



# The Administrative Procedural Code of the Republic of Azerbaijan

*(Approved by the Law of the Republic of Azerbaijan No. 846-IIIQ of June 30, 2009)*

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## *Chapter I. General Provisions*

### **Article 1. Scope of the Administrative Procedural Code of the Republic of Azerbaijan**

1.1. This Code establishes the procedural principles and rules for jurisdiction over the disputes concerning the administrative legal relations (hereinafter referred to as the administrative disputes), consideration and settlement of those disputes by a court.

1.2. The provisions of Civil Procedural Code of the Republic of Azerbaijan may be applied in judicial proceeding of cases on administrative disputes (hereinafter referred to as administrative proceeding), unless other rules are specified by this Code and if not contrary to the procedural principles prescribed by the present Code.

### **Article 2. Jurisdiction over administrative disputes**

2.1. Judicial proceeding of cases on administrative disputes shall be held by *administrative-economic courts and administrative-economic collegiums*, unless other rules of jurisdiction are specified by law.

2.2. The following actions are considered in the order of administrative proceeding:

2.2.1. action on disputing (liquidation or alteration) the administrative act adopted by administrative body with regard to a person's rights and responsibilities;

2.2.2. actions on imposition of relevant liability on administrative body concerning the adoption of an administrative act or petitions on defence against the inactivity of administrative bodies (action on compulsion);

2.2.3. action on committing certain actions not related to adoption of an administrative act by administrative body (action on implementation of commitment);

2.2.4. actions on illegal intervention by administrative body, that is not related to adoption of an administrative act or directly violates a person's rights and freedoms (action on refraining from doing certain actions);

2.2.5. actions on existence or non-existence of administrative legal relationship, or consideration of an administrative act as invalid (actions on identification or recognition);

2.2.6. actions on verifying the legality of acts of normative nature, with exception of the issues under competence of the Constitutional Court of the Republic of Azerbaijan (action on legality);

2.2.7. actions on reimbursement for property claims related to settlement of administrative disputes, as well as for damages caused by illegal decisions (administrative acts) or actions (inaction) of administrative bodies ;

2.2.8. counter-actions by municipalities and administrative supervisory bodies against the actions of each other. (V)

### **Article 3. Administrative-economic courts and judicial collegiums**

3.1. Except for the cases specified under Article 3.2 of this Code, the administrative disputes shall be considered by *administrative-economic* courts as a court of first instance.

3.2. Actions concerning the disputes provided for in Chapters XV, XVI and XVII of present Code shall be considered by *administrative-economic* collegiums of the courts of appellate instance of the Republic of Azerbaijan as a court of first instance. *Relevant procedural rules specified in this Code for proceeding shall be applied in the court of first instance when considering administrative disputes by the courts of appellate instance, unless other rules provided in Chapters XV, XVI, XVII of present Code.*

3.3. Administrative disputes in appellation order shall be reviewed by *administrative-economic* collegiums of the courts of appellate instance of the Republic of Azerbaijan.

3.4. Administrative disputes shall be reviewed by *administrative-economic* Collegium of the Supreme Court in cassational order.

3.5. Administrative disputes in *administrative-economic* courts shall be reviewed by judge unilaterally.

3.6. Administrative disputes shall be reviewed by a court panel composed of 3 judges (permanently presiding judge and two other judges) in *administrative-economic* collegiums (as both the court of first instance and the court of appellate instance) of the courts of appellate instance of the Republic of Azerbaijan.

3.7. Cases related to administrative disputes shall be reviewed in cassational order by a court panel composed of 3 judges (permanently presiding judge and two other judges).

3.8. Establishment and legal status of *administrative-economic* courts and judicial collegiums shall be governed by the Law of the Republic of Azerbaijan "On Courts and Judges", unless otherwise provided by present Code. (V)

#### **Article 4. Judicial decision-making**

4.1. A court shall make decision on consideration and settlement of an administrative dispute. The decision shall be drawn up in writing and signed by a judge (by each judge of court panel when the case is considered in collegial order).

4.2. A court decision shall be adopted by majority of votes when the case on administrative dispute is considered by a court panel composed of 3 judges. Judges shall not be allowed to be neutral in voting. The presiding judge shall vote at the end.

4.3. A judge, who has minority of votes, may draw up his/her private opinion in writing, which shall be further attached to the case. Special opinion of the judge from the court of appellate instance or Supreme Court's Collegium on the cases concerning administrative disputes shall be published jointly with the judgment of relevant court panel.

#### **Article 5. Itinerant sessions of administrative-economic courts orjudicial collegiums**

*Administrative-economic courts or judicial collegiums may hold mobile court sessions within their territorial jurisdiction, when necessary, in other cities or residential settlements. (1)*

#### **Article 6. Distribution of work in administrative-economic courts and collegiums**

*Distribution of work in administrative-economic courts and collegiums shall be carried out in accordance with office rules. (1)*

#### **Article 7. Termination of dispute-related case proceeding**

7.1. The Court may terminate case proceedings until the dispute is settled or the relevant decision is made by administrative body, when settlement of the dispute fully or partially constitutes the subject of another administrative dispute reviewed at that period of time or depending on whether the legal relationship to be considered by an administrative body exists. The Court shall take into account the facts concerning the expediency of continuing the case proceedings when resolving the issue of its termination.

7.2. The Court shall terminate consideration until criminal or civil case proceedings have not completed, when criminal prosecution of a crime committed with regard to subject of the dispute or disputed legal relationship in the course of administrative court proceeding may influence dispute solution.

#### **Article 8. Identification of jurisdiction**

8.1. The following rules shall be applied when determining the territorial jurisdiction of administrative disputes:

8.1.1. administrative disputes about the law or legal relationship concerning immovable property or some territory shall be reviewed by the local court, to which the property or territory belongs;

8.1.2. actions on disputing shall be considered by the court of area, where the administrative body adopting the disputed administrative act is located. The actions against administrative acts, which was adopted by administrative body covering more than one court jurisdiction, shall be reviewed by the court at the place of permanent residence or temporary living place of a person, whose rights (interests protected by law) were interfered with. In territories, which are under the disposal of diplomatic missions and consular offices of the Republic of Azerbaijan abroad, actions against the Republic of Azerbaijan shall be considered by the court of area, where the relevant executive body is located;

8.1.3. actions against the administrative body concerning the official legal relations existing or previously existed between an administrative body and a judge, civil servant or servicemen, including the disputes related to establishment of such relations shall be considered by court at the area of claimant's residence, or by court at the place of claimant's residence if the area of residence is not available or by court at the place of location of the administrative body (the respondent), which have adopted preliminary administrative act, when none of the mentioned cases are available;

*8.1.3-1. Claims against actions or inaction of the captain of sea-going vessel or internal travel ship floating tinder the flag of the Republic of Azerbaijan, with regard to validating a will, or rejecting to validate it, shall be considered by court at the place of location of the port, where the vessel is registered.*

8.1.4. in other cases, actions shall be reviewed by court of territory, where respondent is actually living or by court at the place of respondent's residence. In case, neither actual living place nor place of residence is available, claims shall be considered by court at the place, where the respondent last resided.

8.2. If trial of disputes does not fall within its competence by subject or territorial jurisdiction, the court shall identify the jurisdiction of disputes after having heard the parties and send the case to the court of relevant competence.

8.3. If trial of disputes falls within the competence of more than one court, the court shall send the case to the court selected by claimant or petitioner. If claimant or petitioner does not make such a choice, the court shall send the case to the court of relevant competence in accordance with the rules of jurisdiction.

8.4. In case, one of the parties disputes over the jurisdiction, court shall settle the issue concerning the relationship of trial to its competence.

8.5. Court shall issue a reasoned ruling in cases covered by Articles 8.2—8.4 of present Code. A complaint against the court ruling on jurisdiction may be filed to the court of higher instance not later than 10 days from submission of that ruling.

8.6. Upon taking legal effect, the ruling of *administrative-economic* court on jurisdiction shall be obligatory for *administrative-economic* collegiums of the courts of appellate instance, or for courts reviewing the case on dispute, except for the cases covered by Article 9.1.3 of this Code. Ruling of *administrative-economic* collegium of the court of appellate instance shall be obligatory, upon taking legal effect, for the court reviewing the case on dispute. (I)

## ***Article 9. Determination of competent court by territorial jurisdiction***

9.1. In the following cases, the relevant court of higher instance shall define the competent court by territorial jurisdiction:

9.1.1. when competent court fails to carry out court proceeding from legal and actual point of view;

9.1.2. when more than one court considers itself as competent;

9.1.3. when the court, to which the case concerning a dispute was transferred, does not consider itself as competent.

9.2. The competent court shall be defined by Supreme Court when it is impossible to determine the territorial jurisdiction in the order specified in Article 8.1 of present Code.

9.3. Each participant of court proceeding or each court reviewing the dispute may apply to the court of higher instance with regard to jurisdiction. The court of higher instance is entitled to adjudicate without oral examination of appeal.

## ***Chapter II. Principles of administrative court proceedings***

### ***Article 10. Principle of independence of judiciary***

10.1. Judges shall act independently and adhere solely to the Constitution and legislation of the Republic of Azerbaijan when carrying out administrative court proceedings.

10.2. Exertion of any influence over the judge with regard to reviewing and resolving an administrative dispute shall be prohibited.

10.3. Looking for direct or indirect instructions with regard to reviewing or adjudicating an administrative dispute, or acceptance thereof by judge shall not be admissible.

### ***Article 11. Principle of equality before law and court***

11.1. Administrative court proceeding shall be guided by the principle of equality of all before law and court.

11.2. Court shall be bound to create full and equal opportunities to participants to express their attitude, exercise their procedural rights and duties in the course of administrative procedure.

### ***Article 12. The principle of investigating merits of a case***

12.1. Court shall be bound to investigate all factual merits that are significant in proper settlement of a dispute, having been not content with explanations, applications and proposals of participants of judicial procedure, the evidence provided by them and other materials available in case.

12.2. Court shall be obliged to independently gather other necessary evidence on its own initiative or based on the motion by participants. Court may request additional information and evidence from the parties.

12.3. Participants of judicial procedure shall be bound to support the court in investigating factual merits of a dispute and gathering of evidence.

12.4. Elimination or concealing of evidence by participants of procedure, or impeding the investigation of that evidence in any other way shall be prohibited. If such cases take place, court may issue a ruling on canceling the burden of proof, with consideration of all features related to specific case.

### ***Article 13. Responsibility of court to support***

Court shall be bound to support the participants of procedure in eliminating formal offences committed with regard to claims filed, specifying unclear claims, replacing improper claims with acceptable ones, supplementing incomplete factual information, as well as providing explanations, which are significant in determining and evaluating the merits of the case.

### ***Article 14. Burden of proof***

14.1. Administrative body, which adopted the disputed administrative act, shall prove the availability of factual conditions necessitating the adoption of the same act.

14.2. For claims concerning the defence from administrative body's illegal interference, which has no connection to adoption of administrative act and directly violates the rights and freedoms of a person, the relevant administrative body shall bear the burden of proof with regard to availability of factual conditions necessitating such interference.

14.3. For claims (on compulsion) requiring the adoption of administrative act, the claimant shall bear the burden of proof with regard to availability of factual conditions that necessitate adoption of the same act. Nevertheless, the administrative body shall bear the responsibility to prove the existence of such conditions, when the administrative body refers to existence of factual conditions that exclude the adoption of administrative act desired by claimant in that specific case.

### ***Article 15. Principles of disagreement (contradictory proceeding) and dispositiveness***

15.1. Administrative court proceeding shall be carried out on the basis of principle of disagreement (contradictory proceeding).

15.2. In administrative court proceeding, parties may conclude the review of dispute through an armistice agreement, withdrawal of action by claimant, acknowledgement of claim by respondent or joint statement on settlement of legal dispute.

### ***Article 16. Oral nature of trial***

16.1. The dispute shall be reviewed by court in the order of oral trial (oral hearings).

16.2. Court may also resolve the dispute without oral trial (oral hearings) by mutual consent of parties.

16.3. Court rulings that don't resolve the dispute on its merits may also be adopted without holding oral trial.

### ***Article 17. Principle of transparency of trial***

17.1. Court session shall be open to public, except for the cases stipulated in Article 17.3 of this Code. With exception of cases when court sessions are held privately, entrance into the court room shall not be prohibited to anybody.

17.2. Participants of the process and other persons present in the court room may take notes in the course of session. With exception of cases specified in Article 17.2 of present Code, court may allow to audio-video record and take pictures of the court session on a motion by one of the parties or on its own initiative.

17.3. Court may hold private sessions on a motion of participants of the process or on its own initiative when disclosure of any information, secret protected by law is not allowed, protection of inviolability of participants' private or family life is required, protection of private interests of the minors is necessary, also when there is a threat to the life, health or freedom of participants of process and other persons.

17.4. Parties and other participants of the process, their representatives and defence counsels, if necessary, witnesses, experts and interpreters may attend in private court sessions. Participants of private court session shall be notified about non-disclosure of information they obtained in the course of session.

17.5. Court reviewing the case on the dispute in private session shall follow all procedural rules in relation to open administrative court proceeding.

17.6. Court verdict (ruling) shall be announced at open court session when the case on dispute is reviewed in private court session.

## ***Chapter III. Objection***

### ***Article 18. Not allowing a judge to review the case***

18.0. Judge may not review a case and recuse himself in the following cases:

18.0.1. if he/she is a parent, child, grandchild, grandfather (grandmother), brother (sister), uncle on father's side (uncle on mother's side, aunt on father's side, aunt (on mother's side)), cousin (on father's and mother's side), brother-in-law (sister-in-law) one of the participants of process or representative thereof, as well as one of the members of court panel;

18.0.2. if he/she is or was formal or factual husband (wife) of one of the participants of process or representative thereof, also, one of the members of court panel;

18.0.3. if people listed in Article 18.1.1 of present Code have kindred relationship with wife (husband) of the judge;

18.0.4. if he/she is son-in-law (daughter-in-law), father-in-law (mother-in-law) of one of the participants of process or representative thereof, also, one of the members of court panel.

### ***Article 19. Grounds for objection to the judge***

19.1. Objection to the judge may be raised in the following cases:

19.1.1. if there are grounds stipulated in Article 18 of this Code;

19.1.2. if he/she takes part in adoption or approval of disputed administrative act in administrative proceeding, also at the instance reviewing the complaint;

19.1.3. when he/she expresses attitude (or makes open statement) in any form outside the court review towards the potential conclusion of the case concerning the dispute until recess of the jury;

19.1.4. if he/she is a former representative of an institution, whose interests are infringed in administrative court proceeding;

19.1.5. if he/she is directly or indirectly interested in consequence of the case or if there are circumstances that put his/her impartiality under suspicion.

19.2. Motion on objection may be submitted in written form, whereas in oral form in the course of court session. The motion shall cover the grounds for objection.

19.3. Motion on objection may be filed immediately after the participant of process has grounds for objection, or within 3 days, if it is impossible to do so.

## ***Chapter IV. Dispatch of judicial acts and documentation***

### ***Article 20. Submission***

20.1. Court decisions, rulings and ruling showing the expiration of time-frame (hereinafter referred to as judicial acts), including the judicial documents, which defines the date of court session, or summons shall be submitted to participants of process personally or in other manner. In each case, the relevant notes or documents confirming the submission shall be attached to case materials.

20.2. Participant of the process, who has no place of permanent residence or place of temporary living in the territory of the Republic of Azerbaijan, shall be bound, at request of court, to appoint a person having permanent place of residence in the Republic of Azerbaijan and full ability to work as private attorney, in order to receive judicial acts and other documents addressed to him. In case the attorney is not appointed, the court shall not bear the responsibility for submission before that participant and may confine by placing the documents to be submitted on notice-board of court building.

20.3. Judicial acts and documents shall be submitted in accordance with the rules prescribed by the Civil Procedural Code of the Republic of Azerbaijan with consideration of provisions of Articles 20.1 and 20.2 of this Code.

### ***Article 21. Announcement through publication in print media***

21.1. Court may issue a ruling on announcing the judicial act through publication in print media, when the act is required to be announced to more than 40 people.

21.2. The ruling shall indicate the means of mass media (daily newspapers), in which the judicial act is expected to be printed. In that case, the means of mass media (daily newspapers), which are most popular in territories to be possibly covered by that judicial act, shall be given priority.

21.3. The ruling shall be submitted to participants of the process. It shall contain the information on how the judicial act will be announced next time and when the act will be considered as submitted.

21.4. Court may abolish its ruling on publication at any time. In case, the conditions pointed out in Article 21.1 of present Code are absent or eliminated, court is bound to liquidate the same ruling.

21.5. No objection may be lodged against the court ruling on publication.

21.6. Judicial act that is envisaged to be announced by publication shall be printed in the means of mass media (daily newspaper) widespread in respective territory and put up on notice-board in the court. If the judicial act is published in daily newspapers provided for in Article 21.2 of this Code, it shall be enough to put up its conclusion part and the order of filing complaints against it, on the notice-board. Information, instead of the act, on how and where to obtain the full text of the judicial act may be put up or published in the notice-board or daily newspaper respectively.

21.7. Rulings on the time of court session and summons shall be fully put up on the notice-board or published.

21.8. Judicial acts and documents shall be considered as submitted after 2 weeks from publication in the daily newspaper.

21.9. Participants of the process shall be entitled to ask, in a written form, for a copy of judicial act, following its publication in the means of mass media.

21.10. If the judicial act is published in the order envisaged in Article 21.2 of present Code, the publications shall contain the rules specified in Articles 21.8 and 21.9 of this Code.

## ***Chapter V. Procedural time-frames***

### ***Article 22. Time-frames***

22.1. Unless otherwise stipulated in this Code, expiration of time-frame shall start from the moment of submission, while from the moment of announcement if submission is not considered as obligatory under the present Code.

22.2. Rules specified under the Civil Procedural Code of the Republic of Azerbaijan shall be applied with consideration of provisions of this Chapter concerning time-frames.

### ***Article 23. Calculation of procedural time-frames with regard to legal remedies***

23.1. Expiration of a time-frame stipulated in present Code with regard to appealing a verdict (ruling) shall be started from the date of submission of judicial act or written information provided by court to the participant of process containing the information on the rule and time of appealing, the name and address of court to be appealed.

23.2. A verdict (ruling) may be appealed against within 1 year from the date of its submission or announcement, if the information on legal remedies, the time and rules of using legal remedies is not provided in the order specified in Article 23.1 of this Code or provided in distorted form. Participant of the process, who proved that appeal, was not filed in connection with the natural disaster or other unavoidable incident, also the written notification about non-use of legal remedies, may lodge an appeal within 15 days from elimination of circumstances that impeded the use of legal remedies.

### ***Article 24. Restoration of procedural time-frames***

24.1. Court shall restore, based on petition of the participant of the process, the procedural time-frame missed, when the time-frame set under the present Code is missed through no fault of the participant.

24.2. Petition for restoration of missed procedural time-frame shall be submitted within 15 days from elimination of circumstances that impeded keeping to the term. Circumstances that impeded keeping to the time-frame shall be justified in petition or in court session held on the basis of the petition.

24.3. Procedural action, in respect of which the time-frame has expired, shall be exercised simultaneously with filing a petition on restoration of time-frame.

24.4. Petition for restoration of time-frame may not be filed after 1 year, with exception of cases related to the natural disaster or other unavoidable incident, also the written notification about non-use of legal remedies.

24.5. Petition shall be filed with the court, where procedural action is to be exercised, and shall be considered in a court session. Petitioner shall be notified of place and time of such court session.

24.6. The Court that issues a ruling on restoration of missed procedural time-frame shall simultaneously resolve a question of missed procedural actions.

24.7. The ruling on restoration of missed procedural time-frame may not be appealed.

## ***Chapter VI. Participants of process. Types of action***

## ***Article 25. Procedural legal capacity***

25.0. The following shall be entitled to take part in administrative court proceeding:

25.0.1. physical persons or legal entities; 25.0.2. state

authorities or municipalities. ***Article 26.***

## ***Procedural action capacity***

26.1. The following shall be entitled to exercise procedural actions in administrative court proceeding:

26.1.1. persons, considered to have full action capacity in accordance with the norms of civil law;

26.1.2. persons, considered to have limited action capacity according to the norms of civil law, whereas considered to have administrative action capacity in relation to common legal norms.

26.2. Procedural actions on behalf of the state, municipalities and legal entities shall be executed by representatives or special authorized persons thereof. Administrative body represented by its director or representative authorized by the director, may also execute procedural actions on behalf of the state.

26.3. Persons with limited action capacity or without any action capacity shall be represented in administrative court proceeding in accordance with relevant provisions of the Civil Procedural Code of the Republic of Azerbaijan.

## ***Article 27. Participants of administrative court proceeding***

27.0. The following shall be considered as the participants of administrative court proceeding:

27.0.1. claimant;

27.0.2. respondent;

27.0.3. third parties involved in administrative court proceeding.

## ***Article 28. Involvement of third parties in administrative court proceeding***

28.1. Until a verdict has not yet come into effect or the case is under consideration of higher instance court, court may involve the persons, whose legally protected interests infringed, as third parties in administrative court proceeding, on its own initiative or on motion thereof. Until a verdict is adopted, but not comes into legal effect, and when court comes to a conclusion that involvement of third parties is required, court shall issue a ruling on liquidation of that verdict and renewal of case review with regard to its merits.

28.2. Third party shall be certainly involved in administrative court proceeding as a participant (necessary involvement), when the nature of third party's participation on disputed legal relations stipulates making a common decision on participants of administrative court proceeding and the third party.

28.3. Court ruling on involvement of third parties in administrative court proceeding shall be applied to all participants of the process. The ruling shall contain the merits of the case, which is reviewed by court, and grounds for involvement.

28.4. The ruling on involvement in administrative court proceeding shall not be appealed.

28.5. Persons, not involved, in relation to their official duties, in court proceeding by court, may file a motion on involvement in court proceeding, if suppose a verdict to be adopted will infringe their interests protected by law. Court shall issue a ruling on that motion within 10 days. Appeal may be filed to the court of higher instance with respect to the ruling that rejected a motion.

### ***Article 29. Procedural rights of third parties involved in administrative court proceeding***

29.1. Third parties shall be entitled to independently use possible legal remedies and exercise procedural actions upon request of one of the parties, aiming at protection of private interests.

29.2. Third parties involved in the order of necessary involvement may put in distinct claims upon request of parties.

### ***Article 30. Procedural co-participation***

30.1. Several persons, who have joint legal interests in view of the subject of a dispute, or whose rights and responsibilities have the same actual and legal background, may serve as joint claimants and joint respondents acting as procedural co-participants.

30.2. If the subject matter of a dispute contains the requirements and responsibilities having respective factual and legal grounds of the same type, several persons may serve as joint claimants or joint respondents acting as procedural co-participants.

30.3. Unless otherwise stipulated in the Civil Procedural Code of the Republic of Azerbaijan and the present Code, each co-participant of administrative court proceeding shall act independently against the opposite party. Any action by procedural co-participants may be interpreted neither in favor of nor against each other.

30.4. In case, a common (same) decision on administrative dispute has to be made in respect of all co-participants or the procedural co-participation is necessary for other arguments, other co-participants attending the court session or keeping to the procedural time-frame shall represent those co-participants, who made default or missed fixed time-frame.

30.5. Each procedural co-participant has a right to take part independently in administrative proceeding. All procedural co-participants shall be summoned to court sessions without an exception.

### **Article 31. Procedural representation**

31.1. Participants of administrative court proceeding shall have the right to be represented by defence counsel or attorney.

31.2. Procedural representative shall to be submitted all judicial acts and documents concerning the court proceeding since the date of submission of document that confirms his/her representation to the court, and may exercise all procedural actions on behalf of represented person.

### **Article 32. Action on disputing**

32.1. Claimant may require liquidation or modification of administrative act through the claim on disputing. The claim on disputing may be filed together with the petition requiring elimination of consequences caused by execution of administrative act.

32.2. The following administrative acts may be a subject matter of claim on disputing:

32.2.1. administrative act not appealed to court;

32.2.2. if appeal is lodged against, the administrative act amended by decision of appellate instance (preliminary administrative act as amended by the decision of appellate instance);

32.2.3. decision (administrative act) made by appellate instance through appellate review and firstly imposing obligation on a third party.

32.3. In comparison with preliminary administrative act, the decision (administrative act) made by appellate instance through appellate review may be the only subject matter of action, only in cases, when administrative act imposes additional obligations or provides for additional restrictions to a person, to whom it is addressed. Breach of procedural norm to the extent that it can seriously affect the decision on appeal, may also be considered as additional restriction.

### **Article 33. Action on compulsion**

33.1. Claimant may require the court to impose, the responsibility to accept the administrative act on respondent, through the claim on compulsion.

33.2. The rule prescribed in Article 33.1 of this Code shall be applied both to cases, when respondent rejects adoption of administrative act desired by claimant and when the act is not adopted due to respondent's inaction (claim on inaction).

33.3. Court shall fix certain time to administrative body for adoption of administrative act, if the act was not adopted owing to its inaction. Administrative body shall inform the court about the adoption of administrative act.

33.4. If administrative act is not adopted by administrative body until the time-limit established in compliance with Article 33.3 of present Code expires, court shall make decision within 3 months from the date of expiration of time-limit. The same court decision shall substitute the administrative act. In cases stipulated in Article 73.3 of this

Code, court shall be entitled to give relevant instructions, in its decision, for administrative body in respect of the administrative act.

#### ***Article 34. Action on fulfillment of liability or rejection of performing certain actions***

34.1. Claimant may require, through the action on fulfillment of liability, the respondent to undertake certain actions not related (not aimed at adoption of administrative act) to adoption of administrative act. Reimbursement for damages, caused by administrative bodies due to violation legal responsibilities, may also be required through the action on fulfillment of liability.

34.2. Claimant may require the respondent not to undertake or suspend inadequate actions, which are not considered to be an administrative act, through an action on rejection of performing certain actions.

34.3. Filing of preventive action against the administrative act to be adopted shall be allowed only in exclusive cases (when prevention of interference with person's rights and legally protected interests is particularly necessary) stemming out from objective arguments.

#### ***Article 35. Admissibility of action***

35.1. Unless other rule is stipulated by this Code, action on adoption or rejecting adoption of administrative act in claimant's petition, or on disputing, when violation of his/her rights and legally protected interests, due to actions or inaction of administrative body, is justified, on compulsion, on fulfillment of liabilities and rejection of performing certain action, shall be considered admissible.

35.2. Aiming at protection of collective interests, non-governmental organizations (public associations or foundations) established in line with the legislation of the Republic of Azerbaijan, may bring the relevant action specified in Article 35.1 of present Code, in cases concerning the adoption or rejecting adoption of administrative act in claimant's petition or when violation of those interests, due to actions or inaction of administrative body, is justified.

35.3. Court shall issue a ruling on non-admissibility of claim. The ruling may be appealed to the court of higher instance.

#### ***Article 36. Action on identification or recognition***

36.1. Claimant may require the recognition of existence or non-existence of any legal relation, or invalidity of administrative act, through an action on identification or recognition.

36.2. Claimant may require the court to consider the administrative act, which has been already executed, as unlawful, through an action on identification or recognition.

36.3. Action on identification or recognition may be brought in cases, when the claimant is quite interested in identifying those relations within a short period of time. Claimant's interest in identifying legal relations may be of legal, economic and ideal nature.

36.4. Action on identification of legal relations shall be of subsidiary nature in relation to other types of action.

### ***Article 37. Combination of several claims into a single action***

Several claims may be combined into a single action by claimant when they are correlated, focused on the same respondent and have the same jurisdiction prescribed by this Code.

### ***Article 38. Time-frame of action***

38.1. Action on disputing may be filed within 30 days from the date of submission (announcement) of administrative act, whereas from the date of submission of administrative act adopted on appeal, in case the complaint is filed to the appellate instance.

38.2. Action on coercion may be filed within 30 days from submission of relevant administrative act to claimant on rejection of adopting required administrative act, or written information about it.

### ***Article 39. Time-limits of action on defence against inaction of administrative body***

39.1. If the relevant administrative body does not make a decision with regard to resort for adoption of administrative act or appeal filed to appellate instance, within a period established by law and due to lack of sufficient grounds, filing a claim before the court shall not be allowed within 35 days from the date of resort or appeal (except for the cases, when shorter or longer time-frame is established by legislation).

39.2. If the required administrative act, including the decision on administrative appeal is not adopted due to special reasons, court shall establish certain time-frame for adoption of administrative act or decision on administrative appeal taking into consideration the time-frame stipulated in Article 52.3 of the Law "On Administrative Proceeding" of the Republic of Azerbaijan, unless other time-frame is specified by legislation. Proceeding on the case shall be suspended by court until the established time-frame is over.

39.3. Proceeding on the case shall be terminated upon adoption of administrative act or allowance of appeal within a period specified by court.

## ***Chapter VII. Provisional remedies applied in judicial order***

### ***Article 40. Provisional remedy***

40.1. An interested person may apply to court with regard to terminating the execution of administrative act or carrying out other security measures (hereinafter referred to as temporary defence) aimed at allowance of an action protection of claimant's rights.

40.2. Application may be submitted until an action is filed before the court or in parallel with the action, and in the course of the court proceeding.

40.3. Court may impose a responsibility on the respondent, as the provisional remedy, to exercise certain actions or reject exercising certain actions or be tolerant towards certain actions. Court may impose such responsibility on third parties if there are legal grounds.

40.4. When filing an administrative appeal against the administrative act to the appellate instance, an interested person shall have to file a motion on provisional remedy to that body. If the appellate instance doesn't satisfy the motion within 15 days, the interested person may apply to court in the order specified by Articles 40.1 and 40.2 of present Code.

#### ***Article 41. Suspending the execution of administrative act***

41.1. Filing an action against disputing an administrative act shall not suspend the execution of the same act.

41.2. Court may issue a ruling on suspension of administrative act based on claimant's motion, if it comes to conclusion, as a result of preliminary examination of factual and legal merits of a case, that the action will most probably be successful. If the chance of success is not clear, court shall have to issue a ruling after comprehensive evaluation of contradicting interests. Court may also issue a ruling on suspending the execution of administrative acts under certain conditions.

41.3. Court may impose a liability on the respondent to refrain from doing actions towards implementation of administrative act, until the decision on application for suspending the execution of administrative act is made.

41.4. If the relevant ruling on provisional remedies is issued, the execution of administrative act shall be suspended, until the review of the case on its merits is completed.

41.5. Court ruling on denial of petition for suspending the execution of administrative act may be appealed.

#### ***Article 42. Provisional remedy against the administrative acts with double impact***

42.1. Court may issue a ruling on provisional remedy upon application of third party, if third party files a claim against an administrative act, which was addressed to and favorable for another person.

42.2. Ruling on suspension of the execution of administrative act shall be issued in the order specified in Article 41 of this Code.

#### ***Article 43. Grounds for application of provisional remedy***

43.1. The following shall be considered as ground for issuing a court ruling on provisional remedy:

43.1.1. the necessity of preliminary urgent settlement, in case the current situation is going to change and protection (allowance or restoration) of petitioner's (claimant's) rights would be impossible or more complicate

43.1.2. identification of possible existence of petitioner's material claim in the course of preliminary judicial investigation.

43.2. Petitioner shall have to submit the grounds prescribed by Article 43.1 of present Code in written, clear and substantiated form.

#### ***Article 44. Alteration or liquidation of ruling on provisional remedy***

44.1. Court reviewing the case on action as for the substance may, at any time, change or liquidate its ruling on provisional remedy, provided that there are sufficient grounds.

44.2. Any participant of court proceeding may bring a motion on changing and liquidating the ruling on provisional remedy with regard to change in the situation.

44.3. Particularly, in urgent circumstances, the judge presiding over the court panel that review the case, may independently issue a ruling on changing or liquidating the ruling. If there is a risk of causing uncoverable damage to the interested person, the presiding judge shall be entitled to reject preliminary hearing of participants of court proceeding.

44.4. Ruling on provisional remedy shall be considered as invalid at least from the date, when administrative act can not be already disputed or when the decision made on the case enters into force.

### ***Chapter VIII. Proceeding in the court of first instance***

#### ***Article 45. Bringing an action***

45.1. Petition shall be accordingly submitted to the relevant court in a written form.

45.2. Copies of petition and other documents shall be attached to the petition by the number of participants.

45.3. Petition shall be registered on the same day, when it is submitted, at the registry of court and be stamped with indication of registration date. If the petition is sent via postal services, the claimant shall bear the burden of proof of timely dispatch of petition.

45.4. Petition shall be considered as to be accepted for proceeding since the date of submission to court.

45.5. Acceptance of petition for proceeding leads to the following legal consequences:

45.5.1. none of the parties may apply to another court with the same claim, when the case concerning the claim is under the court proceeding;

45.5.2. irrespective of changes in jurisdiction terms, the case on the claim shall remain under the proceeding of court, to which it was preliminarily submitted.

#### ***Article 46. Content of petition***

46.1. The following information shall be contained in the petition:

46.1.1. name of court, to which the petition is submitted;

46.1.2. names, surnames, patronymics, places of residence, names and legal addresses of administrative bodies (legal entities) of physical persons acting as claimant and respondent;

46.1.3. demand of claimant (petitioner).

46.2. Petition may also include the following with the aim to speed up the judicial process:

46.2.1. facts, through which the claimant substantiates his/her claim and other proving instruments;

46.2.2. circumstances implying the necessity to adopt the administrative act desired by claimant, and draft of the same act, pursuant to claimant's desire;

46.2.3. other information necessary for proper settlement of a dispute and claimant's motions;

46.2.4. original or copy of the disputed administrative act and the judgement of appellate instance, when the case is presented to appellate instance;

46.2.5. list of documents attached to the petition.

46.3. In case, the petition doesn't comply with the requirements specified in Article 46.1 of present Code, the judge or presiding judge of court panel, or a judge (reporting judge) appointed by presiding judge shall establish a reasonable time-frame to bring the petition in line with those requirements.

#### ***Article 47. Filing a petition***

47.1. Judge or presiding judge of court panel (hereinafter referred to as the presiding judge) shall issue an order in respect of submission of the petition and copies of documents attached to it to the respondent.

47.2. When submitting the petition, the respondent shall be required to express his/her attitude (objection) in written to court and the latter shall establish reasonable time-frame to this end.

#### ***Article 48. Responsibilities of court and participants of proceeding with respect to objective investigation of merits of a case***

48.1. The presiding judge shall provide support to elimination of formal delinquencies, clarification of indefinite statements, filing motions on the essence of the case, supplementing incomplete factual information, submission of all written statements to be important in full identification and objective evaluation of merits of the case in next stages of the process.

48.2. Participants of administrative court proceeding shall be obliged to submit their written motions, objections and related documents to the court until trial begins. The presiding judge may establish a time-frame for this purpose. Pursuant to its functional

responsibilities, Court shall send the copies of these documents to other participants of the process.

48.3. Written motions, objections and statements shall be attached, in full or extracted form, the original or copies of documents referred in them. In case, the counter-party is aware of those documents or the volume of documents is too large, it shall be sufficient to declare the possibility of being acquainted with them to counter-party, through clear indication of their peculiarities.

#### ***Article 49. Preparatory proceeding***

49.1. Until oral court hearing begins, the presiding judge shall take all necessary measures to settle the legal dispute within one oral court session (delivering a judgment on the essence of the case). To this end, the presiding judge may:

49.1.1. invite participants of the process with a view to discussing (explaining) the merits of a case or status of the dispute, as well as supporting to settle (solve) the dispute through an armistice and conclude an armistice agreement;

49.1.2. ask the participants of the process to supplement or clarify the preparatory documents (petitions, motions, statements, objections), to submit to court the documents and items, which are possible to keep with case materials; fix a time for explanation of merits that require further clarification;

49.1.3. gather the necessary documents (references, information);

49.1.4. order to submit required documents;

49.1.5. issue an order for appearance of participants of the process before court;

49.1.6. invite witnesses and experts.

49.2. Participants of the process shall be duly informed about all instructions of the court.

#### ***Article 50. Court rulings issued at preparatory proceeding***

50.0. The presiding judge shall resolve the following issues in preparatory proceeding and make the relevant ruling on:

50.0.1. termination or suspension of court proceeding on the case;

50.0.2. refusal from claim by claimant or acknowledgement by the respondent;

50.0.3. settlement of legal dispute through an armistice (in case, parties conclude an armistice agreement or come up with joint proposal for dispute settlement, force majeure and other cases);

50.0.4. amount of claim;

50.0.5. procedural expenses;

50.0.6. involvement in court proceeding.

### ***Article 51. Establishment of time-frame by court***

51.1. When the claimant declares about violation of his/her rights due to consideration or non-consideration of certain facts into account in the course of administrative court proceeding, the presiding judge may fix a time for claimant to submit those facts to court or provide the relevant information.

51.2. The presiding judge may require the participant of process to provide information or evidence on facts related to certain incidents, submit the evidence at his/her disposal. The judge may fix relevant time for this purpose.

### ***Article 52. Limits of judicial review***

Court shall have no right to exceed the claim, even not related to wording of petition.

### ***Article 53. Counter claim***

53.1. A counter-claim may be filed during the administrative court proceeding, however, the counter-requirement shall have to be correlated with requirement put forward in initial claim or remedies used against initial claim by the respondent. Pursuant to jurisdiction rules, a counter-claim shall not be admissible when the claim belongs to another court.

53.2 A counter-claim shall be filed in the order prescribed by present Code.

53.3. A counter-claim may not be filed with respect to claims on disputing, legality or compulsion.

### ***Article 54. Changing the claim***

54.1. The claimant shall have the right to change the claim (to change the grounds or subject of claim, increase or reduce the volume of claim) if there is consent by other participants of administrative court proceeding or if court considers changing of claim reasonable.

54.2. When the respondent doesn't object to changing the claim and expresses his/her opinion about already changed claim in written form (in application, motion and etc.) or in oral trial, court considers the respondent to be agree with changing of claim.

54.3. Court ruling on acknowledgement or rejection of changing the claim may not be independently appealed.

### ***Article 55. Refusal of claim***

55.1. Claimant shall have the right to refuse a claim, until court decision comes into effect.

55.2. Refusal of claim shall be allowed only by respondent's consent following the speeches made by parties in oral hearing.

55.3. If the claimant, having ignored court's request, consecutively avoids the court proceeding on the case within more than 30 days, the claim shall be considered as withdrawn. In this case, court shall issue a ruling on considering the claim withdrawn.

55.4. Refusal of claim shall exclude the possibility of re-filing claim between the same parties, on the same subject or grounds.

55.5. If claimant refuses a claim or court considers a claim withdrawn, court shall issue a ruling on termination the proceeding. The ruling shall indicate legal consequences of refusing a claim or considering it as withdrawn, as provided for in this Code, and may not be appealed.

### ***Article 56. Combining individual cases into a single proceeding or dividing a single proceeding into individual cases***

56.1. Aiming to conduct joint review and issue a single judgement, court shall have the right to combine the proceeding on individual cases, falling within its jurisdiction and having the same subject matters, into a single proceeding or re-divide them.

56.2. Court shall have the right to divide the proceeding on several claims, which are subject to joint consideration, into several proceedings and issue judgment on each claim separately.

56.3. Court shall issue a ruling on combining the proceedings on individual cases into a single proceeding or dividing a single proceeding into the proceedings on individual cases.

### ***Article 57. Responsibility to appear before court***

57.1. Court may require the participant of the process to come to the court session in person. Court shall notify the participant not complying with this requirement, about the imposition of fine in the amount from 50 to 100 manats.

57.2. Court may levy a fine on the participants of the process in case of non-appearance due to inadequate reasons.

57.3. Court shall issue a ruling on appearance of the participant in person, on imposition of fine and establishing the amount of fine in case of non-appearance.

57.4. Notification of fine or the fine itself may be repeated.

57.5. In case, a legal entity acts as the participant of the process, the notification of fine or the fine shall be applied in relation to authorized representative of such legal entity according to legislation or statute of the legal entity.

57.6. Notification of fine or the fine shall be applied with respect to administrative body, if its representative makes default due to inadequate reasons.

57.7. Court may require the administrative body or the subject of common law, which takes part in the process, to send the relevant official, who is well aware of factual and legal status of the case on dispute and whose authority was formalized in the order specified in present Code, as representative.

## ***Article 58. Order of examination of evidence***

58.1. The evidence shall be examined by court in oral court session.

58.2. Court may re-examine the evidence, interrogate witnesses, experts and participants of the process, require the necessary documents.

58.3. The motion, filed in oral court session, on involvement of evidence may be rejected only by substantiated court ruling.

58.4. When necessary, the presiding judge may deliver the authority for examination of evidence to one of the members of court panel, until oral court session begins.

58.5. When necessary, court may address to another court for examination or gathering evidence, through pointing out specific merits to be clarified.

58.6. When examining evidence, court may renew or supplement the proof carried out by an administrative body.

58.7. The evidence shall be evaluated by court upon full and comprehensive examination.

## ***Article 59. Rights of participants of the process with respect to examination of evidence***

59.1. Participants of the process may take part in examination of evidence. Participants shall be informed at least 3 days before about the venue and time of court session on examination of evidence, in the order established by present Code.

59.2. Participants of the process may ask questions about the case from witnesses, experts and representatives of administrative bodies. If the question is rejected, the judge or collegium of the court reviewing the case shall solve the issue of possibility of question.

## ***Article 60. Responsibility of administrative bodies to provide required documents and information***

Administrative bodies shall be obliged to provide the documents or acts, including the necessary information required by court. Court shall issue a ruling on examination of those documents, acts and information in private sessions, if their disclosure may damage the legally protected interests or is subject to be kept confidential due to essence of certain activity or pursuant to law.

## ***Article 61. Right to get acquainted with materials of case proceeding***

61.1. Except for cases provided for in Article 60 of present Code, participants of process may, at any time, get acquainted with materials of case proceeding, including the documents submitted to court on the same case.

61.2. With exception of cases stipulated in Article 60 of this Code, participants of the process may apply to the registry of relevant court with request of obtaining, at their own expense, authenticated copies and (or) extracts of such documents available among case materials. The presiding judge, at his/her own initiative, may hand over the judicial acts

to the authorized defence counsel or representative for working with them, except for the cases provided for in Article 60 of this Code.

### ***Article 62. Court summons***

62.1. Court shall be obliged to notify the participants of the process about the time and venue of court session related to oral trial.

62.2. Court summons shall be submitted to participants of the process at least 10 days prior to the time (day) of court session related to oral hearing. Particularly in urgent circumstances, the presiding judge may reduce this time-limit.

62.3. The participant, who doesn't appear at session upon court summons, shall be notified about the possibility of reviewing the case and issuing a judgement at his/her absence.

### ***Article 63. Court session***

63.1. The presiding judge shall open and lead the session concerning oral hearing.

63.2. Upon the court session is declared open and the composition of participants is defined, the presiding or reporting judge shall generally elucidate (interpret) the essence of the dispute.

63.3. Upon the essence of dispute is interpreted, the presiding judge shall give floor to participants of the process in order to make motion, substantiate their claims or motions.

### ***Article 64. Responsibility of judge to deliberate the case on dispute***

64.1. The presiding judge shall be bound to deliberate both factual and legal aspects of the case on dispute.

64.2. The presiding judge shall provide each member of court panel with an opportunity to ask questions at their request.

64.3. As discussion of the case is completed, the presiding judge shall declare the oral hearing closed.

64.4. Until the judgement is passed, court may, at its own initiative, issue a ruling on renewal of oral trial.

### ***Article 65. Minutes of oral hearing***

The relevant rules prescribed by Chapter 22 of the Civil Procedural Code of the Republic of Azerbaijan shall be applied for keeping minutes in administrative court proceeding.

### ***Article 66. Possibility of armistice agreement***

66.1. Parties may conclude an armistice agreement in order to settle the dispute fully or partially, if they have a right to dispose the subject of a dispute. The content of armistice agreement shall be recorded in the minutes of court session.

66.2. In case, the conclusion of armistice agreement contradicts the legislation on public security and protection of public order, court shall have to refuse approval of agreement. Court may also refuse approval of agreement, when the dispute settlement is of special public importance.

66.3. Court, the presiding or reporting judge shall have the right to make proposal to the parties with the court ruling on conclusion of armistice agreement. In this case, an armistice agreement may be concluded upon written consent by parties concerning the court's proposal.

66.4. Court shall issue a ruling on approval of armistice agreement, which was recorded.

### ***Article 67. Settlement of claimant's claim***

67.1. Until final judgement on the dispute is passed, the respondent (administrative body) shall have the right to adopt a new administrative act or take other measures prescribed by legislation to settle the claimant's claim. The respondent shall provide written information to court on his/her intention to satisfy claimant's claim. In this regard, the administrative body may withdraw the documents previously submitted to court.

67.2. The presiding judge may establish a time-frame for the respondent for adoption of the new administrative act on settlement of claimant's claim or taking other measures prescribed by legislation, as well as providing the relevant information to court. Court may reject the administrative body's request, in case it doesn't consider withdrawal of documents reasonable.

67.3. Court shall issue a ruling on termination of proceeding, when the claimant's claim is already satisfied by the respondent within a time-frame established pursuant to Article 67.2 of present Code and the dispute on the essence of the case doesn't exist.

67.4. Court proceeding on the dispute shall be continued and the case be reviewed on the essence, when no measure is taken by the respondent to satisfy the claimant's claim within a period fixed in line with Article 67.2 of this Code or the measures taken don't satisfy the claim.

## ***Chapter IX. Judicial decisions***

### ***Article 68. Grounds for judgement***

68.1. Court shall pass judgement based on its confidence inspired as a result of the administrative court proceeding. The judgement shall contain the grounds for court's attitude.

68.2. Judgement shall build upon the facts and evidence, which were investigated during the court proceeding and about which the participants had an opportunity to express their opinion.

68.3. Judgement may be passed and signed only by judges (judge), who took part in court proceeding (oral trial) of the case on dispute.

### ***Article 69. Form and content of judgement***

69.1. Judgement shall be composed of the following in written form:

69.1.1. introductory part;

69.1.2. descriptive part;

69.1.3. motivational part;

69.1.4. resolutive part.

69.2. The introductory part of a judgment shall bear a reference to the date and venue of adoption of the judgment; name of the court passing the judgement; name, surname, patronymic of judges (judge), who took part in making judgement; name, surname, patronymic, speciality and occupation, place of residence of participants of the process, including their status in court proceeding.

69.3. The descriptive part of a judgement shall, briefly and on the essence, refer to the subject and actual status of the case on a dispute (claimant's claim, respondent's objection or views and etc.) with consideration of positions of participants of the process. Reference shall be made thereupon to the relevant documents that describe the subject of a dispute and actual status of the case.

69.4. The motivational part shall indicate actual circumstances and evidence, on which the court built upon in passing a judgement, normative and legal acts referred and their evaluation. If the respondent acknowledges the claim, the motivational part of the judgement may refer only to acknowledgement of claim by the respondent and its approval by court.

69.5. The resolutive part shall contain the findings of court, procedural expenses, time and rule of using legal remedies against the judgement.

69.6. In case the order and time-frame of enforcement of the judgement is determined, the resolutive part shall contain relevant instructions about it.

69.7. The judgement shall be submitted to registry of court in completely full version at least within 15 days from announcement of the judgement.

69.8. The relevant officer of court registry shall make and confirm by signature the records in the judgement concerning the date, when it was submitted to participants of the process or date of announcement, if the judgement was announced in oral hearing.

## ***Article 70. Judgement about the action on disputing***

70.1. Court shall render judgement on liquidation of administrative act (or relevant decision, in case of administrative complaint to appellate instance) when it contradicts the law and thus, infringes claimant's rights. The same order shall be applied in cases, when administrative proceeding is violated with possible impact on the decision of administrative body.

70.2. When claimant requires modifying the administrative act, which defines the amount of funds or provides for (recognizes) existence of certain terms for allocation of funds, court may specify another amount or other terms of payment.

70.3. When the claimant is entitled to require fulfillment of any obligation (responsibility) along with the liquidation of administrative act, court may pass a judgement on compelling performance of obligation (responsibility) required in that proceeding.

### ***Article 71. Court ruling on canceling the enforcement of administrative act***

71 A. In addition to liquidating the administrative act, which is implemented, court may impose the obligation over the administrative body to eliminate the consequences of the same act.

71.2. In case, there is no longer need to continue the trial and the administrative body has no discretionary powers with regard to eliminating the consequences of the act, court shall have the right to give instructions (proposals) on the methods and order of eliminating such consequences.

71.3. If it is impossible to eliminate the consequences of the administrative act, court may arrive at decision about payment of compensation by the administrative body.

### ***Article 72. Judgement on consideration of liquidated administrative act as invalid***

If the administrative act was liquidated by administrative body or became invalid due to other reasons, court shall issue a judgement on consideration of the same act invalid (illegal) based on the claimant's petition (motion) and with consideration of his/her legal interests.

### ***Article 73. Judgement on the action on compulsion***

73.1. When refusal from adoption of administrative act or non-adoption of administrative act, due to respondent's inaction, contradicts the law or violates claimant's rights, court shall impose obligation for adoption of administrative act on administrative body.

73.2. If making specific decision at claimant's request is not possible, court shall impose the obligation over the administrative body for adoption of administrative act in favor of claimant taking into account the legal position of the court.

73.3. In the following cases, court may not, as a rule, issue a judgement at claimant's request:

73.3.1. when administrative body makes a decision on discretionary powers;

73.3.2. when terms of application of substantive law norms, referred by administrative body in adoption of administrative act, are evaluated by that body itself, or the administrative body is granted freedom of evaluation with regard to application of any legal norm;

73.3.3. when investigation needs to be continued for adoption of administrative act and it is impossible to independently carry out such investigation within the framework of trial by court.

***Article 74. Examination of administrative acts adopted under discretionary powers or possibility of judicial supervision over those acts***

In case, administrative body acts upon discretionary powers, court shall examine whether the administrative act or refusal from adoption of administrative act, or non-adoption of administrative act due to inaction of administrative body, is illegal with regard to non-compliance with limits of discretionary powers established by law or non-use of discretionary law according to the purpose of those powers.

***Article 75. Announcement and submission of judgement***

75.1. The resolute part of judgement shall be, as a rule, announced on the day of completion of trial. In exceptional circumstances (on difficult cases), the resolute part of judgement may be announced on another day specified by court, but not later than 10 days. The resolute part shall be drawn up in written and signed by the judge reviewing the case, or by each of judges of court panel, in case of review in collegial order.

75.2. Full version of judgement shall be submitted to registry of court in written form within 15 days of announcement of its resolute part.

75.3. Judgement shall be submitted to participants of the process in the order specified in Article 20.1 of present Code.

75.4. In case, an appeal is not filed or participants of process withdraw an appeal within a time-frame established by Article 85.1 of this Code, the judgement shall enter into force after 30 days from its submission. Statement of parties on withdrawal of appeal shall be submitted to court in written form.

***Article 76. Responsibility of court to amend the text of judgement***

76.1. Court shall be obliged to correct distinct writing and arithmetic errors or other misunderstanding in the text of judgement.

76.2. Court shall issue a ruling on amendments to the text of judgement. The ruling may be issued without holding oral trial.

76.3. Relevant records shall be made about amendments to the judgement or copies of it.

***Article 77. Amending judgement on the basis of petition***

77.1. With exception of cases stipulated in Article 76.1 of present Code, participants of process may file a petition for making necessary amendments if there are any other misunderstandings and unclear points in descriptive part of the judgement, within 2 weeks from the date of submission of judgement.

77.2. Court shall issue a ruling on amendments without examination of evidence. The ruling may not be appealed against.

77.3. Ruling shall be issued only by judges (judge), who took part in passing judgement. If one of judges fails to take part in voting, the presiding judge shall have casting vote if the votes are equally divided.

77.4. Relevant records shall be made about amendments to the judgement or copies of it.

### **Article 78. Legal consequences of entry into force of judgement**

The judgement entered into force on subject of a dispute shall be obligatory for participants of the process and their legal heirs.

### **Article 79. Execution of judgement**

79.1. Judgement shall be executed following an entry into force.

79.2. In case, the judgement is not voluntarily executed by obligator, it shall be executed in the order stipulated in relevant chapter of this Code or Law "On *Execution of Court Decisions*" of the Republic of Azerbaijan. (2)

### **Article 80. Court rulings**

80.1. According to present Code, court rulings, which may be appealed against, also specifying the time and rules of legal remedies, shall be certainly substantiated.

80.2. Court rulings on canceling the execution of administrative act and on other provisional remedies, including the decisions made by interested persons after settlement of legal dispute on the essence shall be substantiated in any case.

80.3. Rules provided for in Articles 52, 68, 75.3, 76 and 77 of this Code shall be also applied to court rulings.

## **X Chapter. Proceeding in court of appellate instance**

### **Article 81. Right for appeal**

81.1. Decisions or rulings of the *administrative-economy* courts, except for cases provided in this Code, can be appealed. *Administrative-economy* collegiums of the courts of appellate instance (hereinafter - courts of appellate instance) shall hear the appeal in compliance with appellation rules.

81.2. Participants of administrative court proceedings (Parties and third parties involved in court proceedings) have right to file a notice of appeal only in case if their claims are not satisfied.

81.3. Unless otherwise prescribed in this Chapter, *appropriate procedural rules, including requirements in respect of form and content of the notice of appeal*, as well as appropriate provisions on proceedings in court of appellate instance of Civil Procedure Code of the Republic of Azerbaijan shall apply to administrative court proceedings with respect of appeal. (!)

## **Article 82. Limits of re-hearing appealed case of dispute**

Court of appellate instance shall hear the case in its entirety on the merits within the limits of an appeal based on the legal issues, as well as evidences and facts (factual cases). Court of appellate instance shall accept newly submitted evidences (proofs) and facts (factual cases), in accordance with the requirements of the Article 12 of this Code.

## **Article 83. Appealability**

83.1. Notice of appeal may be filed against decisions of *administrative-economical* courts and rulings, independent litigation of which is prescribed in this Code.

83.2. Only sections on reasoning and court costs of the decision can not be appealed.

83.3. The following court decisions can not be appealed independently:

83.3.1. Court ruling (resolution) on court procedures;

83.3.2. Court decision on time change or adjournment of court hearings, or any other court decision related to timing of the court hearing;

83.3.3. Court ruling on denial of a motion on proofs and inclusion of proofs;

83.3.4. Court ruling on combining independent cases or court proceedings on legal claims, or dividing one proceeding into independent case proceedings;

83.3.5. Court ruling on objections against judges and court composition;

83.3.6. Cases prescribed in the Articles 21.5, 24.7, 28.4, 54.3, 55.4 and 77.2 of this Code.

83.4. The ruling, which can not be a subject of independent litigation by this Code, can be appealed along with final judgement of the court (1).

## **Article 84. Participants of appeal proceeding**

Appellant and other persons who were participants of first instance court proceeding become participants of appeal proceeding.

## **Article 85. Requirements for submission of an appeal**

85.1. Notice of appeal shall be filed through *administrative-economic court* within 30 days after presentation (receipt) of complete court decision and 10 days after announcement of court ruling.

85.2. Notice of appeal shall include information about appealed court decision (ruling) and grounds for an appeal. If notice of appeal against court decision (ruling) does not include grounds for such appeal, section on grounds of this notice of appeal shall be submitted directly to the court of appellate instance within 30 days after submission of this notice of appeal.

85.3. Section on grounds of the notice of appeal shall include Appellant's demands, as well as facts and proofs that create foundation of an appeal. (I)

**Article 86. Actions of the court of first instance upon receipt the notice of appeal**

86.1. Upon receipt the notice of appeal, *administrative-economic* court shall verify compliance of appellant with the following formal requirements of appeal procedures:

86.1.1. notice of appeal shall be signed by appellant and his/her duly authorized representative;

86.1.2. first name, last name, father's name and address of the appellant;

86.1.3. date and number of the appealed court decision or ruling;

86.1.4. payment of state duty;

86.1.5. name of the court of appellate instance where an appeal has been filed to;

86.1.6. list of the documents attached to the notice of appeal

86.2. Court shall provide assistance to the Appellant to rectify formal errors that may occur during observance of requirements prescribed in Article 86.1 of this Code.

86.3. *Administrative-economic* court shall forward the notice of appeal along with case materials within five days after receiving this notice of appeal to the appropriate court of appellate instance.

86.4. If the notice of appeal is withdrawn before sending it to the court of appellate instance, the court of first instance shall make a ruling on suspension of appeal proceedings. (!)

**Article 87. Proceeding in court of appellate instance**

87.1. Court of appellate instance shall forward the copies of received notice of appeal to other participants of the proceeding and afford them an opportunity to express their views on the merits of an appeal and take other appropriate actions needed for making a decision.

87.2. Court of appellate instance verifies the appealability of the case.

87.3. If the case is not appealable, court of the appellate instance rejects an appeal.

87.4. Court makes a ruling on admissibility of the appeal. Before making such a decision participants of the proceeding shall be granted with the right to be listened to.

87.5. Court of appellate instance shall carry out oral proceeding to make a decision on admissibility of the appeal.

87.6. Court of appellate instance may affirm a previous resolution unchanged, modify or issue an appellate judgment by reversing partially or de novo a judgment of court of first

instance. Decision of the court of first instance can be changed within the limits of the notice of appeal.

87.7. Court of appellate instance, as a rule, hears and solves the case of dispute on the merits. In the following exceptional circumstances when it is necessary to continue court proceeding, the court of appellate instance may reverse an appealed judgment and send the case to *appropriate administrative-economic* court:

87.7.1. when it is required to investigate a significant number or big volume of proofs due to procedural violations occurred during proceeding in *administrative-economic* court;

87.7.2. when *administrative-economic* court fails to issue a resolution on the merits.

87.8. Court of appellate instance is obliged to provide reasoning of its judgement. When the Court of appellate instance affirms a resolution of first instance uncanged, the Court can refer to the reasoning of this resolution. In any case, the decision of the court of the appellate instance shall comment on evidences of the notice of appeal.

87.9. Legal position of the Court of the appellate instance with respect of the appeal is binding upon the courts of first instance.

87.10. When an appeal on coercion claim is satisfied, the decision of the Court of appellate instance shall say that notice of appeal against administrative Act issued by the administrative body based on the same decision shall be submitted directly to the same Court of appellate instance (rules on how to use legal defence tools and duration). (1)

### ***Article 88. Withdrawal of a complaint***

88.1. Complaint can be withdrawn before the appellate decision comes into legal force.

88.2. Once the oral court proceeding is over, the complaint can be withdrawn by consent of defendant.

88.3. After withdrawal, the complaint on the same subject and the same grounds can not be filed again.

88.4. In case of withdrawal of the complaint, the Court will make a ruling on court costs.

### ***Article 89. Appellate judgement effectiveness***

In cases when an appeal is not filed within the period indicated in Article 94.1 of this Code or withdrawn by the participants of proceeding, court decision enters into force 30 days after its presentation, court ruling come into effect after 10 days. Statement on withdrawal of the complaint shall be submitted to the court in written.

## ***XI Chapter. Proceeding in court of cassational instance***

### ***Article 90. Right to appeal for cassation***

90.1. Judgements or rulings of court of appellate instance, except for cases prescribed in the Code, can be appealed to the Administrative-Economic Collegium of the Supreme Court (hereinafter Supreme Court).

90.2. Participants of administrative court proceedings in the Court of appellate instance have a right to file an appeal only in case if their claims are not satisfied.

90.3. Unless otherwise prescribed in this Chapter, *appropriate processual rules, including requirements in respect of notice of appeal form and content*, as well as appropriate provisions on proceedings in court of cassation instance of Civil Procedure Code of the Republic of Azerbaijan shall apply to administrative court proceedings in respect of appeal. (!)

### **Article 91. Limits of hearing cassation appeal on dispute**

Supreme Court shall review the dispute case within the limits of the complaint and verify correct application by court of appellate instance the material and procedural norms of law.

### **Article 92. Absolute grounds for reversal of a case on cassational appeal**

92.0. Appellate judgement (ruling) has to be reversed on cassational appeal without fail when:

92.0.1. the case is reviewed by the court that does not have right to hear this type of cases;

92.0.2. the judge, legally dismissed from his/her position or is objected with the doubt for being bias, participates in decision making process;

92.0.3. the process participants were refused from their right to testify, except for circumstances prescribed in this Code;

92.0.4. the process participants, except for cases when the court proceeding was carried out by consent expressed evidently or by being quite, are not duly represented in the court proceeding in accordance with provisions of the law;

92.0.5. the decision is issued based on the oral court proceeding in violation of publicity principles;

92.0.6. the decision is not reasoned, though it has be reasoned by this Code.

### **Article 93. Participants and their representatives of court proceeding on cassational appeal**

Cassation appellant and other participants of administrative court proceeding of court of appellate instance become the participants of the cassational court proceeding.

### **Article 94. Requirements for submission of cassation appeal**

94.1. Cassational appeal is submitted via the appropriate court of appellate instance within 1 month after presentation of court decision and 10 days after presentation of court ruling.

94.2. Cassational appeal shall include information about appealed court decision or ruling and grounds for an appeal.

94.3. If complaint on court decision prescribed in the Article 94.1 of the Code fail to provide grounds, the grounds shall be submitted directly to the Supreme Court within 1 month after submission of this appeal.

94.4. Cassational grounds shall include demans of the appellant.

### ***Article 95. Actions of court of appellate instance upon receipt the cassation appeal***

95.1. Upon receipt the cassational appeal, court of appellate instance shall verify compliance of Appellant with the following formal requirements of appeal procedures:

95.1.1. first name, last name, father's name and address of the appellant;

95.1.2. date and number of the appealed court decision or ruling;

95.1.3. payment of state duty;

95.1.4. name of the court of appellate instance where an appeal has been filed to

95.1.5. list of the documents attached to the notice of appeal.

95.2. Court shall provide assistance to the Appellant, who filed a cassational appeal, in rectifying formal errors that may occur during observance of requirements prescribed in Article 95.1 of this Code.

95.3. Court of appellate instance shall forward the notice of appeal along with case materials within five days after receiving this notice of appeal to the Supreme Court.

95.4. If the cassational appeal is withdrawn before sending it to the Supreme Court, the court of appellate instance shall make a rulling on suspension of appeal proceedings

### ***Article 96. Proceeding in Supreme Court***

96.1. Supreme Court shall forward the copies of received cassational appeal to other participants of the proceeding and afford them an opportunity to express their views on the merits of the cassation appeal.

96.2. Supreme Court verifies the appealability of the case.

96.3. If the case is not appealable, Supreme Court rejects an appeal and makes ruling about this by providing grounds. Before making a decision on admisibility of the appeal, participants of the proceeding shall be provided with chance to exercise their right to testify. If the cassation appeal is rejected, decision and ruling of the court of appellate instance come into legal force.

96.4. If the case is appealable, Supreme Court shall carry out oral proceeding to make a decision on the appeal.

96.5. If the cassational appeal is justified, Supreme Court issues, as a rule, a decision on the dispute case. In the following exceptional circumstances when it is necessary to continue court proceeding, the Supreme Court is right to reverse an appealed judgment and remand the case to the appropriate court of appellate instance:

96.5.1. when it is required to investigate a significant number or big volume of proofs due to procedural violations occurred during proceeding in the court of appellate instance;

96.5.2. when the court of appellate instance fails to issue a resolution on the merits.

96.6. The rule prescribed in Article 96.5 of this Code shall not apply to the appeals filed against the ruling of the court (except for final decision in the form of the court ruling)

96.7. Supreme Court shall not make a decision in favor of the appelliant, even in the cases of violation of effective legal norms in the reasoning section of the court decision, with the condition that it did not affect the conclusions of the court and other grounds of a decision are rightful. This rule does not apply to the cases prescribed in the Article 92 of this Code.

96.8. If an appeal is groundless, Supreme Court makes a decision not in favor of appelliant.

96.9. Supreme Court may affirm a resolution unchanged, modify or issue a judgment by reversing partially or de novo a judgment of court of appellate instance. Decision of the court of appellate instance can be changed within the limits (scope) of the appeal.

96.10. Supreme Court is obliged to provide reasoning of its decision.

96.11. Legal position of the Supreme Court with respect of appealed decision is binding upon the courts of appellate instance.

### ***Article 97. Withdrawal of cassational appeal***

97.1. Appellant of the cassational appeal may withdraw his/her appeal before the Judgement of Supreme Court comes into legal force.

97.2. Once the oral court proceeding is over, an appeal can be withdrawn by consent of defendant.

97.3. After withdrawal, an appeal on the same subject and the same grounds can not be filed again.

97.4. In case of withdrawal of the appeal, Supreme Court will make a ruling on court costs.

## **Article 98. Decision of the Supreme Court on cases of administrative disputes**

98.1. Decision of Supreme Court on cases of administrative disputes is final.

98.2. When hearing a certain legal dispute, if appropriate court composition of the administrative-economic collegium of Supreme Court wants to make a different decision than that of other court composition of the same collegium, a joint Plenum is created.

98.3. Appropriate court, hearing the case, shall send the case of legal dispute to the Plenum for review. Submission shall be done in written.

98.4. The decision of the Plenum is made in the form of ruling and is binding upon all court composition of the *administrative-economic* collegium of the Supreme Court.

98.5. If court composition of the *administrative-economic* collegium of the Supreme Court wants to issue a decision different than that of Plenum, the case of legal dispute shall be sent back to Plenum for review.

98.6. Plenum consists of Chief Justice of the Supreme Court, President Judge and Judges of *administrative-economic* collegium of the Supreme Court. Chief Justice presides the Plenum. When the Chief Justice can not preside the proceeding of the Plenum personally, the Deputy Chief Justice will preside the Plenum. When the votes are equal, the vote of the Presiding Chairman will be decisive. (1)

## **Article 99. Not allowing cassational appeal**

99.1. Filing cassational appeal on motivation of the court decision and procedural costs is not allowed.

99.2. The following decisions of the court can not be appealed:

99.2.1. Court ruling (resolutions) on court procedures;

99.2.2. Court ruling on time change or adjournment of court hearings, or any other court decision related to timing of the court hearing;

99.2.3. Court ruling on denial of a motion on proofs and inclusion of proofs;

99.2.4. Court ruling on combining independent cases or court proceedings on legal claims, or dividing one proceeding into independent case proceedings;

99.2.5. Court ruling on objections against judges and court composition;

99.2.6. Other cases prescribed in this Code.

## **XII Chapter. Proceeding on newly opened cases**

### **Article 100. Grounds for renewal of the proceeding on case of dispute**

Administrative court proceeding, which is considered completed when the court decision enters into legal force, can be renewed upon the petition of one of the process participants to open a new case, in the event of discovery of new proofs or circumstances which were not presented during first proceeding due to reasons beyond the appellant's control.

#### ***Article 101. Court relevance***

Petition for renewal of proceeding on newly opened cases shall be reviewed by the Court against which decision the appeal is filed.

#### ***Madda 102. Participants of proceeding on newly opened cases***

Person (appellant) who submitted petition on renewal of proceeding on newly opened cases and other persons who are participants of the proceeding in the court, a decision of which has been appealed, become participants of court proceeding on newly opened cases.

#### ***Madda 103. Time frame for presenting a petition on renewal of proceeding on newly opened cases***

103.1. A petition on renewal of proceeding on newly opened case can be filed within 3 month after petitioner finds the proofs or circumstances out prescribed in the Article 100 of this Code.

103.2. Petition on renewal of the proceeding on newly opened cases can be filed after 3 years from the day when appealed decision enters into force, only when the verdict of guilty referred to by the court of first instance is reversed.

103.3. In case of failure to stick to the time frames prescribed in Article 103.1 and 103.2 of this Code, these time frames can not be recovered.

#### ***Article 104. Content of the petition on renewal of proceeding on newly opened cases***

104.1. The petition on renewal of proceeding on newly opened cases shall include:

104.1.1. information about appealed court decision;

104.1.2. grounds for renewal of the proceeding;

104.1.3. information about appealed section or scope of the court decision;

104.1.4. information about proofs validating that petition has been filed within the time frames prescribed in the Articles 103.1 and 103.2 of this Code.

104.2. Original or copied documents of new proofs and circumstances, as well as other appropriate documents are attached to the petition.

#### ***Article 105. Suspension of court decision implementation on the basis of a petition only***

105.1. Filing a petition on renewal of the proceeding on newly opened cases does not suspend implementation of the court decision. However, the Court may issue a ruling on suspension of implementation of court decision on the basis of petition.

105.2. The rules prescribed in the Article 41 of this Code shall apply when the Court review a petition on suspension of implementation of court decision.

### ***Article 106. Feasibility of renewal of the proceeding on newly opened cases***

106.1. The court is bound by the grounds included in the petition for renewal of court proceeding.

106.2. The court shall issue a ruling in favor of petition and for renewal of proceeding on newly opened cases, if it finds existence of one of the grounds included in Article 100 of this Code.

106.3. The Court shall issue a ruling on rejection of petition, if one of the grounds included in Article 100 of this Code does not exist.

### ***Article 107. Proceeding on newly opened cases***

107.1. Duly authorized court continues the litigation of first proceeding. The Court shall investigate factual cases referred to during initial decision making process based on the new proofs and issue a new decision on new petition.

107.2. New decision of the court replaces initial decision. Court shall include issue of procedural costs of proceeding on newly opened cases to the new decision.

## ***XIII Chapter. Procedural costs***

### ***Article 108. Procedural costs***

108.1. Procedural costs include necessary costs, i.e. court expenses (state fees and other payments), costs for legal defence by process participants, proceeding costs of appeal instance..

108.2. State fees, services of defence counsel or representative and other costs shall be paid based on the legislation. If the amount of the payment for these services is not specified in the legislation, the court shall set a reasonable amount.

108.3. If an appeal is reviewed by the appeal instance, the court uses its own discretion with respect of involvement of duly authorized person, as needed, in payment for state fees, services of defence counsel or representative.

108.4. Payment of necessary costs inflicted on third parties involved in the process shall be made by the lost Party or through the State Budget based on the justice position of the court.

### ***Article 109. Payment of procedural costs***

Ruling or the decision on dispute case of the court shall provide details of payment of procedural costs.

### ***Article 110. Duty to pay procedural costs***

110.1. Procedural costs apply to participants of the case in accordance with satisfied demands.

110.2. If decision on social provision disputes (determining labour pension, social provision, etc.) is in favor of state body, Article 110.1 of this Code shall not apply.

110.3. If the claim is not satisfied, appellant is entrusted to pay procedural costs of administrative court proceeding, unless otherwise prescribed in the legislation.

110.4. Third person involved in court proceeding is entrusted to pay procedural costs, if this person has filed a petition to be involved to the proceeding as a third party or an appeal against any decision, or caused infliction of procedural costs.

110.5. Procedural costs of proceeding on newly opened cases are paid from state budget or local budget, unless these costs were caused by fault of process participants.

110.6. If parties jointly file a statement on suspension of proceeding, court will issue a ruling regarding costs. In this case costs are divided in proportion to probability of winning the case.

### ***Article 111. Procedural costs distribution***

111.1. If the claim of process participant is satisfied partially, procedural costs will be mutually settled and divided among participants accordingly. In case of mutual settlement of costs, each party pays half of the court expenses, necessary costs are paid out of proceeds of parties.

111.2. If process participant loses the dispute in non-significant parts, opposite party is entrusted to pay all procedural cost.

111.3. If person withdraws petition, claim or appeal, this person is entrusted pay procedural costs.

111.4. Petitioner shall pay costs of proceeding for recovery of initial legal condition.

111.5. If procedural costs are caused by one of the process participants, this person may be entrusted to pay procedural costs.

### ***Article 112. Procedural costs of immediate acceptance of the claim***

If defendant's activities do not give any ground for filing a claim and he/she immediately accept claimant's legal demands, the claimant shall pay all procedural costs.

### ***Article 113. Procedural cost division when concluding a truce***

When administrative dispute is settled by concluding a truce in the court and participants of this truce haven't agreed on division of the costs, participants of this truce equally share costs. Necessary costs are paid by parties independently.

#### ***Article 114. Payment of procedural costs by several persons***

114.1. If lost party (who has to pay procedural costs) consists of several persons, every person shall pay procedural costs in the amount due.

114.2. In cases when there is a significant difference in level of involvement in dispute, court is right in dividing procedural costs taking into consideration the level of involvement.

114.3. If one of the co-participants of the proceeding uses a special means for ensuring satisfaction of the claim or for defence against the claim, opposite party is not obliged to pay these procedural costs.

114.4. In cases when a single decision may be issued against a party who has to pay procedural costs of dispute case, several persons (co-participants of the proceeding) may be entrusted to pay these costs as joint debtor.

#### ***Article 115. Prohibition of appeal against procedural costs***

115.1. If the court decision on the merits of dispute is not appealed, an appeal against the decision (ruling) on procedural costs can not be filed.

115.2. If no decision is issued on the merits of the dispute, an appeal against the decision (ruling) on procedural costs can not be filed.

### ***XIV Chapter Enforcement of court decisions***

#### ***Article 116. Enforcement of norms of Civil Procedural Code of the Republic of Azerbaijan***

116.1. Unless otherwise prescribed in this Code, appropriate provisions of Civil Procedural Code and Law on "Enforcement" of Republic of Azerbaijan shall apply with respect of enforcement of a judgement.

116.2. Enforcement of court decision is ensured by the court of first instance. (2)

#### ***Article 117. Document of Enforcement***

117.1. Enforcement is conducted based on the following documents:

117.1.1. Court decision entered into legal force;

117.1.2. Court ruling on temporary defence;

117.1.3 Truce confirmed by Court ruling;

117.1.4. Court ruling on payment of procedural costs.

117.2. A copy of the court decision, without descriptive and reasoning parts, can be provided to the process participant with respect of enforcement of court decision upon their request. This decision has the same legal status as one provided with complete text.

### ***Article 118. Enforcement in favor of state or municipalities***

118.1. If enforcement is in favor of state, municipalities or other subject of general law, rules prescribed in Chapter VIII of Law of Republic of Azerbaijan on "Administrative Proceeding" shall apply with respect of enforcement of a judgement.

118.2. If the rules prescribed in Chapter VIII of Law of Republic of Azerbaijan on "Administrative Proceeding" applies, judge or presiding judge who heard the case in the court of first instance become executive body.

118.3. Judge may involve appropriate administrative body or court bailiff on behalf of the executive body, with the view of enforcement of a judgement or different enforcement activities.

118.4. Possible compulsory enforcement measures against debtor with respect of enforcement shall be specified only by the judge.

118.5. Judge shall supervise compulsory enforcement of a judgement.

### ***Article 119. Enforcement of money claims against state or municipalities***

119.1. When money claim against state, municipalities or other subjects of the general law shall be enforced, the court of first instance issue a ruling on enforcement upon the petition of claimant or official status. Court ruling specifies enforcement measures and empowers duly authorized body to implement enforcement measures. Authorized body is obliged to implement enforcement measures within the current legislation on enforcement of court decisions.

119.2. Prior to issuance of a ruling (resolution) on enforcement, court notifies in written appropriate state body, municipality, or other subject of general law about such compulsory enforcement and sets a time frame for enforcement. This time frame can not exceed 15 days.

119.3. Enforcement is prohibited against items that are necessary for implementation of general duties (state duties or public duties) and alienation of which contradict to general interests (items that are prohibited in civil circulation (expelled from civil circulation)). If a petition is filed, the court listens to the opinions of the leader or duly authorized representatives of an appropriate control body or a higher administrative body.

119.4. When the ruling on temporary defence shall be enforced, it is not required to notify about enforcement and set a time frame for this.

### ***Article 120. Enforcement of obligations (duties) imposed on administrative bodies***

120.1. If administrative body fails to implement obligations (regarding temporary defence, adoption of administrative act, or removal of consequences of administrative act contradicting the law) imposed by the decision or ruling of the court in the cases

described in the Articles 33.4, 40, 70, 71 and 73 of this Code, the court of first instance, upon petition of process participant and bases on official status, allocate time for implementation and notifies this body about penalties to be imposed.

120.2. If the administrative body fails to implement imposed obligations within the time frame set in accordance with Article 120.1 of this Code, the court determines the amount of the penalty and fines the administrative body at this amount. The court issue a ruling in this respect.

120.3. The amount of penalty can be up to 50.000 manat.

120.4. Penalty can be re-imposed and forced levy can be applied.

### ***Article 121. Appeal against implementation***

121.1. A person against whom the decision is enforced can file an appeal against the ruling of the court on forced enforcement measures, even after the decision of the court on dispute case enters into legal force.

121.2. The court of appellate instance shall review the dispute in a written proceeding and issue a ruling in this regard. If the appeal is not satisfied or partially satisfied, the appeal can be taken to Supreme Court.

121.3. Supreme Court shall review the dispute in a written proceeding and issue a ruling in this regard. Ruling of the Supreme Court is final.

121.4. Articles 81, 85, 87, 88, 90, 94, 96, 97 and 99 of this Code shall apply accordingly with respect of appeal against enforcement

## ***XV Chapter. Proceeding on claims regarding legitimacy of normative type of acts***

### ***Article 122. Claim on legitimacy of normative type of acts***

122.1. Except for normative type of acts verification of which falls under exceptional mandate of Constitutional Court of the Republic of Azerbaijan in accordance with Article 130 of Consitution of the Republic of Azerbaijan, a motion can be filed for verifying legitimacy of normative type of acts adopted by the state and municipalities and their invalidation.

122.2. A motion can be filed by physical or legal person, as well as other affected bodies that can justify violation of subjective rights in present or in future as a result of adoption or application of normative type of acts.

122.3. Claim is filed with appropriate court of appellate instance in accordance with the rules described in this Code.

122.4. Article 46 of this Code shall apply with respect of content of the notice of appeal.

122.5. Claim is filed against state body or municipality that adopted this normative type of act.

122.6. Court shall afford an opportunity to other state bodies or municipalities affected by this act to express their position in this regard. Court sets a time frame for this purpose.

122.7. Administrative court proceeding on claims regarding legitimacy of normative type acts is carried out based on appropriate procedural rules.

122.8. If validity of normative type of acts depends upon legitimacy of specific legal norm which is under mandate of Constitutional Court of the Republic of Azerbaijan, the court suspend the case until Constitutional Court of the Republic of Azerbaijan completes the proceeding.

### ***Article 123. Court decision on claim regarding legitimacy of normative type of acts***

123.1. Court issues a decision in an oral court hearing.

123.2. If the claim is justified, i.e. normative type of act contradicts to the Constitution of the Republic of Azerbaijan or law, this act is considered (regarded) as null and void partially or completely.

123.3. The Court decision about considering the normative type of act as null and void is final and mandatory. Conclusions section of the decision shall be published by the defendant in the same way as normative type of act was published.

123.4. Invalidation of the normative type of acts does not result in invalidation of court decisions entered into legal force and unappealable administrative acts. Invalidation of normative type of acts can not imply renewal of the proceeding prescribed in Article 100 of this Code (can not be interpreted as grounds for renewal of the proceeding).

123.5. Court decision that does not satisfy an appeal against normative type of acts, has legal force exceptionally in relation to process participants.

123.6. An appeal against court decision concerning dispute case can be filed to the Supreme Court within 30 days after presentation of this decision in full form.

### ***Article 124. Sending an inquiry to the Constitutional Court of the Republic of Azerbaijan***

If Court of appellate instance supposes that there is non-compliance between the Constitution of the Republic of Azerbaijan and any normative legal act, which is necessary for making a decision on dispute case and stipulated in the Article 130 of the Constitution of the Republic of Azerbaijan, the Court shall suspend proceeding on case and send an inquiry about compliance of this act with the Constitution of the Republic of Azerbaijan through Supreme Court of the Republic of Azerbaijan to the Constitutional Court of the Republic of Azerbaijan

## ***XVI Chapter. Proceeding on cases of dispute involving political parties***

**Article 125. Proceeding on cases concerning state registration of political parties**

125.1. Court of appellate instance shall hear the disputes regarding state registration of political parties.

125.2. Claim can be filed by appropriate political party against refusal of state registration of political party or amendments made to the Regulations of the Political Party.

125.3. Notice of Claim against refusal of state registration can be filed within 10 days after informing the interested party about such refusal based on the rules prescribed in the legislation of the Republic of Azerbaijan.

125.4. Court shall review the Notice of Claim within 15 days after receipt and issue a decision on the merits.

125.5. The court decision concerning this dispute can be taken to the Supreme Court within 3 days after its presentation a full form.

**Article 126. Proceeding on case of termination of political party**

126.1. Court of appellate instance shall hear the dispute on termination of political party.

126.2. Appropriate executive body of the Republic of Azerbaijan can submit a claim for termination of the political party. In this case political party will be involved in the proceeding as defendant.

126.3. In the case prescribed in the Article 126.3 of this Code, the court is right to terminate activity of the political party based on the petition of the claimant. The court issues a ruling in this regard.

126.4. Court shall review the Notice of Claim within 15 days after receipt and issue a decision on the merits.

126.5. The court decision concerning this dispute can be taken to the Supreme Court within 3 days after its presentation a full form.

**XVII Chapter. Proceeding on cases of dispute involving mass media**

**Article 127. Proceeding on cases of dispute concerning issuance of special permission (licence) for TV and radio broadcasting**

127.1. Court of appellate instance shall hear the disputes on refusal of issuance of special permission (licence) for TV and radio broadcasting or extension of period of a special permission (licence).

127.2. A person who intends to carry out TV and radio broadcast can file an appeal against a decision (administrative act) on refusal of issuance of special permission

(licence) for TV and radio broadcasting or extension of period of a special permission (licence).

127.3. Notice of Claim can be filed within 30 days after informing the interested party about such refusal based on the rules prescribed in the legislation of the Republic of Azerbaijan.

127.4. Court shall review the Notice of Claim within 15 days after receipt and issue a decision on the merits.

127.5. The court decision concerning this dispute can be taken to the Supreme Court within 3 days after its complete presentation.

### ***Article 128. Proceeding on cases of dispute regarding termination of mass media production and broadcasting***

128.1. Court of appellate instance shall hear the cases of dispute regarding termination of mass media production and broadcasting or suspension of its activity.

128.2. Appropriate administrative body can submit a claim for termination of mass media production and broadcasting or suspension of its activity. In this case appropriate mass media shall be involved in proceeding as defendant.

128.3. Court shall review the Notice of Claim within 15 days after receipt and issue a decision on the merits.

128.4. The court decision concerning this dispute can be taken to the Supreme Court within 3 days after its presentation a full form.

### ***Madda 129. Apellyasiya instansiyasi mahkamalari tarafindan mubahisalara birinci instansiya uzro baxiimasi zamani quwada olan processual qaydalar***

~~Apellyasiya instansiyasi mahkamalari tarafindan inzibati mubahisalara birinci instansiya uzro baxiimasi zamani bu Macallanin XV----- XVII fasillarin da basqa qaydanin nazarda tutulmadigi hallarda, birinci instansiya mahkamasinda icraatla bagh bu Macallada muayyan edilmiş muvafiq processual qaydalar tatbiq olunur. (1)~~

## List

### Of documents regarding amendments and additions to the Code

1.10 June 2011, 152-IVQD number Law — "Azerbaijan" paper, 30 June 201<sup>1</sup>2.

17 May 2011, 122-IVQD number Law — "Azerbaijan" paper, 5 July "