



**Regional Conference
Administrative Justice in Western Balkans
22-23 November 2016**

BACKGROUND AND DISCUSSION PAPER

Within the European Principles of Public Administration (PAP) in the areas related to Accountability and Service Delivery, ReSPA's activities contribute towards the development of the administrative legal frameworks in Western Balkan countries, by supporting ReSPA Members (Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia) and Kosovo*¹ in assessment and application of European principles and standards in this field.

ReSPA Members and Kosovo* are already facing significant novelties in the area of administrative procedures and administrative justice. Most of the countries in the region have enacted new General Administrative Procedure Acts (GAPAs): Montenegro in December 2014, Albania in April 2015, Macedonia in July 2015, Serbia in February 2016, and Kosovo* in May 2016. This process is followed by harmonisation of a significant number of special laws, and drafting of amendments or new legislation in the area of administrative dispute, across the region. These developments have significant impact on the structure, importance and work of administrative justice, and administration as a whole.

ReSPA identified a need for experience exchange in the area of administrative procedure and administrative justice, among the countries of the Western Balkan region, as well as with peer EU countries. In order to respond to this need, ReSPA commissioned and published a regional comparative study entitled "Legal Remedies in Administrative Procedures in Western Balkans" which is analysing new GAPAs and comparing novelties in the Western Balkans with experiences in Croatia, Slovenia and Austria. The Study was prepared by experts from the Institute of Public Administration from Zagreb, Croatia, and will be presented during this Conference.

In order to further contribute to exchange of experiences and best practices, ReSPA, in partnership with the Regional Cooperation Council (RCC), and with the Centre for Public Administration from Belgrade, organised a Regional Networking Meeting on 9 June 2016 in Belgrade, where issues of common interest were discussed among representatives from administrative courts from the Western Balkan countries.

The participants of the Regional Networking Meeting held in Belgrade endorsed the initiative for establishing a network /working group of representatives of administrative courts /administrative law departments of higher courts from the Western Balkan region.

¹ * This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and ICJ Advisory opinion on the Kosovo Declaration of independence



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This network /working group should contribute towards experience exchange and enhancement of regional cooperation in the area of Administrative Justice in Western Balkans.

Therefore, ReSPA is organizing, in cooperation with the Administrative Court of Montenegro, the **Regional Conference on Administrative Justice in the Western Balkans**.

Topics to be discussed at the Conference include: Organisation of Administrative Justice and Jurisdiction of Administrative Courts; Administrative Dispute of Full Jurisdiction according to new Administrative Dispute Acts; Enforcement of Administrative Judicial Decisions and Remedies; European Principles of Public Administration related to Accountability, in particular Principle 4 related to the Fair Treatment in Administrative Disputes, and other relevant topics.

The relevant topics related to the practice of the European Court of Human Rights (ECtHR), and the Court of Justice of the European Union (CJEU) will also be discussed. Finally, ReSPA's cooperation with the European Centre for Judges and Lawyers of the European Institute of Public Administration (EIPA) will be explored. In addition to conference deliberations, the participants will have a chance to visit the Administrative Court of Montenegro.

This conference will bring together presidents, representatives and judges of administrative courts; presidents, representatives and judges of administrative law departments of the supreme and higher courts; representatives of justice councils; representatives of ministries of justice dealing with the judicial control of administration, as well as researchers and academics from the administrative law field from Western Balkans and EU countries.

ReSPA, 18 November 2016