds that the disputed act is invalid.

Article 22

(1) The Administrative Court shall reject a complaint by a decision, if it should establish:

- 1) that the complaint has been filed untimely or before the specified time;
- 2) that the act challenged by the complaint is not an administrative or other act;
- 3) that it is evident that the administrative or other act, challenged by the complaint, does not interfere with the right of the plaintiff or his/her legal interest;
- 4) that it was possible to appeal the administrative or other act disputed by the complaint, and it was not appealed at any time or only untimely;
- 5) that there is already a legally binding court decision, passed in an administrative or other dispute on the same matter;

(2) The court shall reject the complaint on the grounds set out in paragraph 1 of this Article at any stage of the procedure.

Article 23

If the court fails to reject a complaint on the grounds of Article 21, paragraph 2 or Article 22 of this Law, and it finds that the disputed administrative or other act contains such deficiencies that prevent the assessment of the lawfulness of the act, it may by a judgment nullify the act even without submission of the complaint for response.

Article 24

(1) If the Administrative Court had been filed several complaints against acts, in which the rights and obligations relate to the same or similar facts or the same legal basis, the court may, after receipt of the reply on the complaints, conduct the procedure on the basis of one of the complaints, and terminate the other procedures pending the legally binding resolution in the selected case (sample procedure).

(2) Prior to passing the conclusion on the interruption of the procedure, the Administrative Court shall give the plaintiff the possibility to make a statement on the reply to the complaint and on the interruption of the procedure.

(3) Appeal against the conclusion on the interruption of the procedure shall not be permitted.

Article 25

The court shall, following the validity of the judgment in the sampled case, without an oral hearing, even if requested by the parties, decide on the cases in which the procedure had been interrupted, if they do not significantly differ in their factual or legal character.

Article 26

- (1) If, during a court procedure, an authority passes another act that changes or annuls the administrative act against which the administrative dispute was started, as well as if, as set out in Article 18 of this Law, it subsequently passes an administrative act, that authority shall inform, beside the plaintiff, also the Administrative Court
- (2) In the case specified in paragraph 1 of this Article, the Administrative Court shall call upon the plaintiff to declare within 15 days whether he/she is satisfied with the subsequently passed act, or whether he/she insists on the complaint and in which extent, i.e., whether he/she will extend the complaint to the new act as well.
- (3) If the plaintiff declares that he/she is satisfied with the subsequently passed act or if he/she fails to make a declaration in the given deadline, the Administrative Court shall make the decision on termination of the procedure.
- (4) If the plaintiff declares that he/she is not satisfied with the new act, the Administrative Court shall continue the procedure.

Article 27

- (1) If the Administrative Court should neither reject the complaint on the basis set out in Article 21, paragraph 2 or Article 22 of this Law, nor nullify it pursuant to Article 23 of this Law, it shall submit a transcript each of the complaint with enclosures for reply to the defendant and to the interested parties, if any.
- (2) The reply from paragraph 1 of this Article shall be given in the deadline determined by the Administrative Court for each individual case. The deadline shall neither be shorter than eight days nor longer than 30 days.
- (3) The defendant shall in the given deadline deliver to the Administrative Court all documents relating to the matter. If the defendant should fail after a second request to deliver the documents of the matter, or if he/she declares that he/she is unable to deliver them, the court may decide on the matter without the documents.

Article 28

- (1) In administrative disputes, the Administrative Court decides in an oral hearing or in a closed session.
- (2) The Administrative Court shall conduct an oral hearing, if the party requests so in the complaint or in the response to a complaint.
- (3) The Administrative Court may decide in a closed session only if during a preliminary hearing it was established that the facts in the administrative or other procedure were accurately and completely determined, i.e. that they were not disputable.

Article 29

- (1) In an oral hearing, the chairman of the panel shall determine the day of the hearing and inform thereon the parties to the procedure and interested parties, if any.
- (2) The hearing may be postponed only for serious reasons, which shall be determined by the panel.

Article 30

- (1) The hearing shall be administered by the chairman of the panel.
- (2) A record shall be drawn up on the hearing, which shall include only significant facts and circumstances, as well as the disposition of the ruling. The record shall be signed by the chairman of the panel and the record clerk.

Article 31

- (1) The non-appearance of a party to the oral hearing shall not withhold the work of the Administrative Court. The non-appearance of a party shall not be considered as relinquishment from the complaint. In the case of non-appearance of party the court shall read its petition requests.
- (2) If both the plaintiff and the defendant fail to appear in the hearing, and the hearing is not postponed, the Administrative Court shall decide on the dispute even without attendance of the parties.
- (3) There shall be no state of rest of the procedure in an administrative dispute.

Article 32

During a hearing, the floor shall first be given to the one member of the panel, who is the reporter. The reporter shall present the state of affairs in the documents, without stating his/her own opinion. Subsequently, the floor shall be given to the plaintiff to justify the complaint, and then to the attorney of the defendant and to the interested parties.

Article 33

- (1) If the Administrative Court decides on a dispute in an oral hearing, it shall decide on the basis of facts established during the oral hearing and on the basis of facts established during the previous procedure, if they are not in contradiction to the facts established during the oral hearing.
- (2) If the Administrative Court should establish during an oral hearing that the facts are different from the facts established during an administrative or other procedure, or if it should find that the codes of procedure have been violated during that procedure, which had an impact on the determination of the matter, it shall nullify the disputed act by a judgment.
- (3) In the case set out in paragraph 2 of this Article, the competent authority, whose act has been nullified, shall proceed pursuant to the judgment of the Administrative Court and pass a new act, unless the court itself decided on the merits according to Article 35 of this Law.
- (4) If the Administrative Court should establish that the codes of procedure have been seriously violated, it shall nullify the disputed act even in the case that these violations have no impact on the regular deciding on the matter.
- (5) When deciding in a closed hearing, the Administrative Court may make a decision on the grounds of the facts established in the documents of the case.
- (6) If during a closed hearing the Administrative Court should find that the dispute can not be tried on the grounds of the facts established in the procedure, because there are contradictions in the documents with regard to the established facts, or they have been incompletely established in important issues, or a wrong conclusion with regard to the facts has been drawn from the established facts, or if it finds that during the procedure the codes of procedure have been violated, which had an impact on the deciding on the matter, it shall nullify the disputed act by a judgment. In that case the competent authority shall proceed according to the court judgment and pass a new act.

Article 34

- (1) The Administrative Court shall examine the legality of a disputed administrative or other act in the scope of the demand of a complaint, yet it shall thereby not be bound by the cause of the action.
- (2) The Administrative Court shall ex officio mind the nullity of an administrative or other act.

Article 35

- (1) If the Administrative Court nullifies a disputed act, and the state of affairs allows so, it may decide on the matter of the case on the merits, if:
 - 1) it had itself established the factual state in an oral hearing or
 - 2) the annulment of the disputed act and the repeated procedure before the competent authority would cause a damage to the plaintiff that could hardly be restituted or
 - 3) on the grounds of public documents or other evidence in the documentation of the case it would prove evident that the facts are different from that established in the administrative procedure or
 - 4) the act has already been nullified in the same dispute, and the competent authority has not entirely acted on the judgment or
 - 5) the act has already been nullified in the same dispute, and the competent authority fails to pass a new act within 30 days from the day of annulment or in another deadline determined by the court or
 - 6) the competent second instance administrative authority failed to pass an administrative act in the deadline according to the filed appeal, i.e. the first instance authority, when appeal is statutorily excluded.
- (2) In the cases set out in items 4, 5 and 6, paragraph 1 of this Article, the Administrative Court may itself establish the facts and, according to the facts thus established, pass a judgment.
- (3) The decision set out in paragraph 1 of this Article shall substitute the nullified act in all.

Article 36

- (1) The Administrative Court shall decide by majority of votes.
- (2) The panel sitting and the voting shall be recorded and be signed by the chairman, members of the panel and the record clerk.
- (3) The panel sitting and the voting shall be carried out in absence of the parties.

Article 37

- (1) The complaint shall be accepted, or refused as unsubstantial by a judgment. If the complaint is accepted, the Administrative Court shall nullify the disputed act.
- (2) When found that the disputed act shall be nullified, the Administrative Court may, if the character of affairs allows so and if the established facts offer a reliable ground for it, settle the matter by a judgment. Such a judgment shall substitute the nullified act in all.
- (3) By the judgment nullifying the disputed act, the Administrative Court shall decide as well on the claim of the plaintiff for restitution of objects, respectively for the compensation of damage, if the established facts offer a reliable ground for it. Otherwise, the court shall instruct the plaintiff to realize his/her claim in a lawsuit.
- (4) When the complaint has been filed on the grounds of Article 18 of this Law, and the Administrative Court finds that it is substantiated, it shall by a judgment accept the complaint and determine that the competent authority pass a decision.

Article 38

- (1) If an oral hearing was conducted, the chairman of the panel shall immediately after the completed hearing orally announce the decision, together with the most significant reasons.
- (2) In complex matters, the Administrative Court may postpone the passing of a decision for eight days as of the day of conclusion of the hearing. In such case the decision shall not be announced, but the court shall deliver the transcript of the judgment to the parties.
- (3) If after the concluded oral hearing the Administrative Court can not pronounce a decision, because it is necessary to previously establish some fact for the consideration of which no new oral hearing is necessary, the court shall pass the decision, without a hearing, not later than eight days as of the day it has established that fact.

Article 39

- (1) The judgment shall include the designation of the court, an indication that it is pronounced in the name of the people, the name and surname of the chairman of the panel, of the members of the panel and the record clerk, name and surname, profession and residence, i.e. domicile, of the parties,

their representatives and attorneys; short designation of the case; the date when the judgment has been passed and announced, the disposition, the explanation and the precept on the appeal, if appeal is permitted. The disposition has to be separate from the explanation.

(2) The decision shall always include an introduction and a disposition, while an explanation shall be included only in the case the complaint is rejected by the decision, or if requests of parties, which are mutually opposite, are decided on by the decision, and in other cases when this is necessary.

(3) A written decision shall be signed by the chairman of the panel and the record clerk.

(3) The decision shall be delivered to the parties in form of verified transcripts.

IV EXTRAORDINARY LEGAL REMEDIES

Article 40

(1) Against the legally binding decision of the Administrative Court the following extraordinary legal remedies may be submitted:

- 1) a request for exceptional reconsideration of a court decision.
- 2) a request for repeat of the procedure

(2) As a rule, extraordinary legal remedies shall be decided on by the court at a closed session.

1. Request for extraordinary reconsideration of a court decision

Article 41

(1) A party that was involved in an administrative dispute and state prosecutor or other competent authority may submit a request for extraordinary reconsideration of a court decision.

(2) The request for extraordinary reconsideration of a court decision shall be decided on by the Supreme Court in a panel of three judges.

Article 42

(2) The request for extraordinary reconsideration of a court decision may be filed in the following cases:

- 1) violation of the material law;

- 2) violation of the codes of procedure in the administrative dispute, which might affect the deciding on the matter;
- (3) The request for exceptional reconsideration of the court decision shall be filed to the Supreme Court, within 30 days as of the day of delivery of the Administrative Court decision.

Article 43

- (1) The request for extraordinary reconsideration of a court decision shall include the designation of the court decision, whose reconsideration is proposed, as well as the reasons and the extent in which the reconsideration is suggested.
- (2) If the request is incomplete or unintelligible, the Supreme Court shall proceed in accordance with Article 21 of this Law.

Article 44

- (1) An illicit or untimely request or a request for exceptional reconsideration of a court decision submitted by an unauthorized person shall be rejected by the Supreme Court by a decision.
- (2) If the Supreme Court should not reject the request for exceptional reconsideration of a court decision, it shall deliver it to the opposite party, which may, within the period determined by the court, submit a response to the request.
- (3) The Administrative Court and the accused authority shall forthwith deliver to the Supreme Court upon its request all documents related to the request for extraordinary reconsideration of a court decision.

Article 45

The Supreme Court shall decide on a request for extraordinary reconsideration of a court decision generally in a closed sitting. The request shall be examined by the court only in the scope of the request, while it shall mind ex officio significant violations of the codes of administrative procedure.

Article 46

- (1) The Supreme Court shall either accept or reject the request by a judgment.
- (2) By the judgment accepting the request, the Supreme Court may cancel or revise the court decision, against which the request has been submitted.

- (3) If the Supreme Court should cancel the court decision, the matter shall be returned to the Administrative Court. In a repeated procedure the Administrative Court shall perform all proceedings and deliberate all issues indicated by the Supreme Court.
- (4) The decision may not be revised to the detriment of the party, if the request has been submitted only by him/her.

2. Request for a Repeat of the Procedure

Article 47

- (1) A procedure concluded by a judgment or a decision shall be repeated upon request of a party:
 - 1) if the party discovers new facts, or finds or acquires the possibility to use new evidence, on which grounds the dispute might be settled more favorably for him/her, had these facts, i.e. evidence been put forward or used in the previous court procedure;
 - 2) if the court decision was reached due to a criminal act of the judge or an employee of the court, or the decision was achieved by deceit of the representative or attorney of the party, his/her opponent or the opponent's representative or attorney, and such a proceeding represents a criminal act;
 - 3) if the decision had been based on a judgment passed in a criminal or civil matter, and this judgment was later cancelled by another legally binding court decision;
 - 4) if a document, on which the decision is based, was false or altered falsely, or if a witness, assessor or party, has given a false statement during the hearing before court, and the court decision is based on that statement;
 - 5) if a party finds or acquires the possibility to utilize an earlier decision passed in the same administrative dispute;
 - 6) if an interested party had not been granted the possibility to participate in the administrative dispute;
- (2) Due to the circumstances set out in items 1 and 5, paragraph 1 of this Article, a repeat shall be allowed only if the party, without his/her fault, had not been able to present these circumstances in an earlier procedure.

Article 48

- (1) A repeat of the procedure may be requested at the latest within 30 days as of the day the party learned about the reason for the repeat. If the party had learned about the reason for the repeat prior to the completion of the procedure before court, and he/she was not able to use this reason during the procedure, the repeat may be requested within 30 days from the day of delivery of the decision.
- (2) A repeat may not be requested after the expiration of five years following the validity of the decision.

Article 49

- (1) The request for repeat of a procedure shall be decided on by the court that passed the decision against which the request has been submitted.
- (2) The request for repeat of the procedure shall be decided on by the court in a panel of five judges.

Article 50

- (1) The request for repeat of the procedure shall particularly include:
 - 1) the legal basis for repeat, the decision and the evidence, i.e. circumstances that make the existence of that basis plausible;
 - 2) the circumstances, from which it derives that the request has been filed in the legal deadline, and the proof thereof;
 - 3) in which direction and in which extent the revision of the passed decision is suggested.

Article 51

- (1) The court shall reject the request for repeat of the procedure by a decision, if it finds that the request has been filed by an unauthorized person or that the request was not filed timely, or that the party failed to prove the existence of a legal basis for the repeat at least plausible.
- (2) If the court should not reject the request, it shall deliver it to the opponent party and the interested parties, and it shall call upon them to reply on the request within 15 days.

Article 52

- (1) After expiry of the deadline for the response to the request for repeat of a procedure, the court shall decide on the request by a judgment.

- (2) If the repeat is allowed, the previous decision shall be invalidated, on the whole or in part.
- (3) Previous proceedings, which are not affected by the elements for repeat, shall not be repeated.
- (4) The principal matter shall be decided on by the judgment, by which the repeat was granted.

Article 53

Legal remedies allowed in the principal matter may be filed against the court decision passed on the request for repeat of the procedure.

Article 54

The provisions of this Law governing the procedure upon a complaint and on legal remedies shall be applied accordingly in a repeated procedure, if not otherwise stipulated in Articles 47 to 53 of this Law.

In a repeated procedure, provisions of this Law governing the procedure upon a complaint in an administrative dispute and legal remedies upon valid court decisions shall be applied, if not otherwise prescribed by Articles 47 – 53 of this Law.

3. Other Provisions Relating to the Procedure

Article 55

Issues relating to the procedure in an administrative dispute, which are not regulated by this Law, the provisions of the law regulating the civil procedure shall be applied accordingly.

Article 56

- (1) In an administrative procedure, each party shall bear their costs, if the court decides in a closed sitting.
- (2) If the court decides in an oral hearing, the costs shall be determined in accordance with the provisions of the law regulating the civil procedure.

V. OBLIGATION OF JUDGMENTS

Article 57

When the court nullifies an act, against which an administrative dispute has been started, the case shall be restituted to the condition in which it was before the nullified act had been passed. If according to the character of the matter, which had been the object of the dispute, it is necessary to pass another act in place of the nullified administrative act, the competent authority shall pass it without delay and at the latest within 30 days as of the day of delivery of the judgment. The competent authority shall thereby be bound by the legal concept of the court, as well as by the remarks of the court with regard to the procedure.

Article 58

(1) If, following the nullification of an administrative act, the competent authority should not issue an administrative act according to the judgment of the court, and the plaintiff files a new complaint, the court shall nullify the disputed act and, generally, determine itself the matter by a judgment. Such a judgment shall substitute the act of the competent authority in all.

(2) In the case specified in paragraph 1 of this Article, the court shall report to the authority performing control over the authority that has not acted in accordance with the judgment of the court.

(3) The authority performing control shall notify the court on the measures undertaken within 30 days.

Article 59

(1) If, after the nullification of an administrative act, the competent authority fails to issue, forthwith or at the latest within 30 days, a new administrative act or an act ordering the execution of the judgment on the basis of Article 37 paragraph 4 of this Law, the party may request by a specific petition the passing of such an act. If the competent authority even fails to pass the act within 7 days after this request, the party may request the issue of such an act from the court that passed the judgment in the first instance.

(2) On the request specified in paragraph 1 of this Article, the court shall require from the competent authority the notification on the reasons for failure to pass the administrative act. The competent authority shall deliver the said notification immediately, and at the latest within 7 days. If it fails to do so, or if the given notification, according to the court, does not justify the non-execution of the judgment, the court shall pass a decision that substitutes the act of the competent authority in all. The court shall deliver this decision to the authority competent for execution and inform the authority performing control at the same time. The authority competent for execution shall forthwith execute such a decision.

Article 60

- (1) The court decisions passed in an administrative dispute shall be executed by the authority competent for execution of the administrative or other act.
- (2) If the court had decided in accordance with Article 35 of this Law, and the decision reads the obligation of the state, the decision shall be executed by the court on the basis of the law that regulates the execution procedure.

Article 61

When in an administrative dispute a judgment has been passed, and the competent authority passed an act on the execution of the said judgment, and then a repeat of the administrative procedure according to this act is sought before the competent authority, the repeat may only be allowed if the reason for the repeat originated at the authority that had passed the act.

VI. TRANSITORY AND FINAL PROVISION

Article 62

Administrative disputes started before the entering into force of this law shall be determined according to the Law on Administrative Disputes ("Official Gazette of the Federal Republic of Yugoslavia", No. 46/96), if this is more favorable for a party.

Article 63

This Law shall enter into force on the eighth day as of the day of its announcement in the »Official Gazette of the Republic of Montenegro«, and it shall be applied as of the day of commencement of operation of the Administrative Court.