



Law 1437 of 2011

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LAW 1437 OF 2011

(January 18)

See: Decree [1081](#) of 2015.

Whereby the Code of Administrative Procedure and Administrative Litigation is issued.

THE CONGRESS OF COLOMBIA

DECREES

PART ONE

ADMINISTRATIVE PROCEDURE

TITLE I

GENERAL PROVISIONS

CHAPTER I

Purpose, scope of application, and principles

ARTICLE 1. *Purpose of Part One.* The provisions of this Part One are intended to protect and guarantee the rights and freedoms of individuals, the primacy of the general interest, the subordination of the authorities to the Constitution and other provisions of the legal system, the fulfillment of the purposes of the State, the efficient and democratic functioning of the administration, and the observance of the duties of the State and of individuals.

ARTICLE 2. *Scope of application.* The provisions of this Part One of the Code apply to all agencies and entities that make up the branches of public power in their various orders, sectors, and levels, to the autonomous and independent organs of the State, and to the

individuals, when performing administrative functions. All of them shall be referred to as authorities.

The provisions of this First Part shall not apply to military or police procedures which, by their nature, require decisions of immediate application in order to prevent or remedy disturbances of public order in matters of national defense, security, peace, health, and the movement of persons and goods. Nor shall they apply to the exercise of the power of free appointment and removal.

The authorities shall subject their actions to the procedures established in this Code, without prejudice to the procedures regulated by special laws. In matters not provided for therein, the provisions of this Code shall apply.

ARTICLE 3. *Principles*. All authorities shall interpret and apply the provisions governing administrative actions and procedures in light of the principles enshrined in the Constitution, in Part One of this Code, and in special laws.

Administrative actions shall be carried out, in particular, in accordance with the principles of due process, equality, impartiality, good faith, morality, participation, responsibility, transparency, publicity, coordination, efficiency, economy, and speed.

1. By virtue of the principle of due process, administrative proceedings shall be conducted in accordance with the rules of procedure and jurisdiction established in the Constitution and the law, with full guarantee of the rights of representation, defense, and contradiction.

In matters of administrative sanctions, the principles of legality of offenses and sanctions, presumption of innocence, non *reformatio in pejus*, and *non bis in idem* shall also be observed.

2. By virtue of the principle of equality, the authorities shall treat and protect equally all persons and institutions involved in the proceedings under their jurisdiction. However, persons who, due to their economic, physical, or mental condition, are in circumstances of manifest weakness shall be subject to special treatment and protection.

3. By virtue of the principle of impartiality, the authorities shall act bearing in mind that the purpose of the proceedings is to ensure and guarantee the rights of all persons without discrimination and without taking into consideration factors of affection or interest and, in general, any kind of subjective motivation.

4. By virtue of the principle of good faith, authorities and individuals shall presume the loyal and faithful behavior of each other in the exercise of their powers, rights, and duties.

5. By virtue of the principle of morality, all persons and public servants are obliged to act with integrity, loyalty, and honesty in administrative proceedings.

6. By virtue of the principle of participation, authorities shall promote and respond to initiatives by citizens, organizations, and communities aimed at participating in the processes of deliberation, formulation, execution, control, and evaluation of public management.

7. By virtue of the principle of accountability, authorities and their agents shall assume responsibility for the consequences of their decisions, omissions, or abuse of power, in accordance with the Constitution, laws, and regulations.

8. By virtue of the principle of transparency, administrative activity is in the public domain; therefore, anyone may be informed of the actions of the administration, except where legally restricted.

9. By virtue of the principle of publicity, authorities shall systematically and continuously disclose their actions, contracts, and resolutions to the public and interested parties, without any request being made, through communications, notifications, and publications required by law, including the use of technologies that allow for the mass dissemination of such information in accordance with the provisions of this Code. When the interested party must bear the cost of publication, this may not exceed the value of the publication in any case.

10. By virtue of the principle of coordination, the authorities shall coordinate their activities with those of other state bodies in the fulfillment of their duties and in the recognition of the rights of individuals.

11. In accordance with the principle of effectiveness, the authorities shall seek to ensure that procedures achieve their purpose and, to that end, shall remove purely formal obstacles, avoid inhibitory decisions, delays or postponements, and remedy any procedural irregularities that may arise, in accordance with this Code, in order to ensure the effectiveness of the substantive law that is the subject of the administrative action.

12. By virtue of the principle of economy, the authorities shall proceed with austerity and efficiency, optimize the use of time and other resources, and seek the highest level of quality in their actions and the protection of individual rights.

13. By virtue of the principle of speed, the authorities shall officially promote the procedures and encourage the use of information and communications technologies so that the procedures are carried out diligently, within the legal terms and without unjustified delays.

ARTICLE 4. *Ways to initiate administrative proceedings.* Administrative proceedings may be initiated:

1. By those exercising the right of petition, in the general interest.
2. By those exercising the right of petition, in their own particular interest.
3. By those acting in compliance with a legal obligation or duty.
4. By the authorities, *ex officio*.

CHAPTER II

Rights, duties, prohibitions, impediments, and recusals

ARTICLE 5. Rights of individuals before the authorities. In their relations with the authorities, all persons have the right to:

1. Submit requests in any form, verbally, in writing, or by any other suitable means and without the need for a representative, as well as to obtain timely information and guidance on the requirements of the provisions in force for that purpose.

The above actions may be carried out or promoted by any technological or electronic means available in the entity or integrated into means of unified access to the public administration, even outside of public service hours and days.

(Paragraph 1, amended by Article 1 of Law 2080 of 2021)

2. To be informed, except where expressly prohibited by law, of the status of any proceedings or formalities and to obtain copies of the relevant documents at their own expense.
3. Unless otherwise provided by law, to obtain information contained in public records and archives under the terms provided for by the Constitution and the laws.
4. To obtain a timely and effective response to their requests within the established time limits.
5. To be treated with the respect and consideration due to human dignity.
6. To receive special and preferential attention in the case of persons with disabilities, children, adolescents, pregnant women, or older adults, and in general persons in a state of defenselessness or manifest weakness, in accordance with Article 13 of the Constitution.
7. Demand compliance with the responsibilities of public servants and individuals who perform administrative functions.
8. To make allegations and provide documents or other evidence in any administrative proceeding in which they have an interest, to have such documents assessed and taken into account by the authorities when making decisions, and to have the authorities inform the participant of the outcome of their participation in the corresponding proceeding.
9. To interact with the authorities by any technological or electronic means available at the entity or integrated into unified means of access to the public administration.

(Paragraph 9, amended by Article 1 of Law 2080 of 2021)

10. Identify themselves to the authorities through digital authentication means.

(Paragraph 10, added by Article 1 of Law 2080 of 2021)

11. Any other rights recognized by the Constitution and the laws.

(Paragraph 11, added by Article 1 of Law 2080 of 2021)

ARTICLE 6. *Duties of individuals.* In accordance with their rights, individuals have the following duties in proceedings before the authorities:

1. To abide by the Constitution and the laws.

2. To act in accordance with the principle of good faith, refraining from using delaying tactics in proceedings, and from knowingly making or providing false statements or documents or making reckless assertions, among other behaviors.

3. Exercise their rights responsibly and, consequently, refrain from repeating requests that are clearly inadmissible.

4. Treat public servants with respect.

PARAGRAPH. Failure to comply with these duties may not be invoked by the administration as a pretext for disregarding the right claimed by the individual. However, it may give rise to criminal, disciplinary, or police sanctions, as applicable under the law.

ARTICLE 7. *Duties of the authorities in dealing with the public.* The authorities shall have the following duties towards the persons who come before them and in relation to the matters they deal with:

1. Treat all persons with respect, consideration, and diligence, without distinction.

2. Ensure personal attention to the public for at least forty (40) hours per week, distributed in a manner that meets the needs of the service.

3. Attend to all persons who have entered your offices during normal business hours.

4. Establish a shift system in accordance with the needs of the service and new technologies, for the orderly handling of requests, complaints, reports, or claims, without prejudice to the provisions of paragraph 6 of Article 5 of this Code.

5. Issue, display, and update annually a letter of dignified treatment to the user in which the respective authority specifies all the rights of users and the means made available to them to effectively guarantee those rights.

6. Process requests received by fax or electronic means, in accordance with the provisions of paragraph 1 of Article 5 of this Code.

7. Assign specialized departments the task of handling complaints and claims, and providing guidance to the public.

8. Adopt technological means for processing and resolving requests, and allow the use of alternative means for those who do not have access to them.

9. Provide suitable spaces for consulting files and documents, as well as for the comfortable and orderly attention of the public.

10. All others indicated by the Constitution, the law, and regulations.

ARTICLE 8. *Duty to inform the public.* The authorities shall make complete and up-to-date information available to all persons at the service center and on the website, and shall provide it through the print and electronic media at their disposal, and

by telephone or mail, on the following aspects:

1. The basic rules that determine their jurisdiction.
2. The functions of their various departments and the services they provide.
3. The regulations, procedures, formalities, and terms to which the actions of individuals before the respective agency or entity are subject.
4. The general administrative acts they issue and the documents of public interest relating to each of them.
5. The documents that must be provided by individuals depending on the action in question.
6. The agencies responsible for the action, their location, working hours, and other information necessary for individuals to fulfill their obligations or exercise their rights.
7. The agency and the position or name of the official to whom complaints or claims should be addressed.
8. The specific regulatory projects and the information on which they are based, with the aim of receiving opinions, suggestions, or alternative proposals. To this end, they must indicate the period within which comments may be submitted, which will be recorded in a public register. In any case, the authority will autonomously adopt the decision that, in its opinion, best serves the general interest.

(See Decree [380](#) of 2021)

PARAGRAPH. The presence of the interested party shall not be required in any case to obtain this information.

ARTICLE 9. *Prohibitions.* Authorities are specifically prohibited from:

1. Refusing to receive requests or issue certificates regarding them.
2. Refusing to receive the documents, statements, or private settlements necessary to comply with a legal obligation, which does not prevent them from informing the petitioner of any deficiencies in their actions or in the document they submit.
3. Requiring the personal presentation of requests, appeals, or documents when not required by law.
4. Requiring certificates, certifications, or documents that are held by the respective entity.
5. Requiring documents not provided for by the legal rules applicable to the procedures involved in the administration or creating additional requirements or formalities in accordance with Article [84](#) of the Constitution.

6. Repeating acts suspended or annulled by the Administrative Court when the legal grounds for the annulment or suspension have not disappeared.

7. Assigning citizen guidance and assistance to personnel who are not trained for this task.

8. Refusing to receive documents filed and supporting appeals.

9. Failure to forward the documents received to the person responsible for making a decision within the legal time limit.

10. Unjustifiably delaying the production of the act, its communication, or notification.

11. Executing an act that is not final.

12. Delaying or obstructing the enforcement of final decisions or court orders.

13. Failure to take the necessary legal steps to ensure that sufficient funds are included in public budgets to comply with judgments against the administration.

14. Failure to conduct the ordered tests in a timely manner or to deny those requested without just cause.

15. Obstructing the notification of acts and orders that require such formality.

16. Intimidating in any way those who wish to bring proceedings before the Administrative Court to review its actions.

ARTICLE 10. *Duty of uniform application of rules and jurisprudence.* When resolving matters within their jurisdiction, the authorities shall apply constitutional, legal, and regulatory provisions uniformly to situations with the same factual and legal circumstances. To this end, when adopting decisions within their jurisdiction, they shall take into account the judgments of the Council of State that unify jurisprudence, in which such rules are interpreted and applied.

NOTE: Article declared ENFORCEABLE by the Constitutional Court in Ruling [C-634](#) of 2011, on the understanding that the authorities shall take into account, together with the rulings on the unification of case law issued by the Council of State and on a preferential basis, the decisions of the Constitutional Court interpreting the constitutional rules applicable to the resolution of matters within their jurisdiction. This is without prejudice to the binding nature erga omnes of judgments that carry out abstract constitutional review.

ARTICLE 11. *Conflicts of interest and grounds for disqualification and recusal.* When the general interest of public service conflicts with the particular and direct interest of the public servant, the latter must declare himself or herself disqualified. Any public servant who must carry out or conduct administrative proceedings, conduct investigations, examine evidence, or issue final decisions may be recused if he or she does not declare his or her disqualification due to:

1. Having a particular and direct interest in the regulation, management, control, or decision of the matter, or having such an interest on the part of their spouse, permanent partner, or any of their relatives within the fourth degree of consanguinity, second degree of affinity, or first degree of civil relationship, or their business partner or partners

de facto or de jure.

2. Having previously been aware of the matter, either the civil servant, their spouse, permanent partner, or any of their relatives indicated in the preceding paragraph.
3. The public servant, their spouse, permanent partner, or any of their relatives indicated above is the guardian or tutor of a person interested in the matter.
4. Being one of the interested parties in the administrative proceeding: representative, attorney-in-fact, dependent, agent, or administrator of the public servant's business.
5. There is litigation or controversy before administrative or jurisdictional authorities between the employee, their spouse, permanent partner, or any of their relatives indicated in paragraph 1, and any of the interested parties in the proceedings, their representative, or attorney-in-fact.
6. Any of the parties involved in the proceedings, their representative, or attorney-in-fact has filed a criminal complaint against the civil servant, their spouse, permanent partner, or relative up to the second degree of consanguinity, second degree of affinity, or first degree of civil relationship, before the administrative proceedings began; or after, provided that the complaint refers to facts unrelated to the proceedings and that the accused is linked to the criminal investigation.
7. The civil servant, their spouse, permanent partner, or relative up to the second degree of consanguinity, second degree of affinity, or first degree of civil relationship has filed a criminal complaint against one of the persons involved in the administrative proceedings or their representative or attorney, or those persons are entitled to intervene as a civil party in the respective criminal proceedings.
8. There is serious enmity due to events unrelated to the administrative action, or close friendship between the civil servant and any of the persons involved in the administrative action, their representative, or proxy.
9. The civil servant, their spouse, permanent partner, or any of their relatives in the second degree of consanguinity, first degree of affinity, or first degree of civil relationship, is a creditor or debtor of any of the persons involved in the administrative action, their representative, or proxy, except in the case of a public law entity, credit institution, or corporation.
10. The public servant, their spouse, permanent partner, or any of their relatives indicated in the previous paragraph is a partner of any of the persons interested in the administrative action or their representative or attorney-in-fact in a partnership.
11. Having given advice or an opinion outside the scope of the administrative action on the matters involved therein, or having intervened in the action as a representative, public prosecutor, expert witness, or witness. However, references or explanations made by the public servant regarding the content of a decision taken by the administration shall not be considered opinions.
12. The public servant, their spouse, permanent partner, or any of their relatives indicated in paragraph 1, is an heir or legatee of any of the persons involved in the administrative action.
13. The public servant, their spouse, permanent partner, or any of their relatives in the second degree of consanguinity or first degree of civil relationship, has a pending administrative decision in which the same legal issue that they must resolve is disputed.
14. Having been part of lists of candidates for popularly elected collegiate bodies registered or composed of the interested party during the

electoral period coinciding with the administrative action or in either of the two previous periods.

15. Having been recommended by the interested party in the action to attain the position held by the public servant or having been designated by the latter as a reference for the same purpose.

16. Within the previous year, having had a direct interest or having acted as a representative, advisor, president, manager, director, member of the Board of Directors, or partner of a trade union, union, society, association, or social or economic group interested in the matter under consideration.

ARTICLE 12. *Procedure for impediments and recusals.* In the event of an impediment, the civil servant shall, within three (3) days of becoming aware of it, send the proceedings with a written statement of reasons to their superior, or if they do not have one, to the head of the respective administrative sector. In the absence of all of the above, the document shall be sent to the Attorney General of the Nation in the case of national authorities or the Mayor of the Capital District, or to the regional attorney in the case of territorial authorities.

The competent authority shall decide on the impediment within ten (10) days of the date of receipt. If the impediment is accepted, the authority shall determine who is responsible for hearing the matter and may, if necessary, appoint an *ad hoc* official. At the same time, the authority shall order the delivery of the file.

When any person files a challenge, the challenged party shall state whether or not they accept the grounds invoked within five (5) days of the date of its formulation. Once this period has expired, the procedure indicated in the previous paragraph shall be followed.

The administrative proceedings shall be suspended from the moment the impediment is declared or the challenge is filed until a decision is made. However, the calculation of the time limits for administrative silence shall resume once the time limits referred to in paragraph 1 of this article have expired.

TITLE II

[Replaced by Art. 1, Law 1755 of 2015.](#)

[See Circular Sec. General 015 of 2015](#)

RIGHT OF PETITION

CHAPTER I

Right to petition the authorities.

General rules

[See Constitutional Court Ruling C-818 of 2011](#), [See Concept of the Council of State 2243 of 2015](#), [See Circular Sec. General 015 of 2015](#) See
Circular Sec. General 015 of 2015

ARTICLE 13. *Purpose and modalities of the right to petition the authorities.* Every person has the right to submit respectful petitions to the authorities, under the terms set forth in this Code, for reasons of general or particular interest, and to obtain a prompt, complete, and substantive resolution thereof.

Any action taken by any person before the authorities implies the exercise of the right to petition enshrined in Article 23 of the Constitution, without it being necessary to invoke it. Through this right, among other actions, it is possible to request the recognition of a right or the resolution of a legal situation, to request a service, to request information, to consult, examine, and request copies of documents, to make inquiries, complaints, reports, and claims, and to file appeals.

The exercise of the right to petition is free of charge and can be carried out without the need for representation by a lawyer.

Note: Declared **CONDITIONALLY ENFORCEABLE**, provided that it does not exclude the possibility of minors directly submitting petitions to other entities for the full exercise of their fundamental rights, and except for the sections of the original text of the bill declared **UNENFORCEABLE** by the Constitutional Court in Ruling [C-951](#) of 2014.

NOTE: Declared **UNCONSTITUTIONAL** (deferred until December 31, 2014) by the Constitutional Court through Ruling [C-818](#) of 2011.

ARTICLE 14. Terms for resolving the different types of requests. Except in the case of special legal provisions and under penalty of disciplinary action, all requests must be resolved within fifteen (15) days of receipt. The resolution of the following requests shall be subject to special terms:

1. Requests for documents and information must be resolved within ten (10) days of receipt. If no response has been given to the petitioner within that period, it shall be understood, for all legal purposes, that the respective request has been accepted and, consequently, the administration may no longer refuse to deliver said documents to the petitioner, and as a result, the copies shall be delivered within three (3) days.
2. Requests submitted to the authorities in relation to matters under their responsibility must be resolved within thirty (30) days of receipt.

PARAGRAPH. When, exceptionally, it is not possible to resolve the request within the time limits indicated herein, the authority must inform the interested party of this circumstance before the expiration of the term indicated in the law, stating the reasons for the delay and indicating the reasonable time frame in which it will be resolved or answered, which may not exceed twice the time initially provided.

(See Decree [380](#) of 2021)

(See Art. [5](#) of Decree [491](#) of 2020)

(See concepts: [278201](#) and [415771](#) of 2020)

Note: Declared **ENFORCEABLE** by the Constitutional Court, through Ruling [C-951](#) of 2014.

NOTE: Declared **UNCONSTITUTIONAL** (deferred until December 31, 2014) by the Constitutional Court through Ruling [C-818](#) of 2011.

ARTICLE 15. Submission and filing of petitions. Petitions may be submitted verbally and must be recorded, or in writing, and through any suitable means of communication or data transfer. Appeals shall be submitted in accordance with the special rules of this code.

When a petition is not accompanied by the documents and information required by law, the authority shall indicate to the petitioner at the time of receipt which ones are missing.

If the petitioner insists that it be filed, it shall be done so, with a record of the missing requirements or documents. If the person submitting a verbal petition requests a record of having submitted it, the official shall issue it in succinct form.

The authorities may require that certain requests be submitted in writing and shall make forms and other standardized instruments available to interested parties free of charge, unless expressly provided otherwise by law, in order to facilitate their completion. In any case, petitioners shall not be prevented from providing or formulating with their petition additional arguments, evidence, or documents not covered by the forms, without their use relieving the authorities of their duty to rule on all aspects and evidence raised or presented to them beyond the content of said forms.

The written petition may be accompanied by a copy which, once received by the respective official with a note of the date and time of its submission and the number and type of attached documents, shall have the same legal value as the original and shall be returned to the interested party by any means suitable for the communication or transfer of data. This authentication shall not entail any cost to the petitioner.

PARAGRAPH 1. If the request is sent by any suitable means of communication or data transfer, it

shall have as its date and time of filing, as well as the number and type of documents received, those recorded in the medium by which the documents were received.

PARAGRAPH 2. No authority may refuse to receive and file respectful requests and petitions.

PARAGRAPH 3. When the petition is presented verbally, it must be done so at the office or agency designated by each entity for that purpose. The National Government shall regulate the matter within a period not exceeding ninety (90) days from the enactment of this law.

NOTE: Declared **CONDITIONALLY ENFORCEABLE**, 'on the understanding that the requirement that petitions be submitted in writing must be justified by the relevant authority through a general administrative act', and except for the sections of the original text of the bill declared **UNENFORCEABLE** by the Constitutional Court in Ruling [C-951](#) of December 2014.

NOTE: Declared **UNCONSTITUTIONAL** (deferred until December 31, 2014) by the Constitutional Court through Ruling [C-818](#) of 2011.

ARTICLE 16. *Content of petitions.* All petitions must contain, at a minimum:

1. The designation of the authority to which it is addressed.
2. The full names of the petitioner and their representative and/or attorney, if applicable, indicating their identity document number and the address where they will receive correspondence. The petitioner may add their fax number or email address. If the petitioner is a private individual who must be registered in the commercial register, they are required to indicate their email address.

NOTE: Provision declared **CONDITIONALLY ENFORCEABLE**, "provided that it is understood without prejudice to the fact that anonymous petitions must be admitted for processing and resolution on their merits, when there is a serious and credible justification by the petitioner for maintaining the confidentiality of their identity," by the Constitutional Court, through Ruling [C-951](#) of 2014.

3. The subject matter of the petition.
4. The reasons on which your petition is based.
5. The list of documents you wish to submit to initiate the proceedings.
6. The petitioner's signature, where applicable.

PARAGRAPH 1. The authority has the obligation to examine the request in its entirety, and in no case shall it consider it incomplete due to a lack of requirements or documents that are not within the current legal framework, that are not necessary to resolve it, or that are found within its archives.

PARAGRAPH 2. Under no circumstances may the request be rejected on the grounds of inadequate or incomplete reasoning.

(See Decree [380](#) of 2021)

NOTE: Declared **UNCONSTITUTIONAL** (deferred until December 31, 2014) by the Constitutional Court through Ruling [C-818](#) of 2011.

ARTICLE 17. *Incomplete petitions and tacit withdrawal.* By virtue of the principle of effectiveness, when the authority finds that a petition already filed is incomplete or that the petitioner must take action at his or her own expense, necessary to make a substantive decision, and that the action can continue without violating the law, it shall require the petitioner, within ten (10) days following the date of filing, to complete it within a maximum period of one (1) month.

The deadline for resolving the request will be reactivated on the day after the interested party submits the required documents or reports.

The petitioner shall be deemed to have withdrawn their application or action if they fail to comply with the requirement, unless they request an extension of up to the same period before the expiry of the period granted.

Once the deadlines established in this article have expired, if the petitioner has not complied with the requirement, the authority shall decree the withdrawal and closure of the file, by means of a reasoned administrative act, which shall be notified personally, against which only an appeal for reconsideration may be lodged, without prejudice to the possibility of resubmitting the respective application with all the legal requirements fulfilled.

NOTE: Declared **ENFORCEABLE** by the Constitutional Court, through Ruling [C-951](#) of 2014

NOTE: Declared **UNENFORCEABLE** (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818](#) of 2011.

ARTICLE 18. *Express withdrawal of the petition.* Interested parties may withdraw their petitions at any time, without prejudice to the possibility of resubmitting the respective application with all legal requirements met, but the authorities may continue the proceedings ex officio if they deem it necessary for reasons of public interest; in such case, they shall issue a reasoned decision.

NOTE: Declared ENFORCEABLE by the Constitutional Court, through Ruling [C-951](#) of 2014

NOTE: Declared UNENFORCEABLE (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

ARTICLE 19. *Disrespectful, unclear, or repetitive requests.* All petitions must be respectful, under penalty of rejection. Only when the purpose or object of the petition is not understood will it be returned to the interested party for correction or clarification within ten (10) days. If it is not corrected or clarified, the petition will be filed. Under no circumstances will petitions that are considered inappropriate or incomplete be returned.

With regard to repetitive requests that have already been resolved, the authority may refer to previous responses, except in the case of imprescriptible rights or requests that have been denied for failure to meet requirements, provided that the new request remedies this.

NOTE: Declared ENFORCEABLE by the Constitutional Court, through Ruling [C-951](#) of 2014.

NOTE: Declared UNCONSTITUTIONAL (deferred until December 31, 2014) by the Constitutional Court in [Ruling C-818 of 2011](#).

ARTICLE 20. *Priority attention to petitions.* The authorities shall give priority attention to petitions for recognition of a fundamental right when they must be resolved to avoid irreparable harm to the petitioner, who must summarily prove ownership of the right and the risk of the harm invoked.

When, for reasons of health or personal safety, the life or integrity of the recipient of the requested measure is in imminent danger, the authority shall immediately take the necessary emergency measures to avert such danger, without prejudice to the processing of the request. If the request is made by a journalist in the exercise of their profession, it shall be given preferential treatment.

NOTE: Declared ENFORCEABLE by the Constitutional Court, through Ruling [C-951](#) of 2014

NOTE: Declared UNCONSTITUTIONAL (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

ARTICLE 21. *Official without jurisdiction.* If the authority to whom the request is addressed does not have jurisdiction, the interested party shall be informed immediately if the request is made verbally, or within five (5) days of receipt if it is made in writing. Within the specified period, the request shall be forwarded to the competent authority and a copy of the referral letter shall be sent to the petitioner or, if there is no competent official, this shall be communicated to the petitioner. The time limits for deciding or responding shall be counted from the day following receipt of the request by the competent authority.

NOTE: Declared ENFORCEABLE by the Constitutional Court, through Ruling [C-951](#) of 2014.

NOTE: Declared UNCONSTITUTIONAL (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

ARTICLE 22. *Organization for the internal processing and decision of petitions.* The authorities shall regulate the internal processing of the petitions they are responsible for resolving, and the manner of addressing complaints to ensure the proper functioning of the services under their responsibility.

When more than ten (10) people submit similar petitions for information, of general interest, or for consultation, the Administration may give a single response, which it will publish in a widely circulated newspaper, post on its website, and deliver copies of to those who request them.

NOTE: Declared CONDITIONALLY ENFORCEABLE, "without prejudice to the fact that the response must be sent to all those who have made the request," by the Constitutional Court, through Ruling [C-951](#) of 2014.

NOTE: Declared UNENFORCEABLE (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

ARTICLE 23. *Special duties of district and municipal representatives and employees of the Attorney General's Office and the Office of the Ombudsman.* The officials of the Office of the Attorney General, the Office of the Ombudsman, as well as district and municipal representatives, according to their sphere of competence, have the duty to provide effective and immediate assistance to any person who requests it, in order to guarantee the exercise of the constitutional right of petition. If necessary, they shall intervene before the competent authorities in order to require them, in each specific case, to comply with their legal duties. Likewise, they shall receive, in lieu of said authorities, the petitions, complaints,

claims, or appeals that those authorities have refused to receive, and shall ensure their proper processing.

NOTE: Declared ENFORCEABLE by the Constitutional Court, through Ruling [C-951](#) of 2014

NOTE: Declared UNCONSTITUTIONAL (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

CHAPTER II

Right to petition authorities. Special rules

ARTICLE 24. *Confidential information and documents.* Only information and documents expressly classified as confidential by the Constitution or by law shall be considered confidential, in particular:

1. Those related to national defense or security.
2. Instructions on diplomatic matters or confidential negotiations.
3. Those involving the rights to privacy and intimacy of individuals, including resumes, employment history, pension records, and other personnel records held in the archives of public or private institutions, as well as medical records.
4. Those relating to the financial conditions of public credit and treasury operations carried out by the nation, as well as technical studies for the valuation of the nation's assets. These documents and information shall be subject to confidentiality for a period of six (6) months from the date of the respective operation.
5. Data relating to financial and commercial information, under the terms of Statutory Law 1266 of 2008.
6. Those protected by commercial or industrial secrecy, as well as the strategic plans of public utility companies.
7. Those protected by professional secrecy.
8. Human genetic data.

PARAGRAPH. For the purposes of requesting confidential information, as set forth in paragraphs 3, 5, 6, and 7, such information may only be requested by the owner of the information, their representatives, or persons expressly authorized to access such information.

NOTE: Declared ENFORCEABLE, except for the paragraph that is declared CONDITIONALLY enforceable 'on the understanding that the events provided for therein are also applicable to section 8 referring to human genetic data', by the Constitutional Court, through Ruling [C-951](#) of 2014.

NOTE: Declared UNENFORCEABLE (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

ARTICLE 25. *Rejection of requests for information on grounds of confidentiality.* Any decision rejecting a request for information or documents shall be justified, shall indicate precisely the legal provisions that prevent the disclosure of the relevant information or documents, and shall be notified to the petitioner. No appeal may be lodged against a decision rejecting a request for information or documents on grounds of legal confidentiality, except as provided for in the following article.

The restriction due to legal confidentiality shall not extend to other parts of the respective file or proceeding that are not covered by it.

NOTE: Declared ENFORCEABLE by the Constitutional Court, through Ruling [C-951](#) of 2014

NOTE: Declared UNENFORCEABLE (deferred until December 31, 2014) by the Constitutional Court in [Ruling C-818 of 2011](#).

ARTICLE 26. *Insistence of the applicant in case of reservation.* If the interested party insists on their request for information or documents before the authority invoking the reservation, it shall be incumbent upon the Administrative Court with jurisdiction in the place where the documents are located, in the case of national, departmental, or Bogotá Capital District authorities, or the administrative judge in the case of district and municipal authorities, to decide in a single instance whether to deny or accept, in whole or in part, the request made.

To this end, the respective official shall send the relevant documentation to the court or administrative judge, who shall decide within ten (10) days. This period shall be interrupted in the following cases:

1. When the court or administrative judge requests a copy or photocopy of the documents on whose disclosure it must decide, or any other information it may require, and until the date on which it officially receives them.
2. When the authority requests the section of the Council of State provided for in the regulations to take cognizance of the matter in view of its legal importance or with the aim of unifying criteria on the subject. If, after five (5) days, the section remains silent or decides not to take cognizance, the proceedings shall continue before the respective court or administrative tribunal.

PARAGRAPH. The appeal must be filed in writing and supported by the notification proceedings, or within ten (10) days thereafter.

NOTE: Declared CONDITIONALLY ENFORCEABLE, "on the understanding that in municipalities where there is no administrative judge, this remedy may be brought before any judge in the locality," by the Constitutional Court, through Ruling [C-951](#) of 2014.

NOTE: Declared UNENFORCEABLE (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

ARTICLE 27. *Inapplicability of exceptions.* The confidential nature of information or certain documents shall not be enforceable against judicial, legislative, or administrative authorities that are constitutionally or legally competent to request them for the proper exercise of their functions. It is the responsibility of these authorities to ensure the confidentiality of the information and documents that come to their knowledge in the course of the provisions of this article.

NOTE: Declared ENFORCEABLE by the Constitutional Court, through Ruling [C-951](#) of 2014

NOTE: Declared UNENFORCEABLE (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

ARTICLE 28. *Scope of opinions.* Unless otherwise provided by law, opinions issued by the authorities in response to requests made in exercise of the right to make inquiries shall not be binding or enforceable.

NOTE: Declared ENFORCEABLE by the Constitutional Court in Ruling [C-951](#) of 2014.

NOTE: Declared UNCONSTITUTIONAL (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

ARTICLE 29. *Reproduction of documents.* Under no circumstances may the price of copies exceed the cost of reproduction. The costs of issuing copies shall be borne by the person requesting them.

The cost of reproduction may not exceed the commercial reference value on the market. NOTE:

Declared ENFORCEABLE by the Constitutional Court in Ruling [C-951](#) of 2014.

NOTE: Declared UNCONSTITUTIONAL (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

ARTICLE 30. *Requests between authorities.* When one authority makes a request for information or documents from another, the latter must respond within a period not exceeding ten (10) days. In all other cases, requests shall be resolved within the time limits set forth in Article 14.

NOTE: Declared ENFORCEABLE by the Constitutional Court in Ruling [C-951](#) of 2014.

NOTE: Declared UNCONSTITUTIONAL (deferred until December 31, 2014) by the Constitutional Court in [Ruling C-818 of 2011](#).

ARTICLE 31. *Disciplinary offense.* Failure to respond to requests and meet deadlines for resolution, violation of prohibitions, and disregard for the rights of persons covered by this First Part of the Code shall constitute an offense for public servants and shall give rise to the corresponding sanctions in accordance with the disciplinary regime.

NOTE: Declared ENFORCEABLE by the Constitutional Court, through Ruling [C-951](#) of 2014

NOTE: Declared UNCONSTITUTIONAL (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

CHAPTER III

Right to petition private organizations and institutions

ARTICLE 32. *Right to petition private organizations to guarantee fundamental rights.* Any person may exercise the right to petition to guarantee their fundamental rights before private organizations with or without legal status, such as companies, corporations, foundations, associations, religious organizations, cooperatives, financial institutions, or clubs.

Unless otherwise provided by law, the processing and resolution of these petitions shall be subject to the principles and rules established in Chapter I of this title.

(Underlined section CONDITIONALLY enforceable).

Private organizations may only invoke the confidentiality of the requested information in cases expressly established in the Constitution and the law.

Requests made to companies or individuals that manage financial, credit, commercial, and service records and databases, as well as those from third countries, shall be governed by the provisions of the Statutory Law on Habeas Data.

PARAGRAPH 1. This right may also be exercised before natural persons when the applicant is in a situation of defenselessness or subordination before them, or when the natural person is exercising a dominant function or position over the petitioner.

PARAGRAPH 2. Municipal and district representatives and the Ombudsman's Office shall provide effective and immediate assistance to any person who requests it, in order to guarantee the exercise of the constitutional right of petition that they have exercised or wish to exercise before private organizations or institutions.

PARAGRAPH 3. No private entity may refuse to receive and file respectful requests and petitions, under penalty of incurring sanctions and/or fines by the competent authorities.

NOTE. The expression "on the understanding that the right to petition private organizations shall be governed, where applicable, by those provisions of Chapter I that are compatible with the nature of the functions exercised by private individuals" has been declared CONDITIONALLY enforceable by the Constitutional Court in Ruling [C-951](#) of 2014.

NOTE: Declared UNCONSTITUTIONAL (deferred until December 31, 2014) by the Constitutional Court through [Ruling C-818 of 2011](#).

ARTICLE 33. *Users' right to petition private institutions.* Without prejudice to the provisions of special laws, Family Compensation Funds, Institutions of the Comprehensive Social Security System, entities that make up the financial and stock market system, and companies that provide public services and residential public services, which are governed by private law, shall be subject, in their relations with users, to the relevant the provisions on the right to petition set forth in the two previous chapters shall apply to their relations with users, as appropriate.

NOTE: Declared ENFORCEABLE by the Constitutional Court, through Ruling [C-951](#) of 2014

NOTE: Declared UNCONSTITUTIONAL (deferred until December 31, 2014) by the Constitutional Court in [Ruling C-818 of 2011](#).

TITLE III

GENERAL ADMINISTRATIVE PROCEDURE

CHAPTER I

General rules

ARTICLE 34. *Common and main administrative procedure.* Administrative proceedings shall be subject to the common and main administrative procedure established in this Code, without prejudice to administrative procedures regulated by special laws. In matters not provided for in such laws, the provisions of this First Part of the Code shall apply.

ARTICLE 35. *Conduct of proceedings and hearings.* Administrative proceedings shall be conducted in writing, orally, or by electronic means in accordance with the provisions of this Code or the law.

When the authorities act *ex officio*, administrative proceedings may only be initiated in writing, and by electronic means only when authorized by this Code or the law, and the interested party must be informed of the initiation of the proceedings in order to exercise their right of defense.

The authorities may order hearings to be held during proceedings in order to promote citizen participation, ensure the right to contradiction, or contribute to the prompt adoption of decisions. A record shall be made of everything that takes place at each hearing.

(See Decree [806](#) of 2020)

ARTICLE 36. *Formation and examination of files.* The documents and proceedings related to the same proceeding shall be organized in a single file, to which any others that are processed before the same authority shall be added, either *ex officio* or at the request of the interested party, in order to avoid contradictory decisions.

If the proceedings are handled by different authorities, the consolidation shall take place at the entity or agency where the first proceeding was conducted. If any of them opposes the consolidation, the mechanism for defining administrative powers may be used without further formalities.

Documents that are classified as confidential under the Constitution or the law and are included in a file shall be placed in a separate file.

Any person shall have the right to examine the files in their current state, except for documents or notebooks that are confidential, and to obtain copies and certifications thereof, which shall be delivered within the time limits specified in Article 14.

(See Article [4](#) of Decree [806](#) of 2020)

ARTICLE 37. Duty to communicate administrative actions to third parties. When, in an administrative action of a particular and specific nature, the authority becomes aware that third parties may be directly affected by the decision, it shall inform them of the existence of the action, its purpose, and the name of the petitioner, if any, so that they may become a party to the proceedings and assert their rights.

The communication shall be sent to the known address or email address if there is no other more effective means. If such communication is not possible, or in the case of undetermined third parties, the information shall be disclosed through a national or local mass media outlet, as appropriate, or through any other effective mechanism, taking into account the circumstances of the possible interested parties. Such actions shall be recorded in writing in the file.

NOTE: The underlined text was declared ENFORCEABLE by the Constitutional Court in Ruling C-341 of 2014.

ARTICLE 38. Intervention by third parties. Third parties may intervene in administrative proceedings with the same rights, duties, and responsibilities as interested parties in the following cases:

1. When they have initiated the administrative sanctioning proceedings as complainants, are affected by the conduct under investigation, or are able to provide evidence that contributes to clarifying the facts of the case.
2. When their rights or legal situation may be affected by the administrative action taken in a particular interest, or when the decision on the matter may cause them harm.
3. When the action has been initiated in the general interest.

PARAGRAPH. The request must meet the requirements set forth in Article 16 and shall indicate the interest in participating in the proceedings and shall include or request the evidence that the interested party intends to present. The authority processing the request shall decide on it outright, and no appeal shall lie against this decision.

ARTICLE 39. Conflicts of administrative jurisdiction. Conflicts of administrative jurisdiction shall be brought ex officio or at the request of the interested party. The authority that considers itself incompetent shall refer the action to the authority it deems competent; if the latter also declares itself incompetent, it shall immediately refer the action to the Consultation and Civil Service Chamber of the Council of State in relation to national authorities or to the corresponding Administrative Court in relation to departmental, district, or municipal authorities. In the event that the conflict involves national and territorial authorities, or territorial authorities from different departments, the Consultation and Civil Service Chamber of the Council of State shall hear the case.

The same procedure shall be followed when two administrative authorities consider themselves competent to hear and decide on a particular matter.

In both cases described above, the following procedure shall be followed: once the action has been received by the Secretariat, it shall be communicated by the most effective means to the authorities involved and to the interested parties, and a notice shall be issued for a period of five (5) days, during which time they may submit arguments or considerations. Once this period has expired, the Consultation and Civil Service Chamber of the Council of State or the court, as the case may be, shall decide within the following forty (40) days. No appeal may be lodged against this decision.

(Paragraph 3, amended by Article 2 of Law 2080 of 2021)

While the dispute is being resolved, the terms set forth in Article 14 shall be suspended.

ARTICLE 40. *Evidence.* During administrative proceedings and until a decision on the merits is issued, evidence may be submitted, requested, and examined ex officio or at the request of the interested party without any special requirements. No appeals may be filed against the decision on the request for evidence. The interested party shall have the opportunity to challenge the evidence submitted or examined during the proceedings before a decision on the merits is issued.

The costs incurred in taking evidence shall be borne by the party who requested it. If there are several interested parties, the costs shall be distributed in equal shares.

All means of evidence specified in the Code of Civil Procedure shall be admissible.

(Declared ENFORCEABLE, the underlined expression by Constitutional Court Ruling C-034 of 2014)

ARTICLE 41. *Correction of irregularities in administrative proceedings.* At any time prior to the issuance of the act, either ex officio or at the request of a party, the authority shall correct any irregularities that have arisen in the administrative proceedings in order to bring them into conformity with the law, and shall take the necessary measures to conclude them.

ARTICLE 42. *Content of the decision.* Having given the interested parties the opportunity to express their opinions, and based on the available evidence and reports, a decision shall be made, which shall be reasoned.

The decision shall resolve all requests that have been duly raised within the proceedings by the petitioner and by recognized third parties.

ARTICLE 43. *Final acts.* Final acts are those that directly or indirectly decide the merits of the case or make it impossible to continue the proceedings.

ARTICLE 44. *Discretionary decisions.* To the extent that the content of a decision of a general or particular nature is discretionary, it must be appropriate to the purposes of the rule that authorizes it and proportional to the facts that serve as its basis.

ARTICLE 45. *Correction of formal errors.* At any time, either ex officio or at the request of a party, purely formal errors contained in administrative acts may be corrected, whether they are arithmetic, typing, transcription, or omission of words. In no case shall the correction give rise to changes in the material meaning of the decision, nor shall it revive the legal terms for challenging the act. Once the correction has been made, it must be notified or communicated to all interested parties, as appropriate.

CHAPTER II

Prior consultation mechanisms

ARTICLE 46. *Mandatory consultation.* When the Constitution or the law requires a prior consultation to be carried out before an administrative decision is adopted, such consultation must be carried out within the terms set forth in the respective regulations, under penalty of nullity of the decision that may be adopted.

CHAPTER III

Administrative sanctioning procedure

ARTICLE 47. *Administrative sanctioning procedure.* Administrative procedures of a sanctioning nature not regulated by special laws or by the Single Disciplinary Code shall be subject to the provisions of this First Part of the Code. The provisions of this Code shall also apply in matters not provided for by those laws.

Administrative proceedings of a punitive nature may be initiated *ex officio* or at the request of any person. When, as a result of preliminary investigations, the authority establishes that there are grounds for initiating disciplinary proceedings, it shall notify the interested party accordingly. Once the preliminary investigations have been completed, if applicable, charges shall be brought by means of an administrative act in which the facts giving rise to the charges, the natural or legal persons under investigation, the provisions allegedly violated, and the appropriate sanctions or measures shall be stated precisely and clearly. This administrative act must be notified personally to those under investigation. No appeal may be lodged against this decision.

Those under investigation may, within fifteen (15) days of notification of the charges, present their defense and request or provide any evidence they wish to assert. Evidence that is irrelevant, impertinent, or superfluous shall be rejected with justification, and evidence obtained illegally shall not be considered.

PARAGRAPH 1. Administrative contractual disciplinary proceedings, including appeals, shall be governed by the provisions of the special rules on the matter.

(Paragraph 1, amended by Article 3 of Law 2080 of 2021)

PARAGRAPH 2. In administrative tax sanctioning proceedings, the deadline for submitting defenses and requesting or providing evidence shall be five (5) days.

(Paragraph 2, added by Article 3 of Law 2080 of 2021)

ARTICLE 47A. Provisional suspension in the administrative tax penalty proceedings. During the administrative tax penalty proceedings, the official conducting the proceedings may order the provisional suspension of the public servant, without the right to any remuneration, provided that there is serious evidence to establish that the perpetrator's continued presence in the position, function, or public service enables them to interfere with the proceedings or allows them to continue or repeat the conduct.

The provisional suspension shall last for one (1) month, extendable for the same period. In any case, when the reasons that gave rise to the measure disappear, the provisional suspension must be revoked by the person who issued it, or by the functional superior of the official competent to issue the first instance ruling.

The act decreeing the provisional suspension and the extension decisions shall be subject to consultation prior to their enforcement.

For the purposes of the consultation, the competent official shall communicate the decision to the person concerned, who shall have three (3) days to present arguments in their favor and the evidence on which they are based. Once the above period has expired, the case shall be immediately referred to the superior, who shall have ten (10) days to decide on its admissibility or modification. In any case, the provisional measure imposed may not be aggravated during the consultation.

When the sanction imposed is suspension, the period of provisional suspension already served shall be taken into account for the purposes of enforcement.

PARAGRAPH 1. Anyone who has been provisionally suspended shall be reinstated to their position or function and shall be entitled to recognition and payment of the remuneration not received during the period of suspension, when the administrative disciplinary proceedings are concluded or dismissed without the imposition of a penalty.

Notwithstanding the suspension of remuneration payments, the entity shall remain responsible for making the respective social security and parafiscal contributions.

PARAGRAPH 2. The power provided for in this article shall be exercised exclusively by the Comptroller General of the Republic.

(Added by Article 4 of Law 2080 of 2021)

ARTICLE 48. *Probationary period.* When evidence must be taken, a period of no more than thirty (30) days shall be set. When there are three (3) or more persons under investigation or when evidence must be taken abroad, the probationary period may be up to sixty (60) days.

Once the probationary period has expired, the investigated party shall be given ten (10) days to present the respective arguments.

PARAGRAPH. In administrative tax penalty proceedings, the period for taking evidence shall not exceed ten (10) days; if there are three (3) or more persons under investigation or if the evidence must be taken abroad, the period may be up to thirty (30) days. The transfer to the person under investigation shall be for five (5) days.

(Paragraph added by Article 5 of Law 2080 of 2021)

ARTICLE 49. *Content of the decision.* The competent official shall issue the final administrative decision within thirty (30) days of the submission of the arguments.

The administrative act that ends the administrative sanctioning procedure shall contain:

1. The identification of the natural or legal person to be sanctioned.
2. An analysis of the facts and evidence on the basis of which the sanction is imposed.
3. The rules violated by the proven facts.
4. The final decision to dismiss or impose a sanction and the corresponding grounds.

PARAGRAPH. In administrative tax sanctioning proceedings, the final administrative act shall be issued within fifteen (15) days of the submission of the arguments.

The terms established for the administrative tax penalty procedure must be complied with in a timely manner, under penalty of the applicable disciplinary sanctions.

(Paragraph added by Article 6 of Law 2080 of 2021)

ARTICLE 49A. Appeals in the administrative tax penalty procedure. Decisions imposing a tax penalty may be appealed through motions for reconsideration, appeals, and complaints. Motions for reconsideration and appeals may be filed and substantiated within five (5) days of notification of the respective decision to the interested party.

The appeal for reconsideration must be resolved within fifteen (15) days of its filing. When an appeal is filed, the competent official shall grant it suspensive effect and send the file to the functional or hierarchical superior, as the case may be, within five (5) days of its filing or of the last notification of the act resolving the motion for reconsideration, if applicable.

The appeal against the administrative act imposing the sanction must be decided within three (3) months from the date of its due and timely filing. If the appeals are not decided within the period established in this provision, they shall be deemed to have been decided in favor of the appellant.

Within five (5) days of notification of the decision denying the appeal, a complaint may be filed and substantiated. If this is not done in a timely manner, it shall be rejected.

PARAGRAPH . No appeal may be filed against decisions of a simple procedural nature.

(Added by Article 7 of Law 2080 of 2021)

ARTICLE 50. *Grading of penalties.* Except as provided for in special laws, the severity of offenses and the rigor of penalties for administrative violations shall be graded according to the following criteria, as applicable:

1. Damage or danger caused to protected legal interests.
2. Economic benefit obtained by the offender for themselves or for a third party.
3. Repeat offenses.
4. Resistance, refusal, or obstruction of the investigation or supervision.
5. Use of fraudulent means or use of an intermediary to conceal the offense or its effects.
6. Degree of prudence and diligence with which duties have been performed or relevant legal regulations have been applied.
7. Reluctance or contempt in complying with orders issued by the competent authority.

8. Express acknowledgment or acceptance of the offense prior to the decree of evidence.

ARTICLE 51. *Refusal to provide information.* Individuals, whether natural or legal persons, who refuse to submit the reports or documents required in the course of administrative investigations, conceal them, prevent or do not authorize access to their files by the competent officials, or submit the requested information with significant errors or in an incomplete form, shall be punished with a fine payable to the National Treasury or the respective territorial entity, as applicable, of up to one hundred (100) times the legal minimum monthly wage in force at the time of the occurrence of the events. The authority may impose successive fines on the reluctant party, under the terms of Article 90 of this Code.

The penalty referred to in the preceding paragraph shall apply without prejudice to the obligation to provide or allow access to the information or documents requested.

Such penalty shall be imposed by means of a reasoned decision, after the request for explanations has been forwarded to the person to be penalized, who shall have a period of ten (10) days to submit them.

The decision ending the proceedings for refusal shall be issued and notified within two (2) months following the expiration of the period for responding to the request for explanations. An appeal for reconsideration may be filed against this decision, which must be filed within five (5) days following the date of notification.

PARAGRAPH . This action does not suspend or interrupt the administrative sanctioning procedure that is being carried out to establish the commission of violations of administrative provisions.

ARTICLE 52. *Expiration of the power to impose sanctions.* Except as provided for in special laws, the power of the authorities to impose sanctions expires three (3) years after the occurrence of the event, conduct, or omission that could give rise to them, within which period the administrative act imposing the sanction must have been issued and notified. Such disciplinary action is different from actions that resolve appeals, which must be decided, under penalty of loss of jurisdiction, within one (1) year from their due and timely filing. If the appeals are not decided within the period established in this provision, they shall be deemed to have been decided in favor of the appellant, without prejudice to the financial and disciplinary liability that such abstention may generate for the official in charge of resolving the appeal.

In the case of a continuing act or conduct, this term shall be counted from the day following the date on which the infringement and/or execution ceased.

The penalty imposed by administrative act shall expire after five (5) years from the date of enforcement.

NOTE: Underlined text declared ENFORCEABLE by the Constitutional Court, through Ruling C-875 of 2011.

CHAPTER IV

Use of electronic means in administrative proceedings [See National](#)

[Decree 2578 of 2012](#)

ARTICLE 53. *Administrative procedures and formalities through electronic means.* Administrative procedures and formalities may be carried out through electronic means. To ensure equal access to the administration, the authority shall ensure sufficient and adequate mechanisms for free access to electronic means, or allow the alternative use of other procedures.

Insofar as they are compatible with the nature of administrative procedures, the provisions of Law 527 of 1999 and the regulations that replace, add to, or modify it shall apply.

ARTICLE 53A. Use of electronic means. When authorities enable digital channels to communicate with each other, they have a duty to use this means in the exercise of their powers.

Individuals and legal entities may use digital channels when required by the process, procedure, or formalities.

The national government, through the Ministry of Information and Communications Technology, may establish regulations specifying the procedures, formalities, or services for which the use of electronic means by individuals and public entities will be mandatory. The ministry will guarantee access to the authorities for individuals who are unable to access them.

(Added by Article 8 of Law 2080 of 2021)

ARTICLE 54. Registration for the use of electronic means. Every person has the right to act before the authorities using electronic means, in which case they must first register as a user with the competent authority at no cost. If they do so, the authorities will continue the proceedings by this means.

(Paragraph 1, amended by Article 9 of Law 2080 of 2021)

Requests for information and consultation made through electronic means shall not require the aforementioned registration and may be addressed through the same channel. The registration referred to in this article shall comply with the General Personal Data Protection Regime.

(Paragraph 2, amended by Article 9 of Law 2080 of 2021)

Actions in this case shall be deemed to have been taken on time provided that they have been registered before midnight and shall be filed on the following business day.

ARTICLE 55. *Public documents in electronic form.* Public documents authorized or signed by electronic means shall have the validity and probative force conferred upon them by the provisions of the Code of Civil Procedure.

Reproductions made from the respective electronic files shall be deemed authentic for all legal purposes.

ARTICLE 56. Electronic notification. The authorities may notify their actions by electronic means, provided that the administered party has accepted this means of notification.

However, during the course of the proceedings, the interested party may request that the authority not send subsequent notifications by electronic means, but rather by the other means provided for in Chapter Five of this Title, unless the use of electronic means is mandatory under the terms of the third paragraph of Article 53A of this Title.

Notifications by electronic means will be made through the notification service offered by the authority's electronic headquarters.

Interested parties may access notifications on the single government portal, which will function as an access portal.

The notification shall be deemed to have been served from the date and time at which the citizen accesses it, which must be certified by the administration.

(See concept [547981](#) of 2020)

(Amended by Article [10](#) of Law 2080 of 2021)

ARTICLE 57. *Electronic administrative acts.* In the exercise of their functions, authorities may validly issue administrative acts by electronic means, provided that their authenticity, integrity, and availability are ensured in accordance with the law.

ARTICLE 58. *Electronic archiving of documents.* When administrative proceedings are conducted using electronic means, the documents must be archived using the same means. All documents used in administrative proceedings may be stored electronically.

The preservation of electronic documents containing individual administrative acts must ensure the authenticity and integrity of the information necessary to reproduce them, and record the dates of issuance, notification, and archiving.

(Partially regulated by National Decree [2609](#) of 2012)

ARTICLE 59. *Electronic file.* The electronic file is the set of electronic documents corresponding to an administrative procedure, regardless of the type of information they contain. The electronic file must guarantee conditions of authenticity, integrity, and availability.

The respective authority shall guarantee the digital security of the file and compliance with the requirements for archiving and storage in electronic media, in accordance with the law.

Entities that process cases through electronic files shall work in coordination to optimize these files, their interoperability, and compliance with uniform document management standards.

(Amended by Article [11](#) of Law 2080 of 2021) (See Decree [1080](#) of 2015)

ARTICLE 60. *Electronic headquarters.* Electronic headquarters is understood to be the official electronic address owned, administered, and managed by each competent authority, equipped with the legal, organizational, and technical measures that guarantee the quality, security, availability, accessibility, neutrality, and interoperability of information and services, in accordance with the standards defined by the national government.

Every authority must have at least one electronic address.

(Amended by Article 12 of Law 2080 of 2021)

ARTICLE 60A. Shared electronic headquarters. The shared electronic headquarters shall be the Single Portal of the Colombian State through which citizens shall access the content, procedures, services, and formalities made available by the authorities. The ownership, management, and administration of the shared electronic headquarters shall be the responsibility of the Colombian State, through the Ministry of Information and Communications Technologies.

All authorities must integrate their official electronic address into the shared electronic headquarters, following the integration guidelines issued by the Ministry of Information and Communications Technologies.

The shared electronic headquarters must guarantee the conditions of quality, security, availability, accessibility, neutrality, and interoperability. The authorities using the shared electronic headquarters will be responsible for the integrity, confidentiality, authenticity, and updating of the information and the availability of the services offered through this medium.

(Added by Article 13 of Law 2080 of 2021)

ARTICLE 61. Receipt of electronic documents by the authorities. For the receipt of electronic documents within an administrative proceeding, the authorities must have an electronic document registry, in addition to:

1. Maintain strict control and a list of electronic documents sent and received in information systems through various channels, including the date and time of receipt.
2. Maintain information systems with sufficient capacity and have adequate measures in place for the protection of information, data, and digital security in general.
3. Issue and send a message acknowledging receipt or dispatch of communications, indicating the date and the assigned file number.

(Amended by Article 14 of Law 2080 of 2021)

ARTICLE 62. *Proof of receipt and sending of data messages by the authority.* For the purposes of proving the sending and receipt of communications, the following rules shall apply:

1. The data message issued by the authority to acknowledge receipt of a communication shall be proof both of the sending by the interested party and of its receipt by the authority.
2. When the authority's electronic means fail, preventing individuals from sending their letters, petitions, or documents, the sender may insist on sending them within the following three (3) days, or send the document by other means within the same period, provided that there is evidence of the facts constituting the service failure.

ARTICLE 63. *Virtual sessions.* Committees, councils, boards, and other collegiate bodies within the internal organization of the authorities may deliberate, vote, and decide in virtual conferences, using the appropriate electronic means and recording the proceedings by the same means with the necessary security features.

ARTICLE 64. *Standards and protocols.* Without prejudice to the validity of this Code in relation to the above provisions, the National Government shall establish the standards and protocols that the authorities must comply with in order to gradually incorporate the use of electronic means in administrative procedures.

CHAPTER V

Publications, summonses, communications, and notifications

ARTICLE 65. *Duty to publish administrative acts of a general nature.* Administrative acts of a general nature shall not be binding until they have been published in the Official Gazette or in the territorial gazettes, as the case may be.

In the case of electronic administrative acts referred to in Article 57 of this Law, they must be published in the Official Gazette or territorial gazette, preserving the guarantees of authenticity, integrity, and availability.

Central and decentralized administrative entities of territorial entities that do not have an official publicity body may disseminate these acts by posting notices, distributing flyers, inserting them in other media, publishing them on the website, or any digital channel enabled by the entity, or by proclamation, as long as these means guarantee wide dissemination.

Decisions that terminate administrative proceedings initiated by a petition of general interest shall be communicated by any effective means.

In the event of force majeure preventing publication in the Official Gazette, the national government may order that publication be made through an effective mass media outlet.

PARAGRAPH . Acts of appointment and acts of election other than those by popular vote shall also be published.

(Amended by Article 15 of Law 2080 of 2021)

ARTICLE 66. *Duty to notify administrative acts of a particular and specific nature.* Administrative acts of a particular nature must be notified in accordance with the terms established in the following provisions.

ARTICLE 67. *Personal notification.* Decisions that terminate an administrative proceeding shall be notified personally to the interested party, their representative or attorney-in-fact, or to the person duly authorized by the interested party to receive notification.

During the notification process, the interested party shall be provided with a complete, authentic, and free copy of the administrative act, with a note of the date and time, the legally applicable remedies, the authorities before whom they must be filed, and the deadlines for doing so.

Failure to comply with any of these requirements shall invalidate the notification.

Personal notification to comply with all the procedures set out in the previous paragraph may also be carried out by any of the following means:

1. By electronic means. This shall be done provided that the interested party agrees to be notified in this manner.

The administration may establish this type of notification for certain administrative acts of a mass nature that originate in public calls for applications. In the regulations governing the call for applications, it shall provide interested parties with the relevant instructions and establish alternative methods of personal notification for those who do not have access to electronic means.

2. In court. Any decision adopted in a public hearing shall be notified verbally in court, and precise record shall be kept of the decisions adopted and of the fact that such decisions were notified. The time limits for filing appeals shall be counted from the day following the notification.

(See Concept [407551](#) of 2020)

(See Article [4](#) of Decree 491 of 2020)

ARTICLE 68. *Summons for personal notification.* If there is no other more effective means of informing the interested party, a summons shall be sent to the address, fax number, or email address that appears in the file or can be obtained from the commercial registry, so that they may appear at the personal notification proceeding. The summons shall be sent within five (5) days of the issuance of the act, and a record of said proceeding shall be kept in the file.

When the information about the recipient indicated in the previous paragraph is unknown, the summons shall be published on the website or in a place accessible to the public at the respective entity for a period of five (5) days.

ARTICLE 69. *Notification by notice.* If personal notification cannot be made within five (5) days of sending the summons, it shall be made by means of a notice sent to the address, fax number, or email address appearing in the file or obtainable from the commercial register, accompanied by a complete copy of the administrative act. The notice shall indicate the date and the act being notified, the authority that issued it, the legal remedies available, the authorities before whom they must be filed, the respective time limits, and the warning that the notification shall be deemed to have been served at the end of the day following the delivery of the notice at its destination.

When information about the recipient is unknown, the notice, with a full copy of the administrative act, shall be published on the website and, in any case, in a place accessible to the public at the respective entity for a period of five (5) days, with the warning that the notification shall be considered served at the end of the day following the removal of the notice.

The file shall contain a record of the referral or publication of the notice and the date on which personal notification shall be deemed to have been effected by this means.

ARTICLE 70. *Notification of acts of registration or enrollment.* Registration acts carried out by the entities responsible for maintaining public records shall be deemed to have been notified on the day on which the corresponding entry is made. If the registration act has been requested by an entity or person other than the person appearing as the holder of the right, the registration must be communicated to said holder by any suitable means within five (5) days following the corresponding entry.

ARTICLE 71. *Authorization to receive notification.* Any person who must be notified of an administrative act may authorize another person to be notified on their behalf, by means of a written document that must be submitted in person. The authorized person shall only be empowered to receive the notification and, therefore, any statement made by them in relation to the administrative act shall be deemed, as of right, not to have been made.

NOTE: The underlined text was repealed by paragraph a), art. 626, Law 1564 of 2012

The foregoing is without prejudice to the right of application.

In any case, the power of attorney must be presented in person in the case of notification of the recognition of a right charged to public resources, of a public nature, or of social security.

ARTICLE 72. *Failure or irregularity of notifications and notification by conclusive conduct.* Without the fulfillment of the above requirements, the notification shall not be deemed to have been made, nor shall the decision have legal effect, unless the interested party reveals that it is aware of the act, consents to the decision, or files legal remedies.

ARTICLE 73. *Publicity or notification to third parties whose address is unknown.* When, in the opinion of the authorities, administrative acts of a particular nature directly and immediately affect third parties who did not participate in the proceedings and whose address is unknown, they shall order the publication of the operative part on the entity's website and in a mass media outlet in the territory where the issuer of the decisions has jurisdiction. If their address is known, personal notification shall be made.

CHAPTER VI

Appeals

ARTICLE 74. *Appeals against administrative acts.* As a general rule, the following appeals may be lodged against final acts:

1. An appeal for reconsideration, before the person who issued the decision, requesting clarification, modification, addition, or revocation.
2. Appeal, before the immediate administrative or functional superior for the same purpose.

There shall be no appeal against the decisions of Ministers, Directors of Administrative Departments, superintendents, and legal representatives of decentralized entities, or of the directors or higher bodies of autonomous constitutional bodies.

Decisions issued by legal representatives and senior heads of territorial entities and agencies shall also not be subject to appeal.

NOTE: The underlined text was declared ENFORCEABLE by the Constitutional Court in Ruling [C-248](#) of 2013.

3. The complaint, when the appeal is rejected.

The complaint is optional and may be filed directly with the superior of the official who issued the decision, by means of a written document accompanied by a copy of the ruling that denied the appeal.

This appeal may be lodged within five (5) days of notification of the decision.

Upon receipt of the letter, the superior shall immediately order the file to be forwarded and shall decide on the matter.

(Declared ENFORCEABLE by Constitutional Court Ruling C-007 of 2017)

ARTICLE 75. *Inadmissibility.* There shall be no appeal against acts of a general nature, nor against procedural, preparatory, or enforcement acts, except in the cases expressly provided for in the law.

(Declared ENFORCEABLE by Constitutional Court Ruling C-007 of 2017)

ARTICLE 76. *Timeliness and filing.* Appeals for reconsideration and appeals must be filed in writing at the time of personal notification, or within ten (10) days thereafter, or upon notification by notice, or upon expiration of the publication period, as applicable. Appeals against alleged acts may be filed at any time, except in the event that the matter has been brought before a judge.

Appeals shall be filed with the official who issued the decision, except as provided for complaints, and if the competent official does not wish to receive them, they may be filed with the regional attorney or municipal representative, who shall order them to be received and processed and impose the corresponding sanctions, if applicable.

The appeal may be filed directly or as a subsidiary to the motion for reconsideration and, where appropriate, shall be mandatory in order to gain access to the jurisdiction.

Appeals for reconsideration and complaints shall not be mandatory.

(Declared ENFORCEABLE by Constitutional Court Ruling C-007 of 2017)

ARTICLE 77. *Requirements.* As a general rule, appeals shall be filed in writing and shall not require personal appearance if the appellant has been recognized in the proceedings. Appeals may also be filed electronically.

Appeals must also meet the following requirements:

1. They must be filed within the legal time limit by the interested party or their duly appointed representative or attorney-in-fact.
2. Be supported by a specific statement of the grounds for disagreement.
3. Request and provide the evidence to be relied upon.
4. Indicate the name and address of the appellant, as well as their email address if they wish to be notified by this means.

Only practicing attorneys may be attorneys-in-fact. If the appellant acts as an unofficial agent, he or she must prove that he or she is a practicing attorney and provide the security deposit indicated to guarantee that the person on whose behalf he or she is acting will ratify his or her actions within two months.

(2) months.

If there is no ratification, the bond shall be enforced and the file shall be closed.

To process the appeal, the appellant is not required to pay the amount demanded by the appealed action. However, they may pay what they acknowledge they owe.

(Declared ENFORCEABLE by Constitutional Court Ruling C-007 of 2017)

ARTICLE 78. *Rejection of the appeal.* If the document in which the appeal is filed does not meet the requirements set forth in paragraphs 1, 2, and 4 of the previous article, the competent official shall reject it. An appeal may be filed against the rejection of the appeal.

NOTE: The underlined text was declared ENFORCEABLE by the Constitutional Court in Ruling C-146 of 2015, on the understanding that, in cases where the administration has previously known the name and address of the appellant, it may not reject the appeal.

(Declared ENFORCEABLE by Constitutional Court Ruling C-007 of 2017)

ARTICLE 79. *Processing of appeals and evidence.* Appeals shall be processed with suspensive effect.

Appeals for reconsideration and appeals shall be resolved outright, unless the filing of the appeal includes a request for the presentation of evidence, or the official who is to decide on the appeal considers it necessary to order such evidence ex officio.

When evidence is presented with an appeal, if it is a proceeding involving more than one party, it shall be forwarded to the other parties within five (5) days.

When it is appropriate to take evidence, a period of no more than thirty (30) days shall be set for this purpose. Shorter periods may be extended once, without the extension exceeding thirty (30) days.

The order to take evidence shall indicate the date on which the evidentiary period expires. (Declared ENFORCEABLE by Constitutional Court Ruling C-007 of 2017)

ARTICLE 80. *Decision on appeals.* Once the evidentiary period has expired, if applicable, and without the need for a ruling to that effect, a reasoned decision resolving the appeal shall be issued.

The decision shall resolve all requests that have been duly raised and those that arise as a result of the appeal. (Declared ENFORCEABLE by Constitutional Court Ruling C-007 of 2017)

ARTICLE 81. *Withdrawal.* Appeals may be withdrawn at any time. (Declared ENFORCEABLE by Constitutional Court Ruling C-007 of 2017)

ARTICLE 82. *Specialized groups to prepare the decision on appeals.* The authority may create, within its organization, specialized groups to prepare draft decisions on appeals for reconsideration and appeals.

The national government may create temporary or permanent working groups, with officials from different public entities, to support and advise them in deciding on appeals filed against administrative acts issued by national entities in accordance with the regulations issued for this purpose. Territorial entities may apply the provisions of this paragraph in accordance with the regulations.

(Paragraph added by Article 16 of Law 2080 of 2021)

The support and advice provided by the working groups is not binding on the official who decides on the appeal.

(Paragraph added by Article 16 of Law 2080 of 2021)

[\(Declared ENFORCEABLE by Constitutional Court Ruling C-007 of 2017\)](#)

CHAPTER VII

Administrative silence

ARTICLE 83. *Negative silence.* If three (3) months have elapsed since the filing of a petition without notification of a decision resolving it, it shall be understood that the decision is negative.

In cases where the law establishes a period of more than three (3) months to resolve the request without a decision having been made, administrative silence shall occur after one (1) month from the date on which the decision should have been made.

The occurrence of administrative silence shall not exempt the authorities from liability. Nor shall it excuse them from their duty to decide on the initial request, unless the interested party has made use of the remedies against the alleged act, or, having appealed to the Administrative Court, has been notified of the order admitting the claim.

ARTICLE 84. *Positive silence.* Only in cases expressly provided for in special legal provisions shall silence on the part of the administration be equivalent to a positive decision.

The terms for the presumed positive decision to be considered to have been made shall begin to run from the day on which the petition or appeal was filed.

The presumed positive act may be subject to direct revocation under the terms of this Code.

ARTICLE 85. *Procedure for invoking positive administrative silence.* Any person who meets the conditions set forth in the legal provisions establishing the benefit of positive administrative silence shall file the certificate or copy referred to in Article 15, together with a sworn statement that they have not been notified of the decision within the prescribed period.

The deed and its authentic copies shall have all the legal effects of the favorable decision that was requested, and it is the duty of all persons and authorities to recognize it as such.

For the purposes of notarizing the documents referred to in this article, they shall be deemed to have no economic value.

ARTICLE 86. *Administrative silence in appeals.* Except as provided in Article 52 of this Code, if a period of two (2) months has elapsed since the filing of the appeals for reconsideration or appeal without express notification of a decision on them, the decision shall be deemed to be negative.

The aforementioned period shall be suspended while evidence is being taken.

The occurrence of the negative silence provided for in this article does not exempt the authority from responsibility, nor does it prevent it from resolving the matter, provided that no order admitting the claim has been notified when the interested party has appealed to the Administrative Court.

Failure to resolve appeals in a timely manner constitutes a very serious disciplinary offense.

(The underlined section was declared UNCONSTITUTIONAL by the Constitutional Court in Ruling C-721-15 of November 25, 2015).

CHAPTER VIII

Conclusion of the administrative procedure

ARTICLE 87. *Finality of administrative acts.* Administrative acts shall become final:

1. When no appeal may be filed against them, from the day following their notification, communication, or publication, as the case may be.
2. From the day following the publication, communication, or notification of the decision on the appeals filed.
3. From the day following the expiry of the deadline for lodging appeals, if these were not lodged or were expressly waived.
4. From the day following notification of acceptance of the withdrawal of the appeals.
5. From the day following the filing referred to in Article 85 for positive administrative silence.

ARTICLE 88. *Presumption of legality of administrative acts.* Administrative acts are presumed to be legal until they are annulled by the Administrative Court. When they are suspended, they may not be executed until a final decision on their legality is made or the precautionary measure is lifted.

ARTICLE 89. *Enforceability of acts issued by the authorities.* Unless otherwise provided by law, final acts shall be sufficient for the authorities to execute them immediately. Consequently, their material execution shall proceed without the mediation of another authority. To this end, the support or collaboration of the National Police may be requested, if necessary.

ARTICLE 90. *Enforcement in case of refusal.* Without prejudice to the provisions of special laws, when an administrative act imposes a non-monetary obligation on an individual and the individual refuses to comply, the authority that issued the act shall impose successive fines while the individual remains in contempt, granting reasonable deadlines for compliance with the order. The fines may range from one (1) to five hundred (500) times the current legal minimum monthly wage and shall be imposed on the basis of reasonableness and proportionality.

The administration may directly carry out or contract the material execution of the acts corresponding to the reluctant individual, in which case the expenses incurred by the administration shall be charged to the individual.

ARTICLE 91. *Loss of enforceability of the administrative act.* Unless expressly provided otherwise, final administrative acts shall be binding as long as they have not been annulled by the Administrative Court. They shall lose their binding force and, therefore, may not be enforced in the following cases:

1. When their effects are provisionally suspended by the Administrative Court.
2. When their factual or legal basis disappears.
3. When, after five (5) years of being final, the authority has not taken the necessary steps to enforce them.
4. When the condition subsequent to which the act is subject is fulfilled.
5. When they expire.

ARTICLE 92. *Exception of loss of enforceability.* When the interested party opposes the execution of an administrative act on the grounds that it has lost its enforceability, the party that produced it may suspend it and must resolve the matter within a period of fifteen (15) days. The act deciding on the exception shall not be subject to any appeal, but may be challenged through the courts.

CHAPTER IX

Direct revocation of administrative acts

ARTICLE 93. *Grounds for revocation.* Administrative acts shall be revoked by the same authorities that issued them or by their immediate hierarchical or functional superiors, ex officio or at the request of a party, in any of the following cases:

1. When there is clear opposition to the Constitution or the law.
2. When they are not in accordance with the public or social interest, or are contrary to it.
3. When they cause unjustified harm to a person.

ARTICLE 94. *Inadmissibility.* The direct revocation of administrative acts at the request of a party shall not proceed on the grounds of paragraph 1 of the previous article when the petitioner has filed the appeals to which such acts are subject, or in relation to which the statute of limitations for judicial review has expired.

ARTICLE 95. *Timeliness.* The direct revocation of administrative acts may be carried out even when the matter has been brought before the Administrative Court, provided that no order admitting the claim has been issued.

Requests for direct revocation shall be decided by the competent authority within two (2) months of the filing of the request.

No appeal may be lodged against the decision resolving the request for direct revocation.

PARAGRAPH. However, during legal proceedings, until a second instance ruling is issued, either ex officio or at the request of the interested party or the Public Prosecutor's Office, the defendant authorities may offer to revoke the contested administrative acts, subject to approval by the entity's Conciliation Committee. The offer of revocation shall indicate the acts and decisions that are the subject of the revocation and the manner in which it is proposed to restore the infringed right or repair the damage caused by the contested acts.

If the judge finds that the offer complies with the legal system, he or she shall order that it be brought to the attention of the plaintiff, who must state whether he or she accepts it within the period specified for that purpose, in which case the proceedings shall be terminated by means of an enforceable order specifying the obligations that the defendant authority must fulfill as of the date of enforcement.

ARTICLE 96. *Effects.* Neither the request for revocation of an act nor the decision on that request shall revive the legal terms for challenging the act before the Administrative Court, nor shall they give rise to the application of administrative silence.

ARTICLE 97. *Revocation of acts of a particular and specific nature.* Except for the exceptions established by law, when an administrative act, whether express or implied, has created or modified a legal situation of a particular and specific nature or recognized a right of the same category, it may not be revoked without the prior, express, and written consent of the respective holder.

If the holder refuses to give consent and the authority considers that the act is contrary to the Constitution or the law, it must bring a claim before the Administrative Court.

If the Administration considers that the act occurred by illegal or fraudulent means, it shall file a lawsuit without resorting to the prior conciliation procedure and shall request the judge to issue a provisional suspension.

PARAGRAPH. In the direct revocation process, the rights to a hearing and defense shall be guaranteed. ([See Council of State Ruling 2013-00577 of 2020](#))

TITLE IV

ADMINISTRATIVE PROCEDURE FOR ENFORCED COLLECTION

ARTICLE 98. *Duty to collect and prerogative of coercive collection.* The public entities defined in the paragraph of Article 104 shall collect the obligations created in their favor, which are recorded in documents that are enforceable in accordance with this Code. To this end, they are vested with the prerogative of coercive collection or may apply to the competent judges.

ARTICLE 99. *Documents that provide enforceability in favor of the State.* The following documents shall provide enforceability for compulsory collection, provided that they contain a clear, express, and enforceable obligation:

1. Any enforceable administrative act that imposes on the public entities referred to in the paragraph of Article 104 the obligation to pay a liquid sum of money, in the cases provided for by law.

2. Enforceable judgments and other judicial decisions that impose on the national treasury or the public entities referred to in paragraph 104 the obligation to pay a liquid sum of money.
3. Contracts or documents containing guarantees, together with the administrative act declaring non-compliance or expiration. The same shall apply to the contract settlement agreement or any administrative act issued in connection with the contractual activity.
4. Any other guarantees provided in favor of the aforementioned public entities for any reason, which shall be included in the enforceable administrative act declaring the obligation.
5. Any others recorded in documents originating from the debtor.

ARTICLE 100. *Rules of procedure.* The following rules shall apply to coercive collection procedures:

1. Those with special rules shall be governed by them.
2. Those that do not have special rules shall be governed by the provisions of this title and the Tax Statute.
3. Those relating to the collection of tax obligations shall be governed by the provisions of the Tax Statute.

In any case, for matters not provided for in the Tax Statute or in the respective special rules, insofar as they are compatible with those regimes, the rules of procedure established in Part One of this Code shall apply and, failing that, the Code of Civil Procedure shall apply in relation to individual enforcement proceedings.

ARTICLE 101. *Judicial review.* Only administrative acts that decide on exceptions in favor of the debtor, those that order enforcement, and those that settle the claim shall be actionable before the Administrative Court, under the terms of Part Two of this Code.

The admission of the claim against the previous acts or against the one that constitutes the enforceable title does not suspend the coercive collection procedure. The administrative coercive collection procedure will only be suspended:

1. When the administrative act constituting the enforceable title has been provisionally suspended by the Administrative Court; and
2. At the request of the defendant, when the decision on the exceptions or the decision to proceed with enforcement, as the case may be, is pending the outcome of a contentious administrative proceeding for annulment against the enforceable title, except as provided for in special laws. This suspension shall not give rise to the lifting of precautionary measures, nor shall it prevent the decree and implementation of precautionary measures.

PARAGRAPH . Judicial proceedings against administrative acts issued in the administrative enforcement procedure shall have priority, without prejudice to that which corresponds, according to the Political Constitution and other laws for other proceedings.

TITLE V

EXTENSION OF THE JURISPRUDENCE OF THE COUNCIL OF STATE

ARTICLE 102. Extension of the jurisprudence of the Council of State to third parties by the authorities. The authorities shall extend the effects of a ruling on the unification of jurisprudence handed down by the Council of State, in which a right has been recognized, to those who request it and prove the same factual and legal circumstances.

To this end, the interested party shall submit a request to the legally competent authority to recognize the right, provided that the legal claim has not expired. In addition to the general requirements, said request shall contain the following:

1. Reasoned justification showing that the petitioner is in the same factual and legal situation as the plaintiff whose right was recognized in the unification ruling invoked.
2. The evidence in their possession, listing that which is held in the entity's archives, as well as that which they would assert if it were necessary to go to trial.
3. The reference to the unification ruling invoked in their favor.

If a previous petition has been filed for the same purpose without requesting the extension of the jurisprudence, the interested party must indicate this, in which case, when the request for extension is resolved, the first request will be considered resolved.

The authority shall decide on the basis of the applicable constitutional, legal, and regulatory provisions, taking into account the interpretation made thereof in the invoked unification ruling, as well as the other legal elements that regulate the substance of the petition and the fulfillment of all the requirements for it to be admissible.

This decision shall be made within thirty (30) days of receipt, and the authority may deny the petition based on the following considerations:

1. Stating the reasons why it considers that the decision cannot be adopted without a probationary period in which it has the opportunity to request evidence to demonstrate that the claimant lacks the right invoked. In such a case, it shall be obliged to state what such means of evidence are and to clearly substantiate how indispensable the aforementioned means of evidence are.
2. By stating the reasons why it considers that the applicant's situation is different from that resolved in the invoked unification ruling and that the extension of its effects is not appropriate.

No administrative appeals may be lodged against the act recognizing the right, without prejudice to any judicial review that may be applicable. If the request for extension of the case law is denied in whole or in part, or if the authority remains silent on the matter, there shall also be no administrative appeals or judicial review with respect to the denial. In such cases, the applicant may appeal to the Council of State within thirty (30) days, in accordance with the terms of Article 269 of this Code.

The request for extension of the jurisprudence suspends the terms for the filing of the appropriate claim before the Administrative Jurisdiction.

The time limits for filing the claim in the above cases shall resume upon the expiration of the thirty (30) day period established for appealing to the Council of State when the interested party decides not to do so or, where applicable, in accordance with the provisions of Article 269 of this Code.

the provisions of Article 269 of this Code.

(Amended by Article 17 of Law 2080 of 2021) (See Decree 1793 of 2021; Article 36)

PART TWO

ORGANIZATION OF THE CONTENTIOUS-ADMINISTRATIVE JURISDICTION AND ITS JURISDICTIONAL AND ADVISORY FUNCTIONS

TITLE I

PRINCIPLES AND PURPOSE OF CONTENTIOUS-ADMINISTRATIVE JURISDICTION

ARTICLE 103. *Purpose and principles.* The purpose of proceedings brought before the contentious-administrative jurisdiction is to ensure the effectiveness of the rights recognized in the Constitution and the law and to preserve the legal order.

In the application and interpretation of the provisions of this Code, constitutional principles and those of procedural law shall be observed.

By virtue of the principle of equality, any change in case law regarding the scope and content of the rule must be expressly and sufficiently explained and justified in the ruling that contains it.

Anyone who appears before the Administrative Court, in compliance with the constitutional duty of cooperation for the proper functioning of the administration of justice, shall be obliged to comply with the procedural and evidentiary requirements set forth in this Code.

ARTICLE 104. *Administrative Jurisdiction.* The Administrative Jurisdiction is established to hear, in addition to the provisions of the Political Constitution and special laws, disputes and litigation arising from acts, contracts, events, omissions, and operations subject to administrative law, in which public entities or individuals exercising administrative functions are involved.

It will also hear cases involving the following:

1. Those relating to the non-contractual liability of any public entity, regardless of the applicable regime.
2. Those relating to contracts, regardless of their regime, to which a public entity or a private individual acting in an official capacity is a party.
3. Those relating to contracts entered into by any entity providing public utilities in which exorbitant clauses are included or should have been included.
4. Those relating to the legal and regulatory relationship between public servants and the State, and their social security, when said

regime is administered by a public law entity.

5. Those arising from political or governmental acts.

6. Enforcement proceedings arising from convictions imposed and settlements approved by this jurisdiction, as well as those arising from arbitration awards in which a public entity has been a party; and likewise those arising from contracts entered into by such entities.

7. Extraordinary appeals against arbitration awards that settle disputes relating to contracts entered into by public entities or by individuals in the exercise of functions proper to the State.

PARAGRAPH. For the sole purposes of this Code, a public entity is understood to be any state body, agency, or entity, regardless of its name; companies or enterprises in which the State has a stake of 50% or more of their capital; and entities with state contributions or participation of 50% or more.

ARTICLE 105. *Exceptions.* The Administrative Jurisdiction shall not hear the following matters:

1. Disputes relating to non-contractual liability and contracts entered into by public entities that are financial institutions, insurance companies, insurance intermediaries, or securities intermediaries supervised by the Financial Superintendency, when they correspond to the ordinary course of business of such entities, including enforcement proceedings.

2. Decisions issued by administrative authorities in the exercise of jurisdictional functions, without prejudice to the powers conferred on this jurisdiction in relation to appeals against such decisions. Decisions taken by an administrative authority in the exercise of its jurisdictional function shall be identified with the expression used by judges preceding the operative part of their judgments and shall be taken in a separate ruling that may not be mixed with decisions relating to the exercise of administrative functions, which, if they relate to the same matter, shall be recorded in a separate administrative act.

3. Decisions rendered in police trials specially regulated by law.

4. Labor disputes arising between public entities and their official employees.

TITLE II

ORGANIZATION OF THE CONTENTIOUS-ADMINISTRATIVE JURISDICTION

CHAPTER I

Composition

ARTICLE 106. *Composition of the Administrative Jurisdiction.* The Administrative Jurisdiction is composed of the Council of State, the Administrative Courts, and the administrative tribunals.

CHAPTER II

The Council of State

ARTICLE 107. *Integration and composition.* The Council of State is the Supreme Court of Administrative Litigation and the Supreme Advisory Body of the Government. It shall be composed of thirty-one (31) Magistrates.

It shall exercise its functions through three (3) chambers, composed as follows: the Plenary Chamber, composed of all its members; the Administrative Litigation Chamber, composed of twenty-seven (27) magistrates; and the Advisory and Civil Service Chamber, composed of the remaining four (4) magistrates.

It shall also have a Governing Chamber, composed of the President and Vice President of the Council of State and the Presidents of the Chamber of Consultation and Civil Service and of the sections of the Chamber of Administrative Litigation.

Special decision chambers shall be created within the Council of State, in addition to those regulated in this Code, responsible for deciding on cases submitted to the Plenary Chamber for Administrative Litigation, which the latter entrusts to them, except for cases of loss of office and nullity due to unconstitutionality. These Chambers shall be composed of four (4) Magistrates, one from each of the sections that comprise them, with the exception of the one that has heard the case, if applicable.

The integration and operation of these special chambers shall be carried out in accordance with the provisions of the internal regulations.

ARTICLE 108. *Election of officers.* The President of the Council of State shall be elected by the same body for a term of one (1) year and may be re-elected indefinitely and shall exercise the functions conferred upon him by the Constitution, the law, and the internal regulations.

The Council shall also elect a Vice President, in the same manner and for the same term as the President, who shall be responsible for replacing the President in his or her temporary absence and for exercising the other functions assigned to him or her by the internal regulations.

Each chamber or section shall elect a President for a term of one (1) year, who may be re-elected indefinitely.

ARTICLE 109. *Powers of the Full Chamber.* The Full Chamber of the Council of State shall have the following powers:

1. To establish its own rules of procedure.
2. To elect the Magistrates who make up the Corporation.
3. To elect the Secretary General.
4. To elect the other employees of the Corporation, with the exception of those of the chambers, sections, and offices, who shall be appointed by each of those bodies or by the respective Magistrates. This power may be delegated to the Governing Chamber.
5. To fill temporary vacancies of the Comptroller General of the Republic.
6. Distribute the functions of the Administrative Litigation Chamber that do not have to be exercised in plenary session among the Decision Chambers organized by law, the sections and subsections that constitute it, based on criteria of specialty and workload.

7. Integrate the committees that must be appointed for the proper functioning of the Corporation.
8. Evaluate the qualitative factor of the performance rating of the magistrates of the Administrative Courts, which will serve as the basis for the comprehensive rating.
9. To elect, from a list of three candidates submitted by the Supreme Court of Justice, for a term of two (2) years, the Auditor General of the Republic or whoever is to replace him in his temporary or permanent absence, without the possibility of re-election in any case.
10. To elect the member of the shortlist for the election of the Attorney General of the Nation.
11. To elect the member of the shortlist for the election of the Comptroller General of the Republic.
12. To elect the members of three (3) shortlists for the election of Magistrates of the Constitutional Court.
13. Elect three (3) Magistrates for the Administrative Chamber of the Superior Council of the Judiciary.
14. Issue an opinion in the case provided for in paragraph 2 of section 3 of Article 237 of the Constitution.
15. Exercise the other functions prescribed by the Constitution, the law, and the regulations.

PARAGRAPH. The opinion referred to in paragraph 14 of this article shall not be subject to reservation.

ARTICLE 110. *Composition of the Administrative Litigation Chamber.* The Administrative Litigation Chamber shall be divided into five (5) sections, each of which shall separately perform the functions assigned to it by the Full Chamber of the Council of State in accordance with its specialty and workload, in accordance with the law and the internal regulations of the Corporation, and shall be composed as follows:

The First Section shall be composed of four (4) Magistrates.

The Second Section shall be divided into two (2) subsections, each of which shall be composed of three (3) Magistrates.

The Third Section shall be divided into three (3) subsections, each of which shall be composed of three (3) Magistrates.

The Fourth Section shall be composed of four (4) Magistrates, and

The Fifth Section, composed of four (4) Magistrates.

Without prejudice to the specific powers conferred by law, the Corporation's Rules of Procedure shall determine and assign the matters and

matters to be heard by each section and the respective subsections.

PARAGRAPH . It is the responsibility of the President of the Council of State to resolve conflicts of jurisdiction between the sections of the Corporation's Contentious Chamber.

ARTICLE 111. *Functions of the Full Chamber of Administrative Litigation.* The Full Chamber of Administrative Litigation shall have the following functions:

1. To hear all administrative litigation cases whose adjudication is assigned by law to the Council of State and which have not been specifically assigned to the sections.
2. Resolving extraordinary appeals for review against judgments handed down by the sections or subsections and others within its jurisdiction.
3. Issue a ruling or judgment of unification in the matters indicated in Article 271 of this code.

(Paragraph 3, amended by Article 18 of Law 2080 of 2021)

4. Require courts to refer certain matters that are being heard in the second instance in order to unify case law in accordance with Article 271 of this code.

(Paragraph 4, amended by Article 18 of Law 2080 of 2021)

5. To hear cases of nullity due to unconstitutionality brought against decrees that are not subject to review by the Constitutional Court.
6. To hear cases concerning the removal of members of Congress from office, in accordance with the procedure established by law.
7. To hear special extraordinary appeals for review of judgments on the removal of members of Congress from office. In such cases, the Justices of the Council of State who participated in the contested decision shall not be subject to recusal nor may they declare themselves disqualified on that basis alone.
8. Exercise immediate control over the legality of general acts issued by national authorities on the basis of and during states of emergency.

PARAGRAPH . The Supreme Court of Justice shall hear cases against administrative acts issued by the Council of State.

ARTICLE 112. *Composition and functions of the Advisory and Civil Service Chamber.* The Advisory and Civil Service Chamber shall perform functions separate from judicial functions and shall act autonomously as the supreme advisory body to the government on administrative matters. It shall be composed of four (4) Magistrates.

(Paragraph 1, amended by Article 19 of Law 2080 of 2021)

The Chamber's opinions shall not be binding, unless otherwise provided by law.

The Consultation and Civil Service Chamber shall have the following powers:

1. To respond to general or specific inquiries made by the National Government through its ministers and directors of administrative departments.
2. Reviewing or preparing, at the request of the National Government, draft laws and codes. The draft shall be submitted to the Government through the Minister or Director of the corresponding Administrative Department, for presentation to the Congress of the Republic for consideration.
3. Prepare draft legislative acts and laws at the request of the Plenary Chamber of the Council of State or on its own initiative.
4. Review, at the request of the Government, draft compilations of regulations prepared by the Government for the purpose of dissemination.
5. Conduct studies on topics of interest to the Public Administration that the Chamber deems necessary in order to propose regulatory reforms.
6. To issue opinions on contracts to be entered into with Colombian private companies selected through a public merit-based tender process to carry out fiscal control of national administrative management, in accordance with the provisions of Article 267 of the Constitution.
7. Issue opinions, at the request of the national government or the National Agency for Legal Defense of the State, in relation to legal disputes that arise between national public entities, or between these and territorial entities, in order to prevent potential litigation or put an end to existing litigation. The opinion issued by the Chamber is not subject to appeal.

When the request has not been submitted by the National Agency for Legal Defense of the State, the latter may intervene in the processing of the opinion.

The request for an opinion shall suspend all legal terms, including the expiration of the respective means of control and the statute of limitations, until the day following the date of communication of the opinion.

In the event that a lawsuit has been filed for the legal dispute underlying the opinion, within two (2) days of the filing of the request, the entities involved in the legal proceedings or the National Agency for Legal Defense of the State must notify the judge or magistrate that an opinion has been requested from the Chamber. The notification shall suspend the legal proceedings.

The exercise of this function is subject to the following rules:

- a) The document containing the request must clearly and completely relate the facts giving rise to the dispute and be accompanied by the documents deemed relevant. Likewise, the purely legal issues that are the subject of the dispute and in relation to which the opinion is requested must be specified.
- b) The reporting judge shall convene a hearing with the entities involved, the National Agency for Legal Defense of the State, and the Public Prosecutor's Office so that they may rule on the legal dispute submitted for consultation and provide any documentary evidence they deem appropriate.

c) In order to perform the function provided for in this section, the reporting councilor may order evidence to be taken in accordance with the terms of this code.

d) Once the above procedure has been completed and all the necessary information has been provided, the Chamber shall issue the requested opinion within ninety (90) days. However, this period may be extended for up to thirty (30) additional days, either ex officio or at the request of the National Agency for Legal Defense of the State, in the event of supervening facts or facts unknown to the Chamber during the processing of the opinion.

(Paragraph 7, amended by Article 19 of Law 2080 of 2021)

8. Verify, in accordance with the Electoral Code, whether each candidate for the Presidency of the Republic meets the constitutional requirements and issue the corresponding certification.

9. Exercise prior control over the legality of Internal Public Law Agreements with Churches, Confessions, and Religious Denominations, their Federations and Confederations, in accordance with the provisions of the law.

10. Resolve conflicts of administrative jurisdiction between national agencies or between such agencies and a territorial or decentralized entity, or between any of these when they are not within the territorial jurisdiction of a single administrative court. Once the file is submitted to the office for resolution of the conflict, the Chamber shall decide within forty (40) days of receiving all the necessary information for that purpose.

(Paragraph 10, amended by Article 19 of Law 2080 of 2021)

11. Submit an annual public report on its activities.

12. Perform the other functions prescribed by the Constitution and the law.

PARAGRAPH 1. The opinions of the Consultation and Civil Service Chamber shall be covered by a legal reserve of six (6) months. This may be extended for up to four (4) years by the National Government. If, after the six (6) months referred to in this paragraph have elapsed, the National Government has not issued a ruling in any sense, the reserve shall be automatically lifted.

In any case, the National Government may lift the reservation at any time.

PARAGRAPH 2. At the invitation of the Chamber, Ministers, Heads of Administrative Departments, and any other officials they may require may attend the deliberations of the Council of State when it is exercising its advisory function, but the Magistrates shall vote once all of them have withdrawn. The Chamber shall hold hearings and request the information and documentation it deems necessary for the exercise of its functions.

ARTICLE 113. *Prior Opinion of the Consultation and Civil Service Chamber.* The Consultation and Civil Service Chamber must be heard in advance on the following matters:

1. Bills or draft administrative provisions, regardless of their rank and purpose, that affect the organization,

competence, or functioning of the Council of State.

2. Any matter in which, by express provision of law, the Advisory Chamber and Civil Service must be consulted.

PARAGRAPH. In the cases referred to in the preceding and present articles, the concepts shall be forwarded to the President of the Republic or to the Minister or head of the Administrative Department that requested them, as well as to the Legal Secretariat of the Presidency of the Republic.

ARTICLE 114. *Functions of the Governing Chamber.* The Governing Chamber shall be responsible for:

1. Examine the resumes of candidates for any position whose selection corresponds to the Full Chamber and inform the latter of the respective result.
2. Electing, in accordance with the delegation of the Full Chamber, the employees of the corporation, with the exception of those who must be elected by the chambers, sections, and offices.
3. Advise the President of the Corporation when requested to do so.
4. Reviewing the résumés of candidates for the José Ignacio de Márquez Award and submitting the evaluations to the Plenary Chamber.
5. Carry out the duties assigned to it by the Plenary Chamber.
6. Perform any other duties assigned by law and internal regulations.

ARTICLE 115. *Associate Judges.* Associate judges shall replace magistrates who are unable to attend due to impediment or recusal, shall resolve ties that arise in the Full Chamber of Administrative Litigation, in the Administrative Litigation Chamber in its various sections, and in the Consultation and Civil Service Chamber, and shall intervene in these chambers to complete the deciding majority when this has not been achieved.

Associate judges shall be appointed by lottery and in accordance with the regulations of the corporation from among the magistrates of the Administrative Litigation and Consultation and Civil Service Chambers of the Corporation.

When, for any reason, it is not possible to appoint the Magistrates of the Corporation, persons who meet the requirements and qualifications to hold the position of permanent Magistrate shall be appointed as associate judges, in accordance with procedural laws and internal regulations, without regard to whether they have reached the age of mandatory retirement. In any case, they may not be members of public corporations, employees, or workers of any entity that performs public functions during their term of office. Their services shall be remunerated.

Associate judges shall have the same duties and powers as magistrates and shall be subject to the same responsibilities as magistrates.

The election and selection of associate judges shall be carried out by the Full Chamber of Administrative Litigation, by the Chamber of Administrative Litigation in its different sections, and by the Chamber of Consultation and Civil Service, as appropriate.

PARAGRAPH . In the Administrative Courts, when a decisive majority cannot be obtained in the chamber, due to the impediment or recusal of one of its Magistrates or a tie among its members, another Magistrate from the respective corporation shall be called in turn to join the Decision Chamber, and only in the absence of these, in accordance with procedural laws and the regulations of the corporation, shall the necessary associate judges be selected by lot.

ARTICLE 116. *Possession and duration of the position of associate judge.* Once the associate judge has been appointed, he or she shall take office before the President of the respective chamber or section, on a single occasion, and when selected by lot, simple notification shall suffice for him or her to assume his or her duties.

When magistrates are appointed associate judges, only notification shall be required for them to assume their function of serving on the respective chamber.

Associate judges who hear a case shall remain in office until the proceedings or appeal are completely concluded, even if the term for which they were elected has ended. However, if the composition of the chamber is modified, the new magistrates shall replace the associate judges, provided that there are no grounds for disqualification or recusal that would give rise to the appointment of the latter.

ARTICLE 117. *Commission for the taking of evidence and proceedings.* The Council of State may commission the Assistant Magistrates, the Administrative Courts, and the judges to take the evidence and conduct the proceedings necessary for the exercise of their functions.

Similarly, it may commission, by means of a letter rogatory, the consuls or diplomatic agents of Colombia in the respective country to carry out the proceedings, in accordance with national laws, and return them directly.

ARTICLE 118. *Work of the Council of State during vacations.* The Council of State shall act, even during vacation periods, when summoned by the National Government, when its opinion is necessary, as provided for in the Political Constitution. The Government may also summon the Consultation and Civil Service Chamber when, in its opinion, public needs so require.

ARTICLE 119. *Licenses and permits.* The Council of State may grant licenses to the Magistrates of the Council of State and the Administrative Courts to take leave from their posts for up to ninety (90) days in a year and appoint interim replacements as necessary.

The President of the Council of State or of the respective administrative court may grant permission for up to five (5) days each month to the magistrates of the corresponding corporation.

ARTICLE 120. *Assistants to the Magistrates of the Council of State.* Each Magistrate of the Council of State shall have at least two assistant Magistrates whom he or she may freely appoint and remove.

ARTICLE 121. *Official publication organ of the Council of State.* The Council of State shall have the necessary means of publication to publicize its proceedings. For each fiscal year, a special appropriation for this purpose shall be included in the national budget.

CHAPTER III

Administrative Courts

ARTICLE 122. *Jurisdiction.* Administrative Courts are created by the Administrative Chamber of the Superior Council of the Judiciary to perform the functions determined by procedural law in each administrative judicial district. They have the number of judges determined by the Administrative Chamber of the Superior Council of the Judiciary, which in any case shall not be less than three (3).

The Administrative Courts shall exercise their functions through the Full Chamber, composed of all the Magistrates; through the Governing Chamber, through the specialized chambers, and through the other plural and odd-numbered decision-making chambers, in accordance with the law.

ARTICLE 123. *Full Chamber.* The Full Chamber of the Administrative Courts shall exercise the following functions:

1. Electing administrative judges from lists submitted by the Administrative Chamber of the respective Sectional Council of the Judiciary, in accordance with the rules governing the judicial career.
2. Nominate the candidates to be included in the shortlists for the elections of departmental, district, and municipal comptrollers, within the month immediately preceding the election.
3. Evaluate the qualitative factor of the performance rating of judges in the respective judicial district, which will serve as the basis for the comprehensive rating.
4. Resolve conflicts of jurisdiction that arise between sections or subsections of the same court and those that arise between two administrative judges of the same district.
5. Any other duties assigned by law.

CHAPTER IV

Administrative Judges

ARTICLE 124. *Regime.* The administrative courts established by the Administrative Chamber of the Superior Council of the Judiciary in accordance with the needs of the administration of justice for the performance of the functions provided for by procedural law in each circuit or municipality shall form part of the Administrative Jurisdiction. Their characteristics, name, and number shall be determined by that same Corporation, in accordance with the provisions of the Statutory Law on the Administration of Justice.

CHAPTER V

Decisions in the Administrative Jurisdiction

ARTICLE 125. Issuance of orders. The issuance of judicial orders shall be subject to the following rules:

1. It shall be the responsibility of the judges to issue orders and judgments.
2. The chambers, sections, and subsections shall issue judgments and the following orders:
 - a) Those that decide whether or not to take cognizance of a matter in accordance with paragraphs 3 and 4 of Article 111 and Article 271 of this Code;

- b) Those that resolve impediments and recusals, in accordance with Articles 131 and 132 of this code;
- c) Those that resolve appeals. In this case, the office that issued the appealed order shall be excluded;
- d) Those that order ex officio evidence, in the case provided for in the second paragraph of Article 213 of this code;
- e) Those that decide on the merits of requests for extension of case law;
- f) In lawsuits against electoral acts and those of electoral content, the decision on precautionary measures shall be made by the court;
- g) Those listed in paragraphs 1 to 3 and 6 of Article 243 when they are issued in the first instance or decide on appeals against them;
- h) The one that resolves the appeal of the order that decrees, denies, or modifies a precautionary measure. In the first instance, this decision shall be made by the presiding judge.

3. The presiding judge shall have jurisdiction to issue other interlocutory and substantive orders in the course of any proceeding, including the one that resolves the appeal.

(Amended by Article 20 of Law 2080 of 2021)

ARTICLE 126. *Deliberative quorum in the Council of State.* The Council of State in plenary session or any of its chambers, sections, or subsections shall require the attendance of a majority of its members in order to deliberate validly.

ARTICLE 127. *Quorum for elections in the Council of State.* The quorum for elections held by the Council of State in plenary session or by any of its chambers, sections, or subsections shall be that established by the Corporation's regulations.

ARTICLE 128. *Quorum for other decisions in the Council of State.* Any decision of a jurisdictional nature or otherwise, other than that indicated in the previous article, taken by the Council of State in plenary session or any of its chambers, sections, or subsections, or by the Administrative Courts or any of their sections, shall require the attendance and favorable vote of the majority of its members for deliberation and decision.

If an absolute majority is not achieved in the vote, it shall be repeated, and if this is not achieved either, a draw shall be held for associate judges or associate judges, as the case may be, to break the tie or to achieve such a majority.

All Magistrates are required to participate in the deliberation and decision of matters to be ruled on by the full court and, where applicable, by the chamber or section to which they belong, except where there is a legal impediment accepted by the court, duly proven illness or domestic calamity, or other legal reason requiring temporary separation from office. Failure to comply with this duty without just cause is grounds for misconduct.

The internal regulations shall specify the days and times each week when it, its chambers, and its sections shall hold meetings for deliberation

and decision on matters within its jurisdiction.

Whenever the number of Justices who must recuse themselves from hearing a matter due to impediment or challenge or for legal grounds for removal from office reduces the decision-making quorum, associate judges shall be appointed to complete it.

ARTICLE 129. *Signing of orders, opinions, rulings, dissenting opinions, and clarifications of votes.* The rulings, opinions, or judgments of the Council of State, or of its chambers, sections, subsections, or of the Administrative Courts, or of any of their sections, once agreed upon, shall be signed by the members of the corporation who participated in their adoption, even by those who dissented. The magistrates who were absent shall be noted at the bottom of the ruling, opinion, or decision. Those who participated in the deliberations but not in the voting on the bill shall not have the right to vote on it.

Dissenting magistrates shall have the right to save or clarify their vote. To that end, once the ruling, opinion, or decision has been signed and notified, the file shall remain in the registry for a common period of five (5) days. The decision, opinion, or ruling shall bear the date on which it was adopted. The saving or clarification shall be signed by its author and added to the file.

If, within the legal term, the dissenting magistrate does not substantiate the dissenting opinion or clarification of vote, without just cause, they shall lose this right. (See Article 11 of Decree 491 of 2020)

CHAPTER VI

Impediments and Recusals

ARTICLE 130. *Grounds.* Magistrates and judges must declare themselves impeded, or they will be subject to recusal, in the cases indicated in Article 150 of the Code of Civil Procedure and, in addition, in the following events:

1. When the judge, his or her spouse, permanent partner, or any of his or her relatives up to the second degree of consanguinity, second degree of affinity, or sole civil relationship, have participated in the issuance of the act being prosecuted, in the formation or execution of the contract, or in the execution of the administrative act or operation that is the subject of the dispute.
2. When the judge, his or her spouse, permanent partner, or any of his or her relatives up to the second degree of consanguinity, second degree of affinity, or sole civil relationship, has intervened as an arbitrator, party, interested third party, attorney, witness, expert, or agent of the Public Prosecutor's Office, in the arbitration proceedings in respect of whose award the corresponding appeal for annulment is being brought before the Administrative Court.
3. When the spouse, permanent partner, or any of the judge's relatives up to the second degree of consanguinity, second degree of affinity, or sole civil relationship, are public servants at the managerial, advisory, or executive level in one of the public entities participating in the respective proceedings as a party or interested third party.
4. When the spouse, permanent partner, or any of the judge's relatives up to the second degree of consanguinity, second degree of affinity, or sole civil relationship, are advisors or contractors for any of the parties or interested third parties involved in the proceedings, or are legal representatives or majority partners of one of the contracting companies of any of the parties or interested third parties.

ARTICLE 131. *Processing of impediments.* The following rules shall be observed for the processing of impediments:

1. The administrative judge who meets any of the grounds referred to in the previous article must declare himself or herself disqualified when he or she becomes aware of their existence, stating the facts on which they are based, in a letter addressed to the judge who is next in line to decide whether or not they are well-founded and, if accepted, he or she will take over the case; if not, he or she will return it so that the judge may continue with the proceedings. In the case of a single judge, he or she shall order the file to be sent to the corresponding court to decide whether the disqualification is well-founded, in which case he or she shall appoint an *ad hoc* judge to replace him or her. Otherwise, he or she shall return the file so that the same judge may continue with the matter.

2. If the judge who is subject to the grounds for disqualification considers that this applies to all administrative judges, he or she shall forward the file to the superior court, stating the facts on which the grounds are based. If the disqualification is accepted, the court shall appoint an associate judge to hear the case.

3. When a magistrate is subject to any of the grounds indicated in the previous article, he or she must declare himself or herself disqualified in writing to the presiding judge, or to the next judge in line if the presiding judge is disqualified, stating the facts on which the disqualification is based as soon as he or she becomes aware of them, so that the chamber, section, or subsection may rule outright on the legality of the disqualification. If it finds the disqualification to be well-founded, it shall accept it. When the decision-making quorum is affected, the new chamber shall be composed of magistrates from other subsections or sections in accordance with the internal regulations.

A draw for an associate judge shall only be ordered when the above is not sufficient.

(Paragraph 3, amended by Article 21 of Law 2080 of 2021)

4. If the impediment affects all the members of the section or subsection of the Council of State or the court, the file shall be sent to the next section or subsection in accordance with the rules of procedure, so that it may decide outright on the impediment; if it declares it well-founded, it shall take cognizance of the proceedings. Otherwise, it shall return the file so that the same section or subsection may continue to process it.

(Paragraph 4, amended by Article 21 of Law 2080 of 2021)

5. If the impediment affects the entire Administrative Court, the file shall be sent to the Section or Subsection of the Council of State that hears the matter in dispute, for a final decision. If the impediment is upheld, the file shall be returned to the court of origin for the selection of associate judges, who shall hear the matter. Otherwise, the file shall be returned to the aforementioned court to continue its proceedings.

(Paragraph 5, amended by Article 21 of Law 2080 of 2021)

6. If the impediment affects all members of the Full Chamber for Administrative Disputes or the Chamber for Consultation and Civil Service of the Council of State, its members must declare themselves impeded jointly or separately, stating the facts on which the impediment is based. Once the impediment has been declared by the respective chamber, a draw will be held to select associate judges who, if they find the impediment to be well-founded, will take over the case.

7. Decisions rendered during the impediment proceedings are not subject to appeal.

ARTICLE 132. *Procedure for challenges.* The following rules shall be observed for the procedure for challenges:

1. The challenge shall be submitted in writing to the judge or presiding magistrate, stating the legal grounds and the facts on which it is based, accompanied by the evidence to be presented.

2. When the challenged party is an administrative judge, he or she shall issue a ruling stating whether he or she accepts the facts and the validity of the grounds and shall send the file to the next judge in line to decide whether or not the challenge is valid; if so, he or she shall take up the matter, and if he or she finds it to be unfounded, he or she shall return it so that the judge may continue with the proceedings. In the case of a single judge, the file shall be forwarded to the corresponding court to decide whether the challenge is well-founded, in which case an *ad hoc* judge shall be appointed to replace him or her; otherwise, the file shall be returned so that the same judge may continue with the proceedings. If the challenge involves all administrative judges, the challenged judge shall forward the file to the superior court, stating the facts on which the challenge is based. If accepted, the court shall appoint an associate judge to hear the case.

3. When the challenged judge is a magistrate, he or she shall express in writing to the presiding judge, or to the next judge in line if the challenged judge is the next in line, whether or not he or she accepts the validity of the grounds and the facts on which they are based, so that the chamber, section, or subsection may rule outright on the challenge. If it finds the challenge to be valid, it shall accept it. When the decision-making quorum is affected, the new chamber shall be composed of magistrates from other subsections or sections as indicated in the internal regulations. A draw for an associate judge shall only be ordered when the above is not sufficient.

(Paragraph 3, amended by Article 22 of Law 2080 of 2021)

4. If the challenge involves the entire section or subsection of the Council of State or the court, it shall be presented to the challenged parties so that they may jointly or separately state whether or not they accept the challenge. The file shall be sent to the section or subsection that follows in turn, so that it may decide outright on the challenge; if it declares it well-founded, it shall take cognizance of the proceedings; otherwise, it shall return the file so that the same section or subsection may continue with the proceedings.

5. If the challenge involves the entire Administrative Court, it shall be presented to the challenged parties so that they may jointly or separately state whether or not they accept the challenge. The file shall be sent to the Section or Subsection of the Council of State that is familiar with the matter in dispute, so that it may decide outright. If the challenge is upheld, the file shall be sent to the court of origin for the selection of associate judges, who shall hear the case. Otherwise, the file shall be returned to the aforementioned court so that it may continue its proceedings.

(Paragraph 5, amended by Article 22 of Law 2080 of 2021)

6. When the challenge involves all members of the Full Chamber for Administrative Disputes or the Chamber for Consultation and Civil Service of the Council of State, it shall be presented to the challenged parties so that they may jointly or separately state whether they accept it or not. Once the challenge has been accepted by the respective chamber, an election shall be held to select associate judges to hear the case; otherwise, the same chamber shall continue to hear the case.

7. Decisions made during the recusal process are not subject to appeal.

In the same order declaring the challenge unfounded, if it is found that the challenging party and its representative have acted recklessly or in bad faith, they shall be jointly and severally liable to pay a fine to the Superior Council of the Judiciary of five (5) to ten (10) times the current legal minimum monthly wage, without prejudice to any disciplinary investigation that may be warranted.

The decision regarding the fine shall be subject only to appeal.

Impediments and Recusals of Agents of the Public Prosecutor's Office

ARTICLE 133. *Impediments and challenges of agents of the Public Prosecutor's Office before this jurisdiction.* The grounds for challenge and impediment provided for in this Code for Magistrates of the Council of State, Magistrates of the Courts, and administrative judges are also applicable to agents of the Public Prosecutor's Office when acting before the Administrative Jurisdiction.

ARTICLE 134. *Timing and Procedure.* A Public Prosecutor who has any grounds for disqualification must declare himself or herself disqualified, stating the grounds and the facts on which the disqualification is based, in a letter addressed to the judge, chamber, section, or subsection hearing the case, so that a decision may be made on whether or not to accept the disqualification. If accepted, he or she shall be replaced by the next person in numerical order according to his or her specialty. In the case of a single agent, the Attorney General's Office shall be requested to appoint a replacement.

The challenge to the agent of the Public Prosecutor's Office shall be brought before the judge, chamber, section, or subsection of the court or the Council of State hearing the case, so that it may decide outright, after hearing the challenged party, whether or not to accept the grounds and the facts. If the challenge is accepted, the agent shall be replaced by the next agent in numerical order, taking into account their specialty. In the case of a single agent, the Attorney General's Office shall be requested to appoint a replacement.

PARAGRAPH . If the Attorney General is removed from the proceedings due to impediment or recusal, he shall be replaced by the Deputy Attorney General.

TITLE III

MEANS OF CONTROL

ARTICLE 135. *Nullity due to unconstitutionality.* Citizens may, at any time, request, either personally or through a representative, that decrees of a general nature issued by the National Government be declared null and void, whose review does not correspond to the Constitutional Court under the terms of Articles 237 and 241 of the Political Constitution, due to direct violation of the Constitution.

They may also request the nullity due to unconstitutionality of general acts that, by express constitutional provision, are issued by entities or agencies other than the National Government.

NOTE: Paragraph declared ENFORCEABLE by the Constitutional Court, through Ruling [C-400](#) of 2013.

PARAGRAPH. The Council of State shall not be limited to issuing its decision on the charges brought in the lawsuit. Consequently, it may base its declaration of nullity on unconstitutionality on the violation of any constitutional provision. It may also rule in its judgment on provisions that, in its opinion, form a normative unit with those other provisions that it declares null and void on grounds of unconstitutionality.

NOTE: The Paragraph was declared ENFORCEABLE by the Constitutional Court, through Ruling [C-415](#) of 2012.

ARTICLE 136. *Immediate review of legality.* General measures issued in the exercise of administrative functions and in implementation of legislative decrees during states of emergency shall be subject to immediate review of legality by the Administrative Court in the place where they are issued, in the case of territorial entities, or by the Council of State if

issued by national authorities, in accordance with the rules of jurisdiction established in this Code.

The competent authorities issuing them shall send the administrative acts to the designated judicial authority within forty-eight (48) hours following their issuance. If they are not sent, the competent judicial authority shall take cognizance of them ex officio.

ARTICLE 136A. Automatic review of the legality of judgments involving fiscal responsibility. Rulings involving fiscal responsibility shall be subject to automatic and comprehensive legality control before the Administrative Jurisdiction, exercised by special chambers formed by the Council of State when issued by the Comptroller General of the Republic or the Auditor General of the Republic, or by the Administrative Courts when issued by the territorial comptroller's offices.

To this end, the ruling with fiscal responsibility and the administrative record containing it shall be forwarded in their entirety to the secretariat of the respective judicial office for distribution within five (5) days of the final act becoming final.

(Added by Article 23 of Law 2080 of 2021)

ARTICLE 137. *Nullity*. Any person may request, either personally or through a representative, that administrative acts of a general nature be declared null and void.

This shall proceed when they have been issued in violation of the rules on which they should be based, or without jurisdiction, or in an irregular manner, or with disregard for the right to a hearing and defense, or through false motivation, or with deviation from the powers of the person who issued them.

A request may also be made for the nullity of service circulars and acts of certification and registration to be declared.

Exceptionally, the nullity of administrative acts of a particular nature may be requested in the following cases:

1. When the claim does not seek, or the judgment of nullity does not result in, the automatic restoration of a subjective right in favor of the claimant or a third party.

2. When the aim is to recover public property.

3. When the harmful effects of the administrative act seriously affect public, political, economic, social, or ecological order.

4. When expressly provided for by law.

PARAGRAPH. If the claim seeks the automatic restoration of a right, it shall be processed in accordance with the rules of the following article.

NOTE: The underlined text was declared ENFORCEABLE by the Constitutional Court in Ruling C-259 of 2015.

ARTICLE 138. *Nullity and restoration of rights*. Any person who believes that a subjective right protected by a legal norm has been infringed

may request that the particular administrative act, whether express or presumed, be declared null and void and that the right be restored; they may also request compensation for damages. Nullity shall proceed on the same grounds established in the second paragraph of the previous article.

(See Ruling [2017-01317](#) of 2020 Council of State)

Likewise, the nullity of the general administrative act may be sought and the restoration of the right directly violated by it to the individual plaintiff or compensation for the damage caused to said individual by it may be requested, provided that the claim is filed in a timely manner, that is, within four (4) months following its publication. If there is an intermediate act, execution or enforcement of the general act, the above term shall be counted from the notification of that act.

ARTICLE 139. *Electoral nullity.* Any person may request the nullity of acts of election by popular vote or by electoral bodies, as well as acts of appointment issued by public entities and authorities of all kinds. Likewise, the nullity of acts of appointment to fill vacancies in public corporations may be requested.

(See Ruling [2017-01317](#) of 2020 Council of State)

In popular vote elections, decisions made by electoral authorities that resolve complaints or irregularities regarding voting or vote counting must be challenged together with the act declaring the election. The plaintiff must specify in which stages or electoral records the irregularities or defects that affect the election occur.

In any case, decisions of an electoral nature shall not be subject to challenge through the use of the mechanisms for protecting collective rights and interests regulated by Law 472 of 1998.

ARTICLE 140. *Direct reparation.* Under the terms of Article 90 of the Constitution, the interested party may directly demand reparation for unlawful damage caused by the action or omission of State agents.

In accordance with the preceding paragraph, the State shall be liable, among other things, when the cause of the damage is an act, an omission, an administrative operation, or the temporary or permanent occupation of real property due to public works or any other cause attributable to a public entity or a private individual who has acted on the express instruction of such entity.

NOTE: Underlined expression declared enforceable by the office examined, by means of Constitutional Court Ruling [C-644](#) of 2011

Public entities shall bring the same claim when they are harmed by the actions of a private individual or another public entity.

In all cases where private individuals and public entities are involved in causing the damage, the ruling shall determine the proportion for which each of them is liable, taking into account the causal influence of the act or omission in the occurrence of the damage.

ARTICLE 141. *Contractual disputes.* Any party to a State contract may request that its existence or nullity be declared, that its revision be ordered, that its breach be declared, that the nullity of contractual administrative acts be declared, that the responsible party be ordered to pay damages, and that other declarations and orders be made. Likewise, the interested party may request the judicial liquidation of the contract when this has not been achieved by mutual agreement and the State entity has not liquidated it unilaterally within two (2) months following the expiration of the term agreed upon for liquidation by mutual agreement or, failing that, the term established by law.

Acts performed prior to the conclusion of the contract, in connection with the contractual activity, may be sued for under the terms of

Articles 137 and 138 of this Code, as applicable.

The Public Prosecutor's Office or a third party with a direct interest may request that the contract be declared null and void. The administrative judge may declare it null and void ex officio when it is fully proven in the proceedings, provided that the contracting parties or their successors have participated in the proceedings.

ARTICLE 142. *Repetition.* When the State has had to make a compensatory payment as a result of a conviction, settlement, or other form of conflict resolution arising from the willful or grossly negligent conduct of a public servant or former public servant or of a private individual exercising public functions, the respective entity shall seek reimbursement from them for the amount paid.

The claim for reimbursement may also be attempted by calling upon the public servant or former public servant or private individual exercising public functions as a guarantor in the liability proceedings against the public entity.

When an independent claim for reimbursement is made, the certificate of the payer, treasurer, or public servant performing such functions, stating that the entity made the payment, shall be sufficient evidence to initiate proceedings for reimbursement against the official responsible for the damage.

ARTICLE 143. *Loss of Office.* At the request of the Board of Directors of the corresponding Chamber or of any citizen and for the reasons established in the Constitution, the loss of office of congressmen may be demanded.

Similarly, the Board of Directors of the Departmental Assembly, the Municipal Council, or the local administrative board, as well as any citizen, may request the loss of office of deputies, councilors, and aldermen.

ARTICLE 144. *Protection of collective rights and interests.* Any person may demand the protection of collective rights and interests, for which purpose they may request that the necessary measures be taken to prevent contingent damage, to put an end to the danger, threat, violation, or harm to those rights and interests, or to restore things to their previous state when possible.

When the violation of collective rights and interests stems from the activity of a public entity, protection may be sought, even when the violating conduct is an administrative act or a contract, without the judge being able to annul the act or contract in either case, without prejudice to the possibility of adopting the measures necessary to stop the threat or violation of collective rights.

NOTE: Underlined expression declared enforceable by the charges analyzed, by Constitutional Court Ruling [C-644](#) of 2011.

Before filing a lawsuit for the protection of collective rights and interests, the plaintiff must request that the authority or individual exercising administrative functions take the necessary measures to protect the collective right or interest that is threatened or violated. If the authority does not respond to the request within fifteen (15) days of its submission or refuses to do so, the matter may be brought before a judge. Exceptionally, this requirement may be waived when there is an imminent danger of irreparable harm to collective rights and interests, a situation that must be substantiated in the lawsuit.

ARTICLE 145. *Compensation for damages caused to a group.* Any person belonging to a plural number or group of persons who meet uniform conditions with respect to the same cause that caused them individual damages may request, on behalf of the group, a declaration of the State's financial liability and the recognition and payment of compensation for the damages caused to the group, under the terms established by the special law governing the matter.

When an administrative act of a particular nature affects twenty (20) or more individually identified persons, its annulment may be requested if necessary to determine liability, provided that a member of the group has exhausted the mandatory administrative remedy.

ARTICLE 146. *Compliance with rules having the force of law or administrative acts.* Any person may apply to the Administrative Court, after filing a complaint, to enforce compliance with any applicable rules having the force of law or administrative acts.

ARTICLE 147. *Nullity of letters of naturalization and resolutions authorizing registration.* Any person may request that letters of naturalization and resolutions authorizing registration be declared null and void within the time limit and on the grounds prescribed in Articles 20 and 21 of Law 43 of 1993.

Once the judgment declaring the nullity of the respective act has been issued, it shall be legally notified and a certified copy thereof shall be sent to the Ministry of Foreign Affairs within ten (10) days of its enforcement. Likewise, if applicable, the judgment shall order that the relevant copies be taken and sent to the competent authorities for them to investigate possible criminal offenses.

ARTICLE 148. *Control by way of exception.* In proceedings brought before the Administrative Court, the judge may, either ex officio or at the request of a party, declare administrative acts inapplicable with inter partes effect when they violate the Constitution or the law.

The decision to disapply an administrative act shall only have effect in relation to the proceedings in which it is adopted.

ARTICLE 148A. Jurisdictional control of fiscal responsibility rulings. (Repealed by Art. 87 of Law 2080 of 2021). (Added by Art. 152 of Decree 403 of 2020).

TITLE IV DISTRIBUTION

OF POWERS

CHAPTER I

Competence of the Council of State

ARTICLE 149. Jurisdiction of the Council of State in sole instance. The Council of State, in Plenary Session for Administrative Disputes, through its sections, subsections, or special chambers, in accordance with the distribution of work established by the regulations, shall hear the following matters in sole instance:

1. The nullity of administrative acts issued by national authorities, or by persons or entities governed by private law that perform administrative functions in the same order, except in the case of acts of certification or registration, for which jurisdiction lies with the administrative courts.
2. The nullity of electoral acts declaring the results of national referendums, plebiscites, and popular consultations.
3. The nullity of the act of election or appointment to occupy the seat, as the case may be, of the President and Vice President of the Republic, Senators, Representatives to the House, Representatives to the Andean Parliament, Governors, the Mayor of Bogotá, members of the board of directors or governing council of national public entities, autonomous national entities, and regulatory commissions. Those regulated in paragraph 7, subparagraph a) of Article 152 of this law are exempt.

4. The nullity of election acts issued by the Congress of the Republic, its Chambers and its commissions, the Supreme Court of Justice, the Constitutional Court, the Superior Council of the Judiciary, the board of directors or governing council of autonomous entities of the national order, and regulatory commissions. Likewise, the nullity of the act of appointment of the Deputy Attorney General of the Nation, the Deputy Comptroller General of the Republic, the Deputy Prosecutor General of the Nation, and the Deputy Ombudsman.

5. The nullity of the acts of appointment of the legal representatives of public entities of the national order.

6. Those brought against administrative acts relating to nationality and citizenship.

7. The appeal for annulment against arbitration awards issued in disputes arising from contracts entered into by a public entity, on the grounds and within the time limit prescribed in the rules governing the matter. Only an appeal for review may be filed against the judgment resolving this appeal.

PARAGRAPH . The Supreme Court of Justice shall hear cases of nullity against acts of election and appointment carried out by the Council of State, and those in which the elected or appointed person has been nominated by the latter body.

(Amended by Article 24 of Law 2080 of 2021)

ARTICLE 149A. Jurisdiction of the Council of State with double conformity guarantee. The

Council of State shall hear the following matters:

1. The appeal filed by the State against the President of the Republic or whoever acts on his behalf, the Vice President of the Republic, members of Congress, ministers of the cabinet, directors of administrative departments, the Attorney General of the Nation, the Comptroller General of the Republic, the Prosecutor General of the Nation, magistrates of the Supreme Court of Justice, the Constitutional Court, the Council of State, the Superior Council of the Judiciary, the Special Jurisdiction for Peace, members of the National Judicial Disciplinary Commission, the National Registrar of Civil Status, the Auditor General of the Republic, magistrates of the superior courts of judicial districts, administrative courts, sectional judicial discipline commissions, sectional councils of the judiciary, the Superior Military Court, and delegates of the Attorney General's Office or the Public Ministry before the judicial authorities indicated in this paragraph.

In these cases, the Third Section, through its subsections, shall hear the case in a single instance. However, if the judgment is condemnatory against it, an appeal shall be admissible, which shall be decided by the Full Chamber of the Third Section, with the exclusion of the councilors who participated in the decision of first instance.

2. Cases of nullity and restoration of rights in which administrative acts of a disciplinary nature issued against the Vice President of the Republic or members of Congress are contested, regardless of the type of sanction.

In this case, the Second Section, through its subsections, shall hear the case in a single instance. However, if the ruling declares the disciplinary sanction against her to be legal, an appeal shall be admissible, which shall be decided by the Full Chamber of the Administrative Court, excluding the judges who participated in the first instance decision.

(Added by Article 25 of Law 2080 of 2021)

ARTICLE 150. Jurisdiction of the Council of State in the second instance and change of venue. The Council of State, in the Administrative Litigation Chamber, shall hear in the second instance appeals against judgments handed down in the first instance by the courts.

administrative matters and appeals of orders subject to this means of challenge. It shall also hear complaints lodged against court decisions, as regulated in Article 245 of this code.

(Paragraph 1, amended by Article 26 of Law 2080 of 2021)

The Council of State, in its Administrative Litigation Chamber, shall hear petitions for a change of venue for a proceeding or action, which may be granted on an exceptional basis when circumstances exist in the place where the proceeding is being conducted that could affect public order, the impartiality or independence of the administration of justice, procedural guarantees, or the safety or integrity of the parties involved.

Additionally, a change of venue may be ordered when deficiencies in the management and speed of the proceedings are noted, subject to the opinion of the Administrative Chamber of the Superior Council of the Judiciary.

PARAGRAPH . In all jurisdictions, requests for a change of venue may be made by the National Agency for Legal Defense of the State.

(Amended by Article 615, Law 1564 of 2012.)

CHAPTER II

Jurisdiction of Administrative Courts

ARTICLE 151. Jurisdiction of administrative courts in sole instance. Administrative courts shall hear the following proceedings exclusively and in sole instance:

1. Those concerning the definition of administrative powers between public entities at the departmental, district, or municipal level, or between any of them when they are within the territory of their jurisdiction.
2. Observations made by departmental governors regarding the constitutionality and legality of municipal agreements, and objections to draft ordinances, for the same reasons.
3. Observations made by governors on the actions of mayors, on grounds of unconstitutionality or illegality.
4. Objections made by mayors to draft municipal or district agreements on the grounds that they are contrary to higher legal provisions.
5. The appeal for review provided for in the first part of this code, when the authority that issues or should issue the decision is at the national or departmental level, or in the Capital District of Bogotá.
6. The following matters relating to electoral nullity:
 - a) The nullity of the election of district and municipal representatives and comptrollers in municipalities with fewer than seventy thousand (70,000) inhabitants that are not department capitals;
 - b) The nullity of acts of election or appointment to office, as the case may be, other than those by popular vote, and those of

appointment, without any claim to restoration of rights, of public employees at the management, advisory, or equivalent level in districts and municipalities with fewer than seventy thousand (70,000) inhabitants that are not department capitals, regardless of the appointing authority. The same applies to members of boards or governing councils of public entities of the aforementioned types;

The number of inhabitants shall be verified using the latest official projections from the National Administrative Department of Statistics (DANE);

c) Those of electoral nullity of public employees at the professional, technical, and assistance levels or equivalent to any of these levels carried out by national, departmental, district, or municipal authorities. Jurisdiction by reason of territory corresponds to the court of the place where the appointee provides or should provide services.

7. Immediate control of the legality of acts of a general nature that are issued in the exercise of administrative functions during states of emergency and as a result of legislative decrees issued by departmental and municipal territorial authorities. This jurisdiction shall correspond to the court of the place where they are issued.

8. The enforcement of sentences imposed or settlements approved in proceedings heard by the respective court of first instance, even if the obligation sought arises in the course of extraordinary appeals. In this case, jurisdiction is determined by the factor of relatedness, regardless of the amount involved.

(Amended by Article 27 of Law 2080 of 2021)

ARTICLE 152. Jurisdiction of administrative courts of first instance. Administrative courts shall hear the following matters in the first instance:

1. The nullity of administrative acts issued by departmental officials or agencies, or by persons or entities governed by private law that perform administrative functions in the same order.

Likewise, the nullity of administrative acts issued by district and municipal officials or agencies relating to taxes, fees, contributions, and penalties related to these matters.

2. The nullity and restoration of rights in cases where administrative acts of any authority are disputed, when the amount exceeds five hundred (500) times the current legal monthly minimum wage.

3. Those brought regarding the amount, distribution, or allocation of national, departmental, municipal, or district taxes, contributions, and fees, when the amount exceeds five hundred (500) times the current legal monthly minimum wage.

4. Those relating to contracts, regardless of their regime, to which a public entity at any level or a private individual exercising functions of the State is a party, and contracts entered into by any entity providing public utilities that include exorbitant clauses, when the amount exceeds five hundred (500) times the current legal monthly minimum wage.

5. Direct compensation, including that arising from the action or omission of judicial officers, when the amount exceeds one thousand (1,000) times the current legal monthly minimum wage.

6. The enforcement of sentences imposed or judicial settlements approved in proceedings heard by the respective court of first instance, even if the obligation sought arises in the course of extraordinary appeals. It shall also hear cases concerning the enforcement of obligations contained in out-of-court settlements whose approval proceedings have been heard in the first instance. In the cases referred to in this paragraph, jurisdiction is determined by the factor of connection, regardless of the amount involved.

Likewise, other enforcement proceedings whose amount exceeds one thousand five hundred (1,500) times the current legal monthly minimum wage.

7. The following matters relating to electoral nullity:

a) The nullity of the act of election or appointment to occupy the seat, as the case may be, of the deputies of the departmental assemblies, the councilors of the Capital District of Bogotá, the municipal and district mayors, the members of public corporations of the municipalities and districts, the members of the higher councils of public universities of any order, and the members of the boards of directors of regional autonomous corporations. Likewise, the nullity of other elections held by popular vote, except for justices of the peace and judges of reconsideration;

b) The nullity of the election of departmental comptrollers and district and municipal representatives and comptrollers of municipalities with seventy thousand (70,000) inhabitants or more, or those that are departmental capitals;

c) On the nullity of acts of election or appointment to occupy a seat, as the case may be, other than those by popular vote, and of appointments, without any claim to restoration of rights, of public employees at the managerial, advisory, or equivalent levels in the national, departmental, and district orders, as well as in municipalities with seventy thousand (70,000) inhabitants or more, or that are department capitals, regardless of the appointing authority. Likewise, those that fall on members of boards or governing councils of public entities of the above orders, provided that the jurisdiction is not expressly attributed to the Council of State;

d) The nullity of the electoral act declaring the results of the referendum or popular consultation at the departmental, district, or municipal level;

e) The nullity of the electoral act declaring the results of the recall of governors and mayors.

The number of inhabitants shall be verified using the latest official projections from the National Administrative Department of Statistics (DANE).

8. On the nullity of administrative acts issued by departments and decentralized entities of a departmental nature, which must be submitted for approval by a higher authority in order to be valid, or which have been issued by virtue of a delegation of functions made by the same.

9. The State's right of recourse against public servants or former public servants and private individuals performing public functions, including judicial officers, when the amount exceeds five hundred (500) times the current legal monthly minimum wage, provided that jurisdiction is not assigned to the Council of State.

10. The nullity of resolutions awarding vacant land.

11. Expropriation cases covered by agricultural laws.

12. Those brought against acts of expropriation by administrative means.

13. The removal from office of deputies, councilors, and aldermen, in accordance with the procedure established by law. In these cases, the ruling shall be issued by the Full Chamber of the court.

14. Those relating to the protection of collective rights and interests and compliance, against national authorities or private individuals who perform administrative functions within that same sphere.

15. The means of control for redressing damage caused to a group, when the amount exceeds one thousand (1,000) times the current legal monthly minimum wage. If the damage results from a specific administrative act, when the amount exceeds five hundred (500) times the current legal monthly minimum wage.

16. Those relating to industrial property, in the cases provided for by law.

In this case, jurisdiction shall lie exclusively with the First Section of the Administrative Court of Cundinamarca.

17. Nullity with reinstatement against administrative acts issued by the Colombian Institute for Rural Development (Incodar), the National Land Agency, or entities acting on their behalf, which initiate administrative proceedings for the extinction of ownership; clarification of ownership, demarcation, and recovery of vacant land.

18. Review of acts of extinction of agricultural ownership, or of resolutions that decide on the merits of proceedings concerning clarification, demarcation, and recovery of vacant land.

19. Reviews related to the administrative declaration of termination of ownership or property rights of urban real estate and movable property of any nature.

20. The nullity of acts of the Colombian Institute for Rural Development (Incodar), the National Land Agency, or the entity acting on their behalf, in the cases provided for by law.

21. The nullity and restoration of rights against acts of expropriation dealt with in the laws on urban reform.

22. Those concerning nullity and restoration of rights that do not involve monetary amounts against administrative acts issued by national or departmental authorities, or by persons or entities governed by private law that perform administrative functions in the same order.

23. Regardless of the amount involved, actions for annulment and restoration of rights against administrative acts of a disciplinary nature that impose sanctions of dismissal and general disqualification, absolute removal from office, or suspension with special disqualification, issued against public servants or individuals performing public functions at any level, including those elected by popular vote, whose jurisdiction is not assigned to the Council of State, in accordance with Article 149A.

24. Those brought on oil or mining matters in which the Nation or a territorial or decentralized entity is a party for services.

25. All those brought against acts of certification or registration.

26. All others of a contentious-administrative nature involving national or departmental entities, or individuals performing administrative functions in the same orders, for which there is no special rule of jurisdiction.

(Amended by Article 28 of Law 2080 of 2021)

ARTICLE 153. *Jurisdiction of administrative courts in the second instance.* Administrative courts shall hear appeals in the second instance against judgments handed down in the first instance by administrative judges and appeals against orders that are subject to this means of challenge, as well as complaints when an appeal is not granted or is granted with an effect other than that which corresponds.

CHAPTER III

Jurisdiction of Administrative Judges

ARTICLE 154. Jurisdiction of administrative courts in sole instance. Administrative courts shall hear in sole instance:

1. The appeal for review provided for in the first part of this code, when the ruling has been issued by a municipal or district official or authority.
2. The enforcement of sentences imposed or judicial settlements approved in proceedings heard by the respective court of first instance, even if the obligation sought arises in the course of extraordinary appeals. In this case, jurisdiction is determined by the factor of connection, regardless of the amount involved.

(Amended by Article 29 of Law 2080 of 2021)

ARTICLE 155. Jurisdiction of administrative courts of first instance. Administrative courts shall hear the following matters in the first instance:

1. Nullity against administrative acts issued by district and municipal officials or agencies, or by persons or entities governed by private law that perform administrative functions at the same level. Exceptions are nullity against administrative acts relating to taxes, fees, contributions, and penalties related to these matters, which fall under the jurisdiction of the administrative courts.
2. Nullity and restoration of labor rights not arising from an employment contract, in which administrative acts of any authority are contested, regardless of their amount.
3. Actions for annulment and restoration of rights against administrative acts of any authority, the amount of which does not exceed five hundred (500) times the current legal monthly minimum wage.

4. Of proceedings brought regarding the amount, distribution, or allocation of national, departmental, municipal, or district taxes, contributions, and fees, the amount of which does not exceed five hundred (500) times the current legal monthly minimum wage.

5. Those relating to contracts, regardless of their regime, to which a public entity at any level or a private individual exercising functions of the State is a party, and contracts entered into by any entity providing public utilities that include exorbitant clauses, when the amount does not exceed five hundred (500) times the current legal monthly minimum wage.

6. Direct reparation, including that arising from the action or omission of judicial officers, when the amount does not exceed one thousand (1,000) times the current legal monthly minimum wage.

7. The enforcement of sentences imposed or judicial settlements approved in proceedings heard by the respective court of first instance, even if the obligation sought arises in the course of extraordinary appeals. It shall also hear cases concerning the enforcement of obligations contained in out-of-court settlements whose approval proceedings have been heard in the first instance. In the cases indicated in this paragraph, jurisdiction is determined by the factor of connection, regardless of the amount. Likewise, it shall hear other enforcement proceedings when the amount does not exceed one thousand five hundred (1,500) times the current legal monthly minimum wage.

8. The State's recourse against public servants, former public servants, and private individuals who perform public functions, including judicial officers, when the amount does not exceed five hundred (500) times the current legal monthly minimum wage, and whose jurisdiction is not assigned by subjective factors to the Council of State.

9. Matters relating to the nullity of the act of election by electoral bodies, as well as acts of appointment, without any claim for the restoration of rights, whose jurisdiction is not assigned to the Council of State or the administrative courts. Likewise, they shall hear cases concerning the nullity of the election of justices of the peace and judges of reconsideration.

10. Matters relating to the protection of collective rights and interests and compliance, against authorities at the departmental, district, municipal, or local levels, or private individuals who perform administrative functions within those same areas.

11. The means of control for repairing damage caused to a group, when the amount does not exceed one thousand (1,000) current legal monthly minimum wages. If the damage stems from a specific administrative act, when the amount does not exceed five hundred (500) current legal monthly minimum wages.

12. The nullity of the act of qualification and classification of bidders, issued by the Chambers of Commerce.

13. The nullity of administrative acts of districts and municipalities and of decentralized entities of a district or municipal nature that must be submitted for approval by a higher authority in order to be valid, or that have been issued by virtue of a delegation of functions made by the same.

14. Regardless of the amount involved, proceedings for nullity and restoration of rights against administrative acts of a disciplinary nature that are not attributed to the courts or the Council of State.

15. Nullity and restoration of rights proceedings that do not involve a specific amount against administrative acts issued by district or municipal authorities, or by persons or entities governed by private law that perform administrative functions at the same level.

16. All other contentious-administrative matters involving municipal or district entities or individuals who

perform administrative functions at the same level, for which there is no special rule of jurisdiction.

17. Other matters assigned to them by special laws.

(Amended by Article 30 of Law 2080 of 2021)

CHAPTER IV

Determination of Jurisdiction

ARTICLE 156. Jurisdiction based on territory. The following rules shall be observed for the determination of jurisdiction based on territory:

1. In cases of nullity and in those brought against acts of certification or registration, by the place where the act was issued.
2. In cases of nullity and reinstatement, it shall be determined by the place where the act was issued, or by the domicile of the plaintiff, provided that the defendant entity has its headquarters in that place.
3. In cases of nullity and reinstatement of labor rights, it shall be determined by the last place where the services were provided or should have been provided. In the case of pension rights, it shall be determined by the domicile of the plaintiff, provided that the defendant entity has its headquarters in that place.
4. In contractual and executive matters arising from state contracts or arbitration awards derived from such contracts, it shall be determined by the place where the contract was or should have been performed.
5. In agricultural matters and other matters related to expropriation, the extinction of ownership rights, the allocation of vacant land, the clarification and demarcation of property, and other similar matters directly related to real estate, it shall be determined by the location of the property.
6. In cases of direct reparation, it shall be determined by the place where the events, omissions, or administrative operations occurred, or by the domicile or principal place of business of the defendant entity, at the plaintiff's discretion. When any of the plaintiffs has been a victim of forced displacement from that place and can prove it, they may file the lawsuit at their current domicile or at the principal place of business of the defendant entity, at the plaintiff's discretion.
7. In cases involving the amount, distribution, or allocation of national, departmental, municipal, or district taxes, fees, and contributions, jurisdiction shall be determined by the place where the return was filed or should have been filed, where applicable; in all other cases, jurisdiction shall be determined by the place where the assessment was made.
8. In cases involving the imposition of penalties, jurisdiction shall be determined by the place where the act or event that gave rise to the penalty occurred.
9. When the act or event occurs abroad, jurisdiction shall be determined by the location of the main headquarters of the defendant entity in

Colombia.

10. In cases relating to the means of enforcing compliance with rules having the force of law or administrative acts, jurisdiction shall be determined by the domicile of the plaintiff.

11. The judge or court with jurisdiction in the domicile of the defendant shall hear the case. In the absence of a determination of domicile, the judge or court of the last place where the service was provided or should have been provided shall hear the case.

PARAGRAPH . When there are several judges or courts with jurisdiction to hear the matter in accordance with the rules set forth in this article, the judge or court before which the claim was first filed shall hear the case.

(Amended by Article 31 of Law 2080 of 2021)

ARTICLE 157. Jurisdiction based on the amount. For the purposes of jurisdiction, where applicable, the amount shall be determined by the value of the fine imposed or the damages caused, according to the reasoned estimate made by the plaintiff in the claim, without considering the estimate of immaterial damages, unless the latter are the only ones claimed.

The amount shall be determined by the value of the claims at the time of the lawsuit, which shall take into account the fruits, interest, fines, or damages claimed as accessories, caused up to the filing of the lawsuit.

For the purposes contemplated herein, when several claims are accumulated in the lawsuit, the amount shall be determined by the value of the largest claim.

In proceedings for nullity and restoration of rights, a reasoned estimate of the amount cannot be dispensed with on the pretext of waiving restoration.

In tax matters, the amount shall be established by the value of the sum disputed in respect of taxes, fees, contributions, and penalties.

PARAGRAPH. When the amount is expressed in current legal monthly minimum wages, the wage in force on the date of filing the claim shall be taken into account.

(Amended by Article 32 of Law 2080 of 2021)

ARTICLE 158. Conflicts of jurisdiction. Conflicts of jurisdiction between administrative courts and between administrative courts and administrative judges from different judicial districts shall be decided, ex officio or at the request of a party, by the reporting judge of the Council of State in accordance with the following procedure:

When a court or administrative judge declares that it lacks jurisdiction to hear a case, on the grounds that it falls within the jurisdiction of another court or administrative judge in another judicial district, it shall order that the case be referred to that court or judge. If the court or judge receiving the case also declares that it lacks jurisdiction, it shall refer the case to the Council of State for a decision on the conflict.

Once the file has been received and distributed among the sections according to their specialization, the rapporteur shall order that it be forwarded to the parties for a common period of three (3) days for them to submit their arguments; once this period has expired, the conflict shall be resolved within ten (10) days by means of an order to refer the file to the competent court.

If the dispute arises between administrative judges of the same judicial district, it shall be decided by the reporting judge of the respective administrative court, in accordance with the procedure established in this article.

The lack of jurisdiction shall not affect the validity of the proceedings carried out until the decision on the dispute.

(Amended by Article 33 of Law 2080 of 2021)

TITLE V

LAWSUIT AND CONTENTIOUS ADMINISTRATIVE PROCEEDINGS

CHAPTER I

Capacity, Representation, and Right to Apply

ARTICLE 159. *Capacity and representation.* Public entities, individuals who perform public functions, and other legal entities that, in accordance with the law, have the capacity to appear in proceedings may act as plaintiffs, defendants, or interveners in administrative litigation proceedings through their duly accredited representatives.

The state entity, body, or agency shall be represented, for judicial purposes, by the Minister, Director of the Administrative Department, Superintendent, National Registrar of Civil Status, Attorney General of the Nation, Comptroller General of the Republic, or Attorney General of the Nation, or by the highest-ranking person in the entity that issued the act or produced the event.

The President of the Senate represents the Nation in matters relating to the Legislative Branch, and the Executive Director of Judicial Administration represents it in matters relating to the Judicial Branch, except in proceedings in which the Attorney General's Office must be a party.

In proceedings concerning taxes, fees, or contributions, public entities shall be represented by the Director General of National Taxes and Customs within his jurisdiction, or by the official who issued the act.

In contractual matters, representation shall be exercised by the highest-ranking public servant of the agencies referred to in paragraph b) of section 1 of Article 2 of Law 80 of 1993, or the law that modifies or replaces it. When the contract or act has been signed directly by the President of the Republic on behalf of the Nation, representation shall be exercised by the Director of the Administrative Department of the Presidency of the Republic.

The entities and bodies that make up the central sector of the territorial level administrations are represented by the respective governor or district or municipal mayor. In proceedings arising from the activity of the territorial level control bodies, legal representation shall be exercised by the respective ombudsman or comptroller.

ARTICLE 160. *Right to apply.* Those who appear in the proceedings must do so through a registered lawyer, except in cases where the law allows for their direct intervention.

Lawyers affiliated with public entities may represent them in administrative litigation proceedings by means of a power of attorney granted in the ordinary manner, or by means of a general or specific delegation made in an administrative act.

CHAPTER II

Requirements for Proceeding

ARTICLE 161. *Prerequisites for filing a lawsuit.* The filing of a lawsuit shall be subject to the fulfillment of prerequisites in the following cases:

1. When the matters are conciliable, the extrajudicial conciliation process shall constitute a requirement for the admissibility of any lawsuit in which claims are made relating to nullity with restoration of rights, direct reparation, and contractual disputes.

The procedural requirement shall be optional in labor and pension matters, in enforcement proceedings other than those regulated by Law 1551 of 2012, in proceedings in which the plaintiff requests precautionary measures of a patrimonial nature, in relation to the means of control of repetition, or when the plaintiff is a public entity. In all other matters, out-of-court settlement may be pursued provided that it is not expressly prohibited.

When the Administration challenges an administrative act that occurred by illegal or fraudulent means, the prior conciliation procedure shall not be necessary.

(Paragraph 1, amended by Article 34 of Law 2080 of 2021)

2. When seeking the annulment of a particular administrative act, the remedies that are mandatory under the law must have been exercised and decided upon. A negative response to the first request will allow the alleged act to be challenged directly.

If the administrative authorities have not provided an opportunity to file the appropriate appeals, the requirement referred to in this paragraph shall not be enforceable.

3. When seeking compliance with a rule having the force of law or an administrative act, the defendant must be summoned to appear in accordance with the terms of Article 8 of Law 393 of 1997.

4. When seeking protection of collective rights and interests, the claim provided for in Article 144 of this Code must be filed.

5. When the State seeks to recover the amount paid for a conviction, settlement, or other form of conflict resolution, it must have made such payment beforehand.

6. When the grounds for nullity of the act of election by popular vote contained in paragraphs 3 and 4 of Article 275 of this Code are invoked, it is a requirement for procedural admissibility that they have been submitted by any person before the declaration of the election for examination by the corresponding electoral administrative authority.

(Paragraph 6 Declared UNCONSTITUTIONAL by the Constitutional Court, Ruling C-283 OF 2017)

CHAPTER III

Requirements for the Claim

ARTICLE 162. *Contents of the complaint.* All complaints must be addressed to the competent authority and shall contain:

1. The names of the parties and their representatives.
2. A precise and clear statement of the claim. Multiple claims shall be stated separately, in accordance with the provisions of this Code regarding the joinder of claims.
3. The facts and omissions on which the claims are based, duly determined, classified, and numbered.
4. The legal basis for the claims. In the case of a challenge to an administrative act, the rules violated must be indicated and the concept of their violation explained.
5. The request for the evidence that the plaintiff intends to present. In any case, the plaintiff must provide all the documentary evidence in his or her possession.
6. A reasoned estimate of the amount, when necessary to determine jurisdiction.
7. The place and address where the parties and the plaintiff's representative will receive personal notifications. For this purpose, they must also indicate their digital channel.

(Paragraph 7, amended by Article 35 of Law 2080 of 2021)

8. When filing the claim, the claimant must simultaneously send a copy of it and its annexes to the defendants by electronic means, except when preliminary injunctions are requested or the place where the defendant will receive notifications is unknown. The claimant must proceed in the same manner when, upon the claim being dismissed, they submit the correction letter. The clerk shall ensure compliance with this duty, without which the complaint shall be dismissed. If the defendant's digital channel is unknown, the physical delivery of the complaint and its attachments shall be certified with the complaint.

If the plaintiff has sent a copy of the complaint with all its attachments to the defendant, upon acceptance of the complaint, personal notification shall be limited to sending the order of acceptance to the defendant.

(Paragraph 8, added by Article 35 of Law 2080 of 2021)

(See Article 6 of Decree 806 of 2020)

ARTICLE 163. *Individualization of claims.* When seeking the annulment of an administrative act, it must be individualized with

all precision. If the act was the subject of appeals before the administration, the acts that resolved them shall be understood to be the defendants.

When declarations or convictions other than the declaration of nullity of an act are sought, they must be stated clearly and separately in the complaint.

ARTICLE 164. *Opportunity to file a lawsuit.* The lawsuit must be filed:

(See Ruling [2017-05670](#) of 2020 Council of State)

1. At any time, when:

a) Nullity is sought under the terms of Article 137 of this Code;

b) The subject matter of the dispute is state property that is not subject to limitation and cannot be alienated;

c) It is directed against acts that recognize or deny, in whole or in part, periodic benefits. However, there shall be no recourse to recover benefits paid to individuals in good faith;

(See Council of State Ruling [00260](#) of 2016)

d) It is directed against acts resulting from administrative silence;

e) Compliance with a rule having the force of law or an administrative act is requested, provided that the latter has not lost its enforceability;

f) In other cases expressly established by law.

2. Under the following terms, under penalty of expiration:

a) When seeking the annulment of an electoral administrative act, the term shall be thirty (30) days. If the election is declared in a public hearing, the term shall be counted from the following day; in all other cases of elections and appointments, it shall be counted from the day following its publication in the manner provided for in paragraph 1 of Article 65 of this Code.

In elections or appointments requiring confirmation, the term for filing a lawsuit shall be counted from the day following confirmation;

b) When seeking the annulment of letters of naturalization and resolutions authorizing the registration of nationals, the term shall be ten (10) years from the date of issuance;

c) When seeking the annulment or annulment and restoration of rights of acts prior to the conclusion of the contract, the term shall be four (4) months from the day following their communication, notification, execution, or publication, as the case may be;

d) When seeking nullity and restoration of rights, the claim must be filed within four (4) months

from the day following the communication, notification, execution, or publication of the administrative act, as applicable, except for the exceptions established in other legal provisions;

e) When seeking annulment and annulment and restoration of rights of administrative acts of allocation of vacant land issued by the corresponding agricultural authority, the claim must be filed within two (2) years following its enforcement or publication in the *Official Gazette*, as applicable. For third parties, the period for filing a claim shall be counted from the day following the registration of the act in the respective Public Registry Office;

f) When seeking review of acts of termination of agricultural ownership or of those that decide on the merits of proceedings for clarification, demarcation, and recovery of uncultivated land, the claim must be filed within fifteen (15) days of its enforcement. For third parties, the limitation period shall be thirty (30) days and shall be counted from the day following the registration of the act in the corresponding Public Registry Office.

g) When the expropriation of agricultural property is sought, the claim must be filed by the competent authority within two (2) months, counted from the day following the enforcement of the administrative act ordering such action;

h) When seeking a declaration of liability and recognition and payment of compensation for damages caused to a group, the lawsuit must be filed within two (2) years from the date on which the damage was caused. However, if the damage caused to the group stems from an administrative act and the claim seeks to have that act declared null and void, the lawsuit with such a request must be filed within four (4) months from the day following the communication, notification, execution, or publication of the administrative act.

i) When direct reparation is sought, the claim must be filed within two (2) years from the day following the occurrence of the action or omission causing the damage, or from when the claimant had or should have had knowledge of it if it was at a later date, provided that the claimant proves that it was impossible to have known about it on the date of its occurrence.

However, the period for filing a claim for direct redress arising from the crime of enforced disappearance shall be counted from the date on which the victim appears or, failing that, from the date of the final judgment in the criminal proceedings, without prejudice to the possibility of filing a claim for such redress from the moment the events giving rise to the disappearance occurred;

j) In cases relating to contracts, the time limit for filing a claim shall be two (2) years, counted from the day following the occurrence of the factual or legal grounds on which it is based.

When seeking absolute or relative nullity of the contract, the term for filing a lawsuit shall be two (2) years, starting from the day following the date of its execution. In any case, absolute nullity of the contract may be sought while it is still in force.

In the following contracts, the two (2) year period shall be counted as follows:

i) In the case of instantaneous performance, from the day following the date on which the subject matter of the contract was fulfilled or should have been fulfilled;

ii) In cases that do not require settlement, from the day following the termination of the contract for any reason;

iii) In cases requiring settlement, where this is carried out by mutual agreement between the parties, from the day following the signing of the agreement;

iv) In cases where liquidation is required and is carried out unilaterally by the administration, from the day following the enforcement of the

administrative act approving it;

v) In cases where settlement is required and this cannot be achieved by mutual agreement or is not carried out unilaterally by the administration, once the term of two (2) months has elapsed from the expiration of the period agreed upon to do so bilaterally or, failing that, from the term of four (4) months following the termination of the contract or the issuance of the act ordering it or the agreement providing for it;

k) When enforcement is sought with titles derived from the contract, from judicial decisions issued by the Administrative Jurisdiction in any matter, and from state contractual arbitration awards, the term for requesting enforcement shall be five (5) years from the enforceability of the obligation contained therein.

l) When seeking reimbursement to recover amounts paid as a result of a conviction, settlement, or other form of conflict resolution, the term shall be five (5) years from the day following the date of payment or, at the latest, from the expiration of the period available to the administration for the payment of convictions in accordance with the provisions of this Code.

(Paragraph l) amended by Art. 43 of Law 2195 of 2022)

case law

ARTICLE 165. *Joinder of claims*. Claims for nullity, nullity and restoration of rights relating to contracts and direct reparation may be joined in the lawsuit, provided that they are related and the following requirements are met:

1. The judge has jurisdiction to hear all of them. However, when claims for nullity are joined with any other claims, the judge hearing the nullity case shall have jurisdiction to hear them. When the lawsuit alleges that the damage was caused by the action or omission of a state agent and a private individual, such claims may be joined, and the Administrative Court shall have jurisdiction to hear and decide them.

2. That the claims are not mutually exclusive, unless they are proposed as primary and subsidiary claims.

3. That none of them have expired.

4. That all claims must be processed using the same procedure.

ARTICLE 166. *Annexes to the claim*. The claim must be accompanied by:

1. A copy of the contested act, with proof of its publication, communication, notification, or execution, as applicable. If administrative silence is alleged, evidence proving it, and if the claim is for repayment, proof of full payment of the obligation.

When the act has not been published or the copy or certification of its publication is denied, this shall be stated in the complaint under oath, which shall be considered to have been given by the filing of the complaint, indicating the office where the original is located or the newspaper, gazette, or bulletin in which it was published in accordance with the law, so that it may be requested by the presiding judge or magistrate before the complaint is admitted. Similarly, it may be indicated that the contested act is available on the website of the respective entity for all legal purposes.

2. The documents and evidence to be used in the case that are in the possession of the plaintiff, as well as the expert opinions necessary to prove their right.

3. The appropriate document certifying the capacity in which the plaintiff is appearing in the proceedings, when representing another person, or

when the right claimed derives from having been transferred by another person under any title.

4. Proof of existence and representation in the case of legal entities governed by private law. In the case of public entities involved in the proceedings, proof of their existence and representation, except in relation to the Nation, departments, municipalities, and other entities created by the Constitution and the law.

5. Copies of the complaint and its annexes for notification to the parties and the Public Prosecutor's Office.

ARTICLE 167. *Legal norms of non-national scope.* If the plaintiff invokes norms that do not have national scope as having been violated, he or she must accompany them with a copy of the text that contains them.

However, it will not be necessary to attach a copy if the local regulations that are alleged to have been infringed are available on the website of the respective entity, in which case this circumstance must be stated in the complaint, indicating the corresponding website.

CHAPTER IV

Processing of the Complaint

ARTICLE 168. *Lack of jurisdiction or competence.* In the event of lack of jurisdiction or competence, the judge shall order, by means of a reasoned decision, that the file be forwarded to the competent authority, if any, as soon as possible. For all legal purposes, the initial submission made to the corporation or court ordering the referral shall be taken into account.

ARTICLE 169. *Rejection of the claim.* The claim shall be rejected and the return of the annexes shall be ordered in the following cases:

1. When the statute of limitations has expired.
2. When, having been dismissed, the claim has not been corrected within the legally established time frame.
3. When the matter is not subject to judicial review.

ARTICLE 170. *Rejection of the claim.* A claim that does not meet the requirements set forth in the law shall be rejected by means of a ruling subject to appeal, which shall set forth its defects so that the claimant may correct them within ten (10) days. If this is not done, the claim shall be rejected.

ARTICLE 171. *Admission of the claim.* The judge shall admit the claim that meets the legal requirements and shall proceed with it as appropriate, even if the claimant has indicated an inappropriate procedural route, by means of an order in which he shall provide:

1. That the defendant be notified personally and the plaintiff by means of the court record.
2. That the Public Prosecutor's Office be notified personally.

3. That the individuals who, according to the complaint or the proceedings charged, have a direct interest in the outcome of the proceedings be personally notified.

4. That the plaintiff deposit, within the period specified for that purpose, the amount established by the regulations to pay the ordinary costs of the proceedings, where applicable. Any remaining balance shall be returned to the interested party when the proceedings are concluded. In actions whose sole purpose is to seek the annulment of the contested act, there shall be no payment of ordinary costs of the proceedings.

5. When the nullity of an administrative act in which the community may be interested is challenged, the community shall be informed of the existence of the proceedings through the website of the Administrative Jurisdiction. The foregoing shall be without prejudice to the judge, when deemed necessary, simultaneously ordering disclosure through other means of communication, taking into account the scope or field of application of the challenged act.

TRANSITIONAL PARAGRAPH. While the website referred to in paragraph 5 of this article is being set up or enabled, the judge shall order publication on the website of the Council of State or in another effective means of communication.

ARTICLE 172. *Transfer of the complaint.* The complaint shall be transferred to the defendant, the Public Prosecutor's Office, and the parties who, according to the complaint or the proceedings charged, have a direct interest in the outcome of the proceedings, for a period of thirty (30) days, which shall begin to run in accordance with the provisions of Articles 199 and 200 of this Code and within which they must respond to the complaint, propose exceptions, request evidence, call in guarantees, and, where appropriate, file a counterclaim.

ARTICLE 173. *Amendment of the complaint.* The plaintiff may add to, clarify, or modify the complaint, once only, in accordance with the following rules:

1. The amendment may be proposed until the expiration of ten (10) days following the transfer of the complaint. The admission of the amendment shall be transferred by notification by status and by half of the initial term. However, if new persons are called to the proceedings, they shall be personally notified of the admission of the complaint and its amendment and shall be transferred for the initial term.

2. The amendment of the claim may refer to the parties, the claims, the facts on which they are based, or the evidence.

3. The entirety of the plaintiffs or defendants or all of the claims in the complaint may not be replaced. New claims must meet the requirements for admissibility.

The amendment may be included in a single document with the initial complaint. Likewise, the judge may order the plaintiff to include it in a single document with the initial complaint.

ARTICLE 174. *Withdrawal of the claim.* The claimant may withdraw the claim provided that none of the defendants or the Public Prosecutor's Office has been notified.

If precautionary measures have been taken, withdrawal shall proceed, but a court order authorizing it shall be required. This order shall require the lifting of such measures and shall order the plaintiff to pay damages, unless otherwise agreed by the parties. The proceedings for the regulation of such damages shall be subject to the provisions of Article 193 of this Code and shall not prevent the withdrawal of the claim.

(Amended by Article 36 of Law 2080 of 2021)

ARTICLE 175. *Response to the complaint.* During the transfer period, the defendant shall have the right to respond to the complaint in writing, which shall contain:

1. The name of the defendant, their address, and that of their representative or attorney, if they do not appear in person.
2. A statement on the claims and facts of the complaint.
3. The exceptions.
4. A list of the evidence attached and a request for any evidence to be taken. In any case, the defendant must provide, together with the response to the complaint, all the evidence in their possession that they intend to use in the proceedings.
5. Any expert opinions deemed necessary to oppose the claims in the lawsuit. If the defendant decides to submit expert evidence with the answer to the complaint, they must notify the judge within the initial period for filing the answer established in Article 172 of this Code, in which case the period shall be extended for up to thirty (30) additional days, counted from the expiration of the initial period for answering the complaint. In the latter event, if the opinion is not attached to the answer, it shall be understood that it was filed untimely.
6. The factual and legal basis of the defense.
7. The place where the defendant, their representative, or attorney will receive personal notifications and procedural communications. For this purpose, they must also indicate their digital channel.

(Paragraph 7, amended by Article 37 of Law 2080 of 2021)

PARAGRAPH 1. During the period for responding to the claim, the defendant public entity or the individual exercising administrative functions must submit the administrative file containing the background information on the action that is the subject of the proceedings and which is in its possession.

In the case of medical liability lawsuits, a complete and authentic copy of the relevant medical record must be attached to the response to the lawsuit, to which a complete and clear transcription of the same must be added, duly certified and signed by the physician who made the transcription.

Failure to comply with these duties constitutes a very serious disciplinary offense on the part of the official in charge of the matter.

PARAGRAPH 2. The exceptions filed shall be transferred in the manner provided for in Article 201A within a period of three (3) days. Within this period, the plaintiff may comment on the preliminary exceptions and, if applicable, correct the defects noted therein. In relation to the other exceptions, the plaintiff may also request evidence.

Preliminary objections shall be formulated and decided in accordance with the provisions of Articles 100, 101, and 102 of the General Code of Procedure. When the evidence referred to in the second paragraph of Article 101 of the aforementioned code is required, the judge or magistrate shall order it in the order summoning the initial hearing, and shall take it during the course of the hearing. At that time, he or she shall rule on the preliminary objections that required evidence and are pending decision.

Before the initial hearing, at the same time as deciding on the preliminary objections, the proceedings shall be declared terminated when a failure to comply with procedural requirements is noted.

Exceptions of res judicata, expiration, transaction, conciliation, manifest lack of standing in the case, and extinctive prescription shall be declared well-founded by means of an early judgment, under the terms provided for in the third paragraph of Article 182A.

(Paragraph 2, amended by Article 38 of Law 2080 of 2021)

(See Article 12 of Decree 806 of 2020)

PARAGRAPH 3. When the expert opinion is submitted with the response to the claim, it shall be made available to the claimant by the court clerk's office, without the need for an order to that effect.

ARTICLE 176. *Admission of the claim and settlement.* When the claim includes aspects that are conciliable by their nature, in order to settle the claim, the Nation shall require authorization from the National Government, and other public entities shall require prior express written authorization from the Minister, Head of the Administrative Department, Governor, or Mayor, or from the authority that represents them or to whose Office they are linked or attached. In the case of autonomous and independent bodies or agencies, such authorization shall be issued by the highest-ranking official in the entity.

In the event of acquiescence, a judgment shall be issued immediately. However, the judge may reject the acquiescence and order ex officio evidence when he or she detects fraud or collusion or when requested by a third party involved in the proceedings.

The proceedings may be terminated by settlement under the same formalities as above.

ARTICLE 177. *Counterclaim.* Within the period for transferring the admission of the claim or its amendment, the defendant may file a counterclaim against one or more of the plaintiffs, provided that it falls within the jurisdiction of the same judge and is not subject to special proceedings. However, a counterclaim may be filed regardless of the amount and territorial factor.

Once the period for transferring the initial complaint to all defendants has expired, the admission of the counterclaim shall be transferred to the plaintiff within the same period as the initial complaint, by means of notification by state.

Thereafter, both claims shall be heard jointly and decided in the same judgment.

ARTICLE 178. *Tacit withdrawal.* If a period of thirty (30) days has elapsed without the necessary action having been taken to continue the proceedings of the claim, the incident, or any other action brought at the request of a party, the judge shall order the interested party by means of an order to comply within the following fifteen (15) days.

If this latter period expires without the plaintiff or the person who initiated the respective proceeding having complied with the burden or performed the ordered act, the lawsuit or request, as the case may be, shall be rendered ineffective, and the judge shall order the termination of the proceeding or the corresponding action and shall award costs and damages provided that, as a result of the application of this provision, there is cause for the lifting of precautionary measures.

The order to comply with the obligation or perform the act and the order dismissing the claim or proceeding shall be notified by the court.

Once the tacit withdrawal has been decreed, the claim may be filed a second time, provided that it has not expired.

CHAPTER V

Stages of the process and jurisdiction for its investigation

ARTICLE 179. Stages. The process for advancing and deciding all disputes for which this code or other laws do not specify a special procedure or process, in the first and only instance, shall be carried out in the following stages:

1. The first stage, from the filing of the claim to the initial hearing.
2. The second, from the end of the previous stage until the conclusion of the evidentiary hearing, and
3. The third, from the end of the previous stage until notification of the judgment. This stage comprises the hearing of arguments and the trial.

In cases involving purely legal matters or where it is not necessary to hear evidence, the judge shall dispense with the hearing of evidence and may deliver the judgment orally during the initial hearing, after giving the parties the opportunity to present their closing arguments.

The judge may also deliver an oral judgment in the cases indicated above in the other hearings, after hearing the arguments of the parties.

The foregoing is without prejudice to the provisions of Article 182A on early judgments. When an oral judgment is rendered, its operative part shall be recorded in the respective minutes.

(Amended by Article 39 of Law 2080 of 2021)

ARTICLE 180. *Initial hearing.* Once the deadline for filing the complaint or counterclaim has expired, as applicable, the Presiding Judge or Magistrate shall convene a hearing, which shall be subject to the following rules:

1. Timing. The hearing shall be held under the direction of the Presiding Judge or Magistrate within one month of the expiration of the term for filing the complaint or its extension, or the counterclaim, or the response to the exceptions, or the response to the counterclaim, as applicable. The order setting the date and time for the hearing shall be notified by the court and shall not be subject to appeal.
2. Participants. All attorneys must attend. The parties, third parties, and the Public Prosecutor's Office may also attend.

The failure of those who are required to attend to do so shall not prevent the hearing from taking place, unless it is postponed by decision of the Judge or Presiding Magistrate.

3. Postponement. Failure to attend this hearing may only be excused by providing at least summary evidence of just cause.

When the excuse is presented prior to the hearing and the judge accepts it, he shall set a new date and time for the hearing within the following ten days, by order that shall not be subject to appeal. Under no circumstances may there be another postponement.

(10) days, by means of an order that cannot be appealed. Under no circumstances may there be another postponement.

The judge may accept justifications submitted within three (3) days following the hearing, provided they are based on force majeure or unforeseeable circumstances, and they shall only have the effect of exempting the party from the adverse financial consequences that would have resulted from their failure to appear.

In this case, the judge shall rule on the justification by means of an order issued within three (3) days of its submission, which shall be subject to appeal. If the judge accepts the justification, he or she shall take the appropriate measures.

4. Consequences of non-attendance. A representative who fails to attend the hearing without just cause shall be fined two (2) times the current legal monthly minimum wage.

5. Remediation. The judge shall decide, ex officio or at the request of a party, on any defects that may have arisen and shall take the necessary remedial measures to avoid disqualifying judgments.

6. Decision on preliminary objections pending resolution. The judge or magistrate shall examine the evidence ordered in the summons to the hearing and decide on the preliminary objections pending resolution.

(Paragraph 6, amended by Article 40 of Law 2080 of 2021)

7. Setting the case for trial. Once all issues relating to the preliminary objections have been resolved, the judge shall ask the parties about the facts on which they agree and the other aspects of the claim or its amendment, the response or the counterclaim, if applicable, and shall proceed to set the case for trial based on the response.

8. Possibility of conciliation. At any stage of the hearing, the judge may invite the parties to settle their differences, in which case he or she shall propose settlement formulas, without this implying any prejudgment.

The hearing shall not be suspended if the certification or minutes of the conciliation committee are not provided.

(Paragraph 8, amended by Article 40 of Law 2080 of 2021)

9. Precautionary measures. At this hearing, the judge or presiding magistrate shall rule on the request for precautionary measures if this has not already been decided.

In electoral nullity proceedings, jurisdiction shall lie with the judge, chamber, subsection, or section.

(Paragraph 9, amended by Article 40 of Law 2080 of 2021)

10. Evidence decree. Only evidence requested by the parties and third parties shall be decreed, provided that it is necessary to prove the facts on which there is disagreement, as long as its demonstration is not prohibited by confession or by the ex officio evidence that the Judge or Presiding Magistrate considers indispensable for the clarification of the truth.

In any case, before the end of the hearing, the judge shall set a date and time for the evidence hearing, which shall take place within the following forty (40) days.

PARAGRAPH 1. Decisions rendered in the course of the initial hearing may be appealed in accordance with the provisions of Articles 242, 243, 245, and 246 of this code, as applicable.

(Paragraph 1, added by Article 40 of Law 2080 of 2021)

PARAGRAPH 2. Hearings relating to proceedings where there is similar legal discussion may be conducted concurrently and in a concentrated manner.

(Paragraph 2, added by Art. 40 of Law 2080 of 2021)

ARTICLE 181. *Evidence hearing.* On the date and at the time set for this purpose and under the direction of the Presiding Judge or Magistrate, all evidence duly requested and ordered shall be collected. The hearing shall be held without interruption for as many consecutive days as necessary, but its duration may not exceed fifteen (15) days.

The evidence shall be presented at the same hearing, which may be suspended in exceptional cases in the following circumstances:

1. In the event that it is necessary to transfer the evidence, your objection, or your challenge, within the time limit established by law.
2. At the discretion of the judge and when deemed necessary due to the complexity of the case.

At this same hearing, the judge will, at the end of the hearing, set a date and time for the hearing of arguments and judgment, which must take place within a period not exceeding twenty (20) days, without prejudice to the possibility of ordering the submission of written arguments within the following ten (10) days if deemed unnecessary, in which case he shall issue a ruling within twenty (20) days following the expiration of the period granted for the presentation of arguments. On the same occasions designated for arguments, the Public Prosecutor's Office may present its opinion if it so desires.

ARTICLE 182. *Hearing of arguments and trial.* Without prejudice to the provisions of the final paragraph of the previous article, this hearing shall be held before the judge, court, section, or subsection corresponding to the case, and the following rules shall be observed:

1. On the date and at the time indicated, the arguments shall be heard, first from the plaintiff, then from any third parties on the active side, if any, then from the defendant, and finally from any third parties on the passive side, if any, for up to twenty (20) minutes each. The Public Prosecutor's Office shall also be heard when it so wishes. The judge may question the parties involved on the points raised in the arguments.
2. The judge shall immediately issue an oral ruling. If this is not possible, the judge shall inform the parties of the ruling orally, even if they have left the hearing, and shall issue a written ruling within ten (10) days.

(Paragraph 2, amended by Article 41 of Law 2080 of 2021)

3. When it is not possible to indicate the meaning of the judgment, it shall be issued in writing within thirty (30) days. At the hearing, the judge or presiding magistrate shall record the reason why it is not possible to indicate the meaning of the decision at that time.

ARTICLE 182A. Early judgment. An early judgment may be rendered:

1. Before the initial hearing:

a) In cases of pure law;

b) When no evidence needs to be taken;

c) When the only evidence requested is the documentary evidence provided with the complaint and the response, and no challenge or objection has been made to it;

d) When the evidence requested by the parties is irrelevant, inconclusive, or useless.

The judge or magistrate shall, by means of an order, rule on the evidence when appropriate, applying the provisions of Article 173 of the General Code of Procedure, and shall determine the subject matter of the dispute or controversy.

Once the above has been completed, the case shall be transferred for argument in the manner provided for in the final paragraph of Article 181 of this code, and the judgment shall be issued in writing.

Notwithstanding the fulfillment of the requirements for issuing an early judgment based on this paragraph, if the presiding judge or magistrate considers it necessary to hold an initial hearing, he or she may do so, in which case the provisions of Articles 179 and 180 of this code shall apply.

2. At any stage of the proceedings, when the parties or their representatives mutually agree to request it, either on their own initiative or at the suggestion of the judge. If the request is made during a hearing, it shall be forwarded for argument within that hearing. If made in writing, the parties may submit their closing arguments with the request, which shall be forwarded to the Public Prosecutor's Office and other parties involved for ten (10) calendar days. The judge shall reject the request if he or she detects fraud or collusion.

If necessary co-defendants are involved in the proceedings, the request must be made jointly with them. Upon acceptance of this request by the judge, any appeals filed by the petitioners against interlocutory decisions that are pending or awaiting resolution shall be deemed withdrawn.

3. At any stage of the proceedings, when the judge finds that res judicata, expiration, settlement, conciliation, manifest lack of standing in the case, and extinctive prescription have been proven.

4. In the event of a plea bargain or settlement in accordance with Article 176 of this code.

PARAGRAPH. The order transferring the case for argument shall indicate the reason for issuing an early judgment. In the case of the grounds set forth in paragraph 3 of this article, it shall specify which of the exceptions will be ruled on.

Once the aforementioned transfer has been made, an oral or written judgment shall be issued, as deemed appropriate. However, after hearing the arguments, the decision to issue an early judgment may be reconsidered. In this case, the proceedings shall continue.

(Added by Article 42 of Law 2080 of 2021) (See Article 13 of Decree 806 of 2020)

ARTICLE 182B. Optional public hearings. In proceedings involving the general interest, or in those where a ruling on the unification of case law is to be issued, the presiding judge or magistrate may summon State entities, private organizations, or experts in the matters subject to the proceedings, as deemed appropriate, to present their views on the points under debate at a public hearing, which may differ from those regulated in the preceding articles.

The invited entities, agencies, or experts shall expressly state whether they have any conflict of interest.

The parties and the Public Prosecutor's Office may attend the hearing. At the end of the statements made by those summoned, each of the parties and the Public Prosecutor's Office may speak once, for up to twenty (20) minutes, to refer to the statements made by the other participants in the hearing. This time limit may be extended if deemed necessary.

At any time, the judge or magistrate may question the participants in relation to the statements they make at the hearing.

(Added by Article 43 of Law 2080 of 2021)

ARTICLE 183. *Minutes and records of hearings and proceedings.* Hearings and proceedings shall be presided over by the Presiding Judge or Magistrate. In the case of collegiate judges, the magistrates who make up the chamber, section, or subsection may attend if they so wish. In the case of the hearing of arguments and trial, this shall be held in accordance with the quorum required to adopt the decision.

For the purposes of recording, the following rules shall be taken into account:

1. Minutes shall be taken of each hearing, which shall contain:
 - a) The place and date, indicating the start and end times, as well as any suspensions and resumptions;
 - b) The full names of the judges;
 - c) The details of the parties, their lawyers, and representatives;

- d) A summary of the proceedings, indicating, when they participate, the names of witnesses, experts, interpreters, and other court officials, as well as references to the documents read and other evidence reproduced, with mention of the parties' conclusions;
 - e) The requests and decisions made during the hearing and the objections of the parties and the appeals proposed;
 - f) Proof of compliance with the essential formalities of each procedural act carried out at the hearing;
 - g) The records that the judge or presiding magistrate, or the Chamber, Section, or Subsection orders to be recorded and those requested by the parties regarding what occurred at the hearing;
 - h) Where applicable, the meaning of the judgment;
 - i) The signatures of the parties or their representatives and of the judge or presiding magistrate and the members of the Chamber, Section, or Subsection, as appropriate. In the event of refusal by the former, this shall be noted.
2. In cases where the judge deems it necessary, he or she may order a full or partial verbatim transcript of the hearing or proceeding to be attached as an annex.
3. A recording of the proceedings shall be made by any technical means; such recording shall be kept in accordance with the provisions of the rules on document retention.

ARTICLE 184. *Special process for nullity due to unconstitutionality.* The hearing and presentation of contentious proceedings for nullity due to unconstitutionality shall be the responsibility of one of the Magistrates of the respective Section, depending on the subject matter, and the ruling shall be the responsibility of the Full Chamber. It shall be processed according to the following rules and procedures:

- 1. The petition for annulment on grounds of unconstitutionality shall indicate the constitutional provisions that are considered to have been violated and shall set forth, in the statement of violation, the reasons supporting the alleged unconstitutionality.
- 2. The lawsuit, its processing, and response shall be subject, in matters not provided for in this article, to the provisions of Articles 162 to 175 of this Code. Only an appeal for reconsideration may be filed against the orders issued by the reporting judge, except for those ordering provisional suspension and those rejecting the lawsuit, which shall be subject to an appeal for review before the Full Chamber.
- 3. Once the complaint has been received and assigned, the Presiding Judge shall rule on its admissibility within ten (10) days. If the complaint does not meet any of the requirements set forth in this Code, the complainant shall be given three (3) days to correct it, specifying precisely which requirements have not been met. If this is not done within that period, the complaint shall be rejected.
- 4. If the complaint meets the legal requirements, the Presiding Judge shall admit it by order and shall also order:
 - a) The entity or authority that issued the act and the persons who, according to the complaint or the acts charged, have a direct interest in the outcome of the proceedings, shall be notified in accordance with the provisions of this Code, so that within ten (10) days they may respond to the complaint, raise objections, and request evidence. Likewise, the Attorney General of the Nation shall be notified, who shall be required to render an opinion;

b) A notice shall be posted in the Secretariat regarding the existence of the proceedings for the same period referred to in the previous paragraph, during which time any citizen may intervene in writing to defend or challenge the legality of the administrative act. In addition, the notice shall be published on the website of the Administrative Jurisdiction.

c) The relevant official shall send the administrative records within the period specified for that purpose. Failure to comply on the part of the person in charge of the matter shall constitute a very serious disciplinary offense and shall not prevent the decision on the merits of the case from being issued.

In the same order admitting the claim, the reporting judge may invite public entities, private organizations, and experts in matters related to the subject matter of the proceedings to submit their written opinions on points relevant to the drafting of the judgment within a reasonable period of time.

In the event that a provisional suspension of the act has been requested, the presiding judge shall decide on this in the same order in which the claim is admitted.

5. Once the period referred to in paragraph (a) of the previous section has expired, and if deemed necessary, the proceedings shall be opened to evidence for a period not exceeding ten (10) days, which shall be counted from the date of execution of the order decreeing it.

6. Once the evidence has been taken or the evidentiary period has expired, or when it is not necessary to take evidence and this procedure has been dispensed with, as the case may be, the case shall be transferred for a non-extendable period of ten (10) days to the Attorney General of the Nation, without the need for an order to that effect, for his opinion.

7. Once the period for referral to the Attorney General has expired, the rapporteur shall register the draft ruling within fifteen (15) days of the date of entry into the office for judgment. The Full Chamber shall adopt the ruling within the following twenty (20) days, unless there are other matters that take precedence under the Constitution.

ARTICLE 185. *Procedure for immediate review of the legality of acts.* Upon receipt of the authentic copy of the text of the administrative acts referred to in the immediate review of legality referred to in Article 136 of this Code, or upon learning ex officio of their legality in the event of failure to comply with the duty to send them, the following procedure shall be followed:

1. The hearing and presentation shall be conducted by one of the Magistrates of the Corporation, and the ruling shall be made by the Full Chamber.

2. Once the case has been assigned, the Presiding Judge shall order that a notice of the existence of the proceedings be posted in the Registry for a period of ten (10) days, during which any citizen may intervene in writing to defend or challenge the legality of the administrative act. In addition, he shall order the publication of the notice on the website of the Administrative Jurisdiction.

3. In the same order admitting the claim, the Presiding Judge may invite public entities, private organizations, and experts in matters related to the subject of the proceedings to submit their written opinions on points relevant to the drafting of the ruling, within a reasonable time frame to be specified.

4. When knowledge of the proceedings preceding the challenged act or of facts relevant to the decision is necessary for the decision, the Presiding Judge may order in the order admitting the claim the evidence he or she deems relevant, which shall be taken within ten (10) days.

5. Once the period for publication of the notice has expired or the evidentiary period has expired, where applicable, the matter shall be referred to the Public Prosecutor's Office so that it may render its opinion within the following ten (10) days.

6. Once the deadline for the Public Prosecutor's Office to submit its opinion has expired, the Judge or Rapporteur shall register the draft ruling within fifteen (15) days following the date of entry into the Office for judgment. The Full Chamber of the respective Corporation shall adopt the ruling within the following twenty (20) days, unless there are other matters that take precedence under the Constitution.

PARAGRAPH 1. In the Administrative Courts, the chamber, subsection, or section shall issue the ruling.

(Paragraph 1, added by Article 44 of Law 2080 of 2021)

PARAGRAPH 2. In the distribution of matters of immediate legality control, the subject matter of the administrative act shall not be considered.

(Paragraph 2, added by Article 44 of Law 2080 of 2021)

ARTICLE 185A. Procedure for automatic review of the legality of rulings involving fiscal responsibility. Upon receipt of the ruling involving fiscal responsibility and the respective administrative file, the following shall be done:

1. By means of an order not subject to appeal, the presiding judge shall admit the corresponding procedure, in which he or she shall order that a notice be posted in the registry regarding the existence of the proceedings for a period of ten (10) days, during which any citizen may intervene in writing to defend or challenge the legality of the administrative act. Likewise, in the order of admission, the case shall be transferred to the Public Prosecutor's Office for its opinion within the same period; the publication of a notice on the website of the Administrative Jurisdiction shall be ordered, as well as notification to the email address provided for this purpose, to the person who, according to the act subject to control, has been declared fiscally responsible or civilly liable, and to the corresponding fiscal control body.
2. When deemed necessary to reach a decision, the judge may order the evidence deemed relevant, which shall be taken within ten (10) days.
3. Once the transfer period or the evidentiary period has expired, where applicable, the presiding judge shall register the draft ruling within ten (10) days of the date of entry into the office for sentencing.
4. The decision chamber shall issue a ruling within twenty (20) days of the registration of the draft ruling, which shall include, among other things, a review of the legality of the disqualification arising from inclusion in the Taxpayers' Register, which shall be deemed suspended until such time as the respective ruling is issued. If it finds that any of the grounds for nullity provided for in Article 137 have been established, it shall so declare and adopt the other decisions that are legally appropriate. The ruling issued in the exercise of automatic control shall be notified personally to the comptroller, to whoever has been declared fiscally responsible or civilly liable, and to the Public Prosecutor's Office, to the email address provided for this purpose; and by annotation in the record, to the other parties involved. It shall be subject to appeal, which shall be decided by special chambers formed by the competent corporation. If the first instance ruling is issued by the Council of State, the appeal shall be decided by a special chamber other than the one that made the decision. The final judgment in the exercise of automatic control shall have the force of *res judicata erga omnes* and shall be notified in the manner provided for in this paragraph.

(Added by Article 45 of Law 2080 of 2021)

ARTICLE 186. Proceedings through information and communications technologies. All judicial proceedings that can be

be carried out in writing shall be carried out through information and communications technologies, provided that their authenticity, integrity, preservation, and subsequent consultation are guaranteed in their transmission and reception, in accordance with the law. The judicial authority shall have mechanisms in place to acknowledge receipt of the information received through this medium.

The parties and their representatives shall conduct their proceedings and attend hearings and proceedings through information and communications technology. They shall provide the court office and all parties to the proceedings and intervening parties with the digital channel through which all proceedings and notifications relating to the process or procedure shall be carried out. Likewise, they shall comply with the duty established in paragraph 14 of Article 78 of the General Code of Procedure.

The Superior Council of the Judiciary shall adopt the necessary measures to implement the use of information and communications technologies in all proceedings that fall within the jurisdiction of the administrative courts.

To this end, provisions shall be incorporated regarding the electronic court system, forms of digital identification and authentication for parties to proceedings, interoperability, accreditation and representation of citizens by digital means, electronic processing of judicial proceedings, electronic court records, registration of electronic documents, guidelines for digital cooperation between authorities with jurisdiction over the administration of justice, digital judicial security, and personal data protection.

PARAGRAPH. If the judge deems it appropriate, the respective judicial proceedings may be conducted in person or by combining the two modalities.

(Amended by Article 46 of Law 2080 of 2021) (See Article 2 of Decree 806 of 2020)

CHAPTER VI

Judgment

ARTICLE 187. *Content of the judgment.* The judgment must be reasoned. It shall include a brief summary of the claim and the response thereto, as well as a critical analysis of the evidence and the legal, equitable, and doctrinal reasoning strictly necessary to support the conclusions, setting them out concisely and precisely and citing the applicable legal texts.

The judgment shall decide on the exceptions proposed and on any other that the adjudicator finds proven. The silence of the lower court shall not prevent the higher court from studying and deciding on all substantive exceptions, whether proposed or not, without prejudice to the *non-reformatio in pejus*.

In order to restore the particular right, the Administrative Court may issue new provisions to replace those challenged and modify or reform them.

Sentences ordering the payment or return of a specific amount of money shall be adjusted on the basis of the Consumer Price Index.

Definition of links for the Rule:

PARAGRAPH . When the judgment declares liability in the means of direct redress and contractual disputes and the damage has been caused by an act of corruption, the judge shall impose, in addition to the damage proven in the proceedings, a fine on the

responsible party of up to one thousand (1,000) times the current legal minimum monthly wage, which shall take into account the seriousness of the conduct, the degree of participation of the defendant, and their economic capacity. The payment of the fine imposed shall be directed to the Fund for the Reparation of Victims of Acts of Corruption.

The ruling shall decree precautionary measures to guarantee payment of the penalty.

(Added by Article 61 of Law 2195 of 2022).

ARTICLE 188. *Award of costs.* Except in proceedings involving the public interest, the judgment shall rule on the award of costs, the settlement and enforcement of which shall be governed by the rules of the Code of Civil Procedure.

In any case, the judgment shall rule on the award of costs when it is established that the claim was filed with a manifest lack of legal basis.

(Paragraph 2, added by Article 47 of Law 2080 of 2021)

ARTICLE 189. *Effects of the judgment.* A judgment declaring the nullity of an administrative act in a proceeding shall have the force of res judicata *erga omnes*. A judgment denying the requested nullity shall have the force of res judicata *erga omnes*, but only in relation to the *cause of action* adjudicated. Judgments declaring the legality of the measures reviewed in the exercise of immediate control of legality shall have *erga omnes* effect only in relation to the higher legal norms against which the review is made.

When an enforceable judgment declares the nullity of a district or municipal ordinance or agreement, in whole or in part, its regulatory decrees shall be rendered ineffective insofar as they are relevant.

Judgments of nullity on acts issued under Article 237(2) of the Constitution shall have future effect and shall be res judicata in constitutional matters. However, the judge may order different effects.

NOTE: Paragraph declared ENFORCEABLE except for the expression underlined by the Constitutional Court, through Ruling C-400 of 2013.

The ruling handed down in proceedings relating to contracts, direct reparation, and compliance shall have res judicata effect in relation to other proceedings with the same subject matter and cause, provided that the parties are legally identical.

The ruling handed down in proceedings for the restoration of rights shall benefit those who have intervened in them and obtained this declaration in their favor.

Enforceable judgments shall be binding and subject to registration in accordance with the law.

In proceedings for annulment and reinstatement of rights, the defendant entity shall, within twenty (20) business days following notification of the judgment that definitively resolves the proceedings, when it is impossible to comply with the order to reinstate the plaintiff to the position from which he or she was dismissed because the entity has disappeared or because the position has been eliminated and there is no position of the same nature and category in the entity as the one he or she held at the time of dismissal, may request the judge of first instance to set compensatory damages.

The request shall be forwarded to the claimant for a period of ten (10) days, during which time the claimant may object and request evidence or accept the amount estimated by the defendant when submitting the request. In any case, the amount shall be set taking into account the parameters of labor legislation for unfair dismissal, and the order setting it shall only be subject to appeal for reconsideration.

ARTICLE 190. *Deduction for valuation.* In the judgment ordering compensation for damage caused by occupation of another's property, the sum calculated by the parties as valuation for the work performed shall be deducted from the total compensation, unless the aforementioned contribution has already been paid.

In this type of proceeding, when a public entity or a private entity performing public functions is ordered to pay the value of the occupied part of the property, the recorded and registered judgment shall serve as a title deed.

ARTICLE 191. *Transfer of ownership.* In the case of permanent occupation of real estate, if a public entity or a private entity performing public functions is ordered to pay the value of the occupied part, the notarized and registered judgment shall serve as a title deed.

ARTICLE 192. *Compliance with judgments or settlements by public entities.* When the judgment imposes a sentence that does not involve the payment or return of a liquid amount of money, the authority responsible for its enforcement shall, within thirty (30) days from the date of notification shall take the necessary measures to ensure compliance.

Penalties imposed on public entities consisting of the payment or return of a sum of money shall be complied with within a maximum period of ten (10) months from the date of enforcement of the judgment. To this end, the beneficiary shall submit the corresponding payment request to the obligated entity.

The liquid amounts recognized in orders imposing or settling a sentence or approving a settlement shall accrue default interest from the date of enforcement of the respective judgment or order, as provided for in this Code.

When the first instance ruling is condemnatory in nature and an appeal is filed against it, the judge or magistrate shall summon a conciliation hearing, which shall be held before ruling on the granting of the appeal. Attendance at this hearing shall be mandatory. If the appellant does not attend the hearing, the appeal shall be declared void.

(Subparagraph 4, underlined, was repealed by Article 87 of Law 2080 of 2021).

Three (3) months after the enforcement of the ruling imposing or settling a sentence or approving a settlement, if the beneficiaries have not appeared before the responsible entity to enforce it, interest will cease to accrue from that time until the request is submitted.

In labor matters, when restitution is ordered, if within three (3) months following the enforcement of the ruling so providing, this cannot be carried out for reasons attributable to the interested party, the accrual of emoluments of any kind shall cease.

Failure by the authorities to comply with the provisions relating to the recognition and payment of judicially recognized claims shall result in the applicable criminal, disciplinary, fiscal, and financial penalties.

Once the judgment has been enforced, the Secretariat shall issue the corresponding official letters for its compliance.

ARTICLE 193. *Abstract convictions.* Convictions for the payment of fruits, interest, improvements, damages, and other similar items, imposed in an order or judgment, when their amount has not been established in the proceedings, shall be made in a generic form, indicating the bases on which the incidental settlement shall be made, under the terms provided for in this Code and in the Code of Civil Procedure.

When the sentence is made in the abstract, it shall be settled by incidental proceeding, which shall be brought by the interested party by means of a written document containing the reasoned and specified settlement of its amount, within sixty (60) days following the enforcement of the judgment or the date of notification of the order of obedience to the superior, as the case may be. Once this period has expired, the right shall lapse and the judge shall reject the untimely settlement outright. This order is subject to appeal.

(Underlined expression, repealed by Article 87 of Law 2080 of 2021)

ARTICLE 194. *Contributions to the Contingency Fund.* All entities that constitute a section of the General Budget of the Nation must assess their legal contingencies, under the terms defined by the National Government, for all legal proceedings brought against them.

Based on the foregoing, the aforementioned entities must make contributions to the Contingency Fund referred to in Law 448 of 1998, or the regulations that modify or replace it, in the amounts, conditions, percentages, sums, and terms determined by the Ministry of Finance and Public Credit in order to meet, in a timely manner, the monetary obligations contained in final court rulings.

This provision shall also apply to territorial entities and other decentralized entities of all kinds that are required to manage contingencies in their budgets and are subject to said regime in accordance with Law 448 of 1998 and the provisions that regulate it.

TRANSITIONAL PARAGRAPH. This provision does not apply immediately to legal proceedings that are ongoing against public entities on the date this Code comes into force. The assessment of its contingency, the amount, and the conditions of the contributions to the Contingency Fund shall be made taking into account the availability of resources and in accordance with the conditions and gradualness defined in the regulations issued for this purpose.

Notwithstanding the foregoing, to the extent that a contingency is duly provisioned in the Contingency Fund and the obligation to pay the sentence is generated, this shall be done based on the procedure described in the following article. Proceedings whose judgment becomes final before the contingency is assessed shall be paid directly from the budget of the respective entity, within twelve (12) months following the final judgment, upon the corresponding request for payment.

Entities shall prioritize, within the expenditure framework of the corresponding sector, the resources to meet the judgments and to contribute to the Contingency Fund according to the assessment that has been made.

ARTICLE 195. *Procedure for the payment of judgments or settlements.* The procedure for the payment of judgments and settlements shall be subject to the following rules:

1. Once the ruling imposing a judgment or approving a settlement whose contingency has been provisioned in the Contingency Fund has been enforced, the obligated entity shall, within a maximum period of ten (10) days, request the Fund to transfer the resources for the respective payment.
2. The Fund shall take the necessary steps to transfer the funds to the obligated entity as quickly as possible, respecting the order in which the requests referred to in the previous paragraph were filed.
3. The obligated entity shall make the actual payment of the award to the beneficiary within five (5) days of receiving the

funds.

4. The sums of money recognized in rulings that impose or settle a sentence or approve a settlement shall accrue default interest at a rate equivalent to the DTF from the date of enforcement. However, once the ten (10) month period referred to in the second paragraph of Article 192 of this Code or the five (5) days established in the previous paragraph has expired, whichever occurs first, without the obligated entity having made the actual payment of the judicially recognized credit, the liquid amounts owed shall accrue default interest at the commercial rate.

NOTE: Provision declared ENFORCEABLE by the Constitutional Court in Ruling C-604 of 2012.

The management of expenditure and verification of beneficiary requirements is the sole responsibility of each entity, without any liability for the other entities involved in the payment process for judgments or settlements, or for the Contingency Fund. In any case, any actions for recovery arising from payments made from the Contingency Fund shall be brought by the entity ordered to pay.

PARAGRAPH 1. The National Government shall regulate the necessary procedure to ensure compliance with the terms for effective payment to beneficiaries. Failure to comply with the provisions related to the recognition of judicially recognized credits and with the fulfillment of all requirements shall result in the applicable criminal, disciplinary, and fiscal penalties.

PARAGRAPH 2. The amount allocated for judgments and settlements may not be transferred to other items and, in any case, shall be unattachable, as shall the resources of the Contingency Fund. An order to attach these resources shall constitute a disciplinary offense.

CHAPTER VII

Notifications

ARTICLE 196. *Notification of rulings.* Rulings shall be notified to the parties and other interested parties in accordance with the formalities prescribed in this Code and, in matters not provided for herein, in accordance with the provisions of the Code of Civil Procedure.

ARTICLE 197. *Email address for notification purposes.* Public entities at all levels, private entities that perform public functions, and the Public Prosecutor's Office acting before this jurisdiction must have an email address exclusively for receiving judicial notifications.

For the purposes of this Code, notifications sent via email shall be considered personal.

ARTICLE 198. *Admissibility of personal notification.* The following orders must be notified in person:

1. To the defendant, the order admitting the claim.
2. To third parties, the first order issued in relation to them.
3. The Public Prosecutor's Office shall be notified of the order admitting the claim, unless it is acting as the claimant. Similarly, it shall be notified of the order admitting

of the appeal in the second instance or of the extraordinary appeal, provided that it is not acting as plaintiff or defendant.

4. The others for which this Code expressly orders personal notification.

ARTICLE 199. Personal notification of the order admitting the claim and the writ of execution to public entities, the Public Prosecutor's Office, private individuals exercising public functions, and private individuals. The order admitting the claim and the writ of execution against public entities and private individuals exercising public functions must be notified personally to their legal representatives or to those to whom they have delegated the power to receive notifications, or directly to natural persons, as the case may be, and to the Public Prosecutor's Office, by means of a message sent to the electronic mailbox for judicial notifications referred to in Article 197 of this Code.

Individuals will be notified of the order admitting the claim via the digital channel specified in the claim. Those who are registered in the commercial register or other mandatory public registers legally created to receive court notifications will be notified via the channel specified therein.

The message must identify the notification being made and contain an electronic copy of the order to be notified. A copy of the complaint and its annexes must be attached to the Public Prosecutor's Office. The recipient shall be deemed to have received the notification when the initiator receives acknowledgment of receipt or when access to the electronic message by the recipient can be verified by other means. The secretary shall record this fact in the file.

The transfer or the terms granted by the notified order shall only begin to be counted two (2) business days after the message is sent, and the respective term shall begin to run from the following day.

In proceedings before any jurisdiction involving the Nation's litigious interests, under the terms of Article 2 of Decree Law 4085 of 2011 or the regulation that replaces it, an electronic copy of the order of admission or writ of execution, together with the complaint and its annexes, must be sent to the email address of the National Agency for Legal Defense of the State. This communication does not generate its involvement as a party to the proceedings, without prejudice to the power of intervention provided for in Article 610 of Law 1564 of 2012. In the same manner, a copy of the ruling that terminates the proceedings for any reason and of the judgments shall be sent to it.

(Amended by Article 48 of Law 2080 of 2021) (See

Article 8 of Decree 806 of 2020)

ARTICLE 200. Method of personal notification of the order admitting the claim to private individuals who do not have a digital channel. Private individuals who do not have a digital channel or whose digital channel is unknown shall be notified personally in accordance with Article 291 of the General Code of Procedure.

(Amended by Article 49 of Law 2080 of 2021)

ARTICLE 201. *Notifications by status.* Orders not subject to the requirement of personal notification shall be notified by means of an entry in electronic records for online consultation under the responsibility of the Secretary. The entry in the record shall be made on the day following the date of the order and shall include:

1. The identification of the proceeding.

2. The names of the plaintiff and the defendant.

3. The date of the order and the case file in which it is located.

4. The date of the status and the signature of the Clerk.

The record shall be inserted into the Judicial Branch's computer system and shall remain there as a means of notification for the respective day.

Notifications by status shall be posted virtually with the insertion of the order, and it shall not be necessary to print them, have them signed by the clerk, or leave a signed record at the bottom of the respective order, and a data message shall be sent to the digital channel of the parties to the proceedings.

(Paragraph 3, amended by Article 50 of Law 2080 of 2021)

A file of the statuses that have been posted electronically shall be kept available for permanent online consultation by any interested party for a minimum period of ten (10) years.

Each court shall have a sufficient number of electronic devices available to the public for consultation of the records. (See Art. 9 of Decree 806 of 2020)

ARTICLE 201A. Transfers. Transfers shall be made in the same manner as statements are filed. However, when a party proves that it has sent a document that must be transferred to the other parties to the proceedings by sending a copy through a digital channel, the transfer by the clerk's office shall be waived, which shall be deemed to have been made two (2) business days after the message was sent, and the respective term shall begin to run from the following day.

A file of transmissions that have been recorded electronically shall be kept available for permanent online consultation by any interested party for a minimum period of ten (10) years.

(Added by Article 51 of Law 2080 of 2021) (See Article 9 of Decree 806 of 2020)

ARTICLE 202. *Notification in hearings and proceedings or in court.* Any decision adopted in a public hearing or in the course of proceedings shall be notified in court, and the parties shall be deemed to have been notified even if they have not attended.

ARTICLE 203. *Notification of judgments.* Judgments shall be notified within three (3) days of their date by sending their text via message to the electronic mailbox for judicial notifications. In this case, the proof of receipt generated by the information system shall be attached to the file, and the notification shall be deemed to have been served on that date.

Those who cannot or should not be notified electronically shall be notified by means of an edict in the manner provided for in Article 323 of the Code of Civil Procedure.

Once the judgment is final, it shall be communicated to the obligated party, who shall be provided with a full copy thereof for its execution and compliance. (See [Title II](#) of the General Code of Procedure)

ARTICLE 204. *Orders that do not require notification.* Orders containing instructions addressed exclusively to the Clerk do not require notification. The order "comply" shall be included at the end of such orders.

ARTICLE 205. Notification by electronic means. Electronic notification of orders shall be subject to the following rules:

1. The order to be notified shall be sent by the Clerk to the registered digital channel, and mechanisms that guarantee the authenticity and integrity of the message shall be used for its transmission.
2. The notification of the order shall be deemed to have been made two (2) business days after the message is sent, and the terms shall begin to run from the day following the notification.

The recipient shall be deemed to have received the notification when the sender receives confirmation of receipt or when the recipient's access to the message can be verified by other means. The Secretary shall record this fact in the file.

Records of notifications made electronically shall be kept for permanent online consultation by any interested party.

(Amended by Article [52](#) of Law 2080 of 2015)

ARTICLE 206. *Duty to cooperate.* The employees of each court office shall assist and help users in the proper use of the technological tools available in each office for consulting information on court proceedings.

CHAPTER VIII

Nullities and incidents

ARTICLE 207. *Legality review.* Once each stage of the proceedings has been completed, the judge shall review the legality of the proceedings in order to remedy any defects that would render them null and void, which, except in the case of new facts, may not be raised in subsequent stages.

ARTICLE 208. *Nullities.* The grounds for nullity in all proceedings shall be those indicated in the Code of Civil Procedure and shall be dealt with as an incidental proceeding.

(See Art. [133](#) of the General Code of Procedure)

ARTICLE 209. *Incidental proceedings.* Only the following matters shall be dealt with as incidental proceedings:

1. Nullities of the proceedings.

2. The challenge of false documents in the enforcement proceedings without the filing of exceptions and other situations provided for in the Code of Civil Procedure for that proceeding.

(See Chapter I of [Title IV](#) of the General Code of Procedure)

3. The regulation of fees for attorneys, representatives, or substitutes whose power of attorney or substitution has been revoked.

4. The settlement of abstract convictions.

5. The addition of the specific judgment when, between the final date and the delivery of the goods, fruits or damages recognized in the judgment have been caused, under the terms of Article 308 of the Code of Civil Procedure.

(See Article [284](#) of the General Code of Procedure)

6. The liquidation or determination of the value of improvements in the event of recognition of the right of retention.

7. Opposition to the restitution of the property by the third-party possessor.

8. Those enshrined in the chapter on precautionary measures in this Code.

9. The incidents provided for in special rules establishing proceedings heard by the Administrative Jurisdiction.

ARTICLE 210. *Timing, procedure, and effect of motions and other ancillary matters.* Motions shall be made orally or in writing during hearings or after the judgment has been rendered, as the case may be, based on all grounds existing at the time of their initiation, and no similar motion shall be admitted thereafter, unless it concerns events that occurred subsequently.

The request and procedure shall be subject to the following rules:

1. The party raising an incidental proceeding must state what it is requesting, the facts on which it is based, and the evidence it intends to present.

2. The incidental proceeding brought by one party at the hearing shall be transferred during the hearing to the other party for a ruling, and the evidence shall then be ordered and taken if necessary.

3. Interlocutory motions shall not suspend the course of the proceedings and shall be resolved at the hearing following their filing, unless they are proposed at the hearing and it is possible to decide on them at that time.

4. When the motions are of the type that are filed after the judgment or order terminating the proceedings has been issued, the judge shall decide on them after taking the evidence he or she deems necessary. In such cases, he or she may call a special hearing to

resolve it, if he or she deems it appropriate.

When the ancillary issue raised should not be dealt with as an incidental proceeding, the judge shall decide it outright, unless the Code of Civil Procedure establishes a special procedure or there are facts to be proven, in which case the petition shall be accompanied by at least summary evidence thereof, without prejudice to the judge's ability to order the taking of evidence.

(See [General Code of Procedure](#))

CHAPTER IX

Evidence

ARTICLE 211. *Rules of evidence.* In proceedings before the Administrative Court, in matters not expressly regulated in this Code, the rules of the Code of Civil Procedure shall apply in matters of evidence.

(See [SECTION THREE EVIDENTIARY REGIME](#) of the General Code of Procedure)

ARTICLE 212. *Opportunities for evidence.* In order for evidence to be considered by the judge, it must be requested, taken, and incorporated into the proceedings within the terms and opportunities set forth in this Code.

In the first instance, the following are opportunities to provide or request the taking of evidence: the complaint and its response; the amendment thereof and its response; the counterclaim and its response; the exceptions and the opposition thereto; and the incidents and their response, in the latter case limited to the issue raised.

The parties may submit the expert opinions necessary to prove their case, or may request the appointment of an expert witness, during the aforementioned evidentiary proceedings.

In the second instance, in the case of an appeal against a judgment, within the term of enforceability of the order admitting the appeal, the parties may request evidence, which shall be ordered only in the following cases:

1. When the parties request it by mutual agreement. In the event that there are third parties other than simple interveners or challengers, their consent shall be required.
2. When its decree was denied in the first instance or, despite having been decreed, it was not carried out through no fault of the party that requested it. In the latter case, only for the purpose of carrying it out or fulfilling any requirements that are lacking for its completion.

(Paragraph 2, amended by Article [53](#) of Law 2080 of 2021)

3. When they relate to events that occurred after the opportunity to request evidence in the first instance had passed, but only to prove or disprove these events.

4. When it concerns evidence that could not be requested in the first instance due to force majeure or unforeseeable circumstances or due to the actions of the opposing party.

5. When it is intended to refute the evidence referred to in paragraphs 3 and 4, which must be requested within the term of enforceability of the order decreeing it.

PARAGRAPH. If the evidence requested in the second instance is admissible, a period of no more than ten (10) business days shall be decreed for its presentation.

ARTICLE 213. *Ex officio evidence.* In any of the instances, the Judge or Presiding Magistrate may order ex officio the evidence he or she deems necessary to clarify the truth. It must be ordered and taken together with that requested by the parties.

In addition, after hearing the arguments, the judge or the chamber, section, or subsection may also order that the necessary evidence be taken to clarify unclear or vague points of the dispute before issuing a ruling. A period of up to ten (10) days shall be set for taking such evidence.

In any case, within the term of enforcement of the order decreeing ex officio evidence, the parties may submit or request, on one occasion only, new evidence, provided that it is indispensable for counterchecking the evidence decreed ex officio. Such evidence, as the case may be, shall be taken within ten (10) days following the order decreeing it.

ARTICLE 214. *Exclusion of evidence due to violation of due process.* Any evidence obtained in violation of due process shall be null and void and shall therefore be excluded from the proceedings.

The same treatment shall be given to evidence that is a necessary consequence of the excluded evidence or that can only be explained by the existence of the excluded evidence.

Evidence obtained in proceedings declared null and void shall remain valid and shall be effective with respect to those who had the opportunity to challenge it.

ARTICLE 215. *Probative value of copies.* Unless proven otherwise, copies shall be presumed to have the same value as the original when they have not been declared false, for which purpose the procedure set forth in the Code of Civil Procedure shall be followed.

(First paragraph repealed by paragraph a), Article 626, Law 1564 of 2012)

The rule set forth in the preceding paragraph shall not apply in the case of enforceable instruments, in which case the documents containing them must comply with the requirements of the law.

ARTICLE 216. *Use of electronic media for evidentiary purposes.* The use of electronic media for evidentiary purposes shall be admissible, in accordance with the provisions of the regulations governing the matter and in accordance with the provisions of this Code and those of the Code of Civil Procedure.

(See Art. 103 of the General Code of Procedure)

ARTICLE 217. *Statements by representatives of public entities.* Confessions by representatives of public entities

regardless of the order to which they belong or the legal regime to which they are subject.

However, the administrative representative of the entity may be asked to submit a written report under oath on the facts discussed that concern it, as specified in the request. The judge shall order the report to be submitted within the period specified, with the warning that if it is not submitted on time without justified reason or is not submitted explicitly, the person responsible shall be fined five (5) to ten (10) times the current legal minimum monthly wage.

ARTICLE 218. Expert evidence. Expert evidence shall be governed by the rules established in this code and, in matters not provided for by the rules of the General Code of Procedure.

The parties may provide the expert opinion or request the judge to order it on the occasions established in this code.

The expert opinion may also be ordered ex officio by the judge.

When the opinion is provided by the parties or ordered ex officio, the contradiction and practice shall be governed by the rules of the General Code of Procedure.

(Amended by Article 54 of Law 2080 of 2021) (See

[CHAPTER VI](#) of the General Code of Procedure)

ARTICLE 219. Practice and contradiction of the expert opinion requested by the parties. When the expert opinion is requested by the parties, its practice and contradiction, in matters not provided for in this law, shall be governed by the rules of the expert opinion decreed ex officio of the General Code of Procedure.

In the order decreeing the evidence, the judge or magistrate shall indicate to the expert the questionnaire to be answered, in accordance with the request of the party requesting the evidence.

Once the opinion has been rendered, it shall remain at the registry's disposal to the parties until the date of the respective hearing, which may only take place when at least fifteen (15) days have passed since the presentation of the opinion. For the purposes of cross-examination of the opinion, the expert shall always attend the hearing.

The aforementioned term may be extended for the period required by the public entity to hire technical advisors or experts to challenge the opinion. In this case, the representative of the entity must state, within the period indicated in the previous paragraph, the reasons and the deadline. The judge or magistrate presiding over the case shall decide on the request.

PARAGRAPH. In cases where the expert opinion is rendered by a public authority, whether provided or requested by the parties or ordered ex officio, the judge or magistrate may dispense with its rebuttal at the hearing and apply the provisions of paragraph 228 of the General Code of Procedure.

(Amended by Article 55 of Law 2080 of 2021)

ARTICLE 220. Appointment and expenses of the requested expert opinion. When issuing the ruling, the judge or magistrate shall appoint the expert who is to render it and shall decide outright on any challenge or declaration of impediment of the expert, by means of an order that shall be without appeal.

The appointed expert shall be sworn in with the warnings required by law and after taking an oath. If applicable, the presiding judge or magistrate shall order the party that requested the opinion to provide the expert with the necessary travel expenses and expenses for the expert opinion, within the period specified for that purpose. This period may be extended once only.

If the person who requested the opinion does not pay the amounts ordered within the time limit granted, it will be understood that they are withdrawing from the evidence.

The expert shall accompany the expert opinion with supporting documentation for the expenses incurred in preparing the opinion. Any sums not credited shall be reimbursed at the court's request.

(Amended by Article 56 of Law 2080 of 2021)

ARTICLE 221. Expert fees. Once the expert opinion has been issued and the contradiction thereof has been resolved, the judge shall set the expert's fees by means of an enforceable order, against which only an appeal for reconsideration may be lodged. In the event that enforcement proceedings are brought, jurisdiction shall be governed by the factor of relatedness when the defendant is a public entity. If the defendant is a private individual, the ordinary courts shall have jurisdiction over these enforcement proceedings.

The party that requested the expert opinion shall pay the expert's fees. When the opinion is ordered at the request of both parties, as well as when it is ordered ex officio, the parties shall pay the fees in equal proportions. In the event that one of the parties fails to pay its share, the other party may assume said payment.

PARAGRAPH. In accordance with the provisions of paragraph 21 of Article 85 of Law 270 of 1996, the Superior Council of the Judiciary shall maintain a duly updated list of experts in all areas of knowledge that may be required. It shall be ensured that those included in the list have the knowledge, suitability, experience, and availability to render the opinion. It shall also establish the parameters and rates for the remuneration of the services provided by the experts in accordance with the market prices for the services of each profession. In the case of a particularly complex matter, the judicial authority may set the expert's fees without being subject to the official rate.

(Amended by Article 57 of Law 2080 of 2021)

ARTICLE 222. Special rules for public entities.

1. In order to provide expert testimony or refute it in cases provided for by law, public entities are empowered to directly hire experts who will provide the expert testimony required in a judicial proceeding. This expertise may also be contracted during the restrictions established in Law 996 of 2005.

Technical consultants may be hired for the same purpose.

2. When the expertise is provided by a public entity, the judge shall order fees in favor of the latter.

(Amended by Article 58 of Law 2080 of 2021)

CHAPTER X

Intervention by third parties

ARTICLE 223. *Intervention in simple nullity proceedings.* In proceedings brought on the basis of claims of simple nullity, from the admission of the claim until the initial hearing, any person may request to be considered as an intervener on behalf of the plaintiff or the defendant.

The intervening party may independently perform all procedural acts permitted to the party they are assisting, provided that they do not conflict with those of the latter.

Before the deadline for clarifying, amending, or modifying the claim expires, any person may intervene to bring new charges or to request that the annulment be extended to other provisions of the same act, in which case the same transfers ordered for the amendment of the main claim shall be carried out.

ARTICLE 224. *Assistance, optional joinder, and intervention ad excludendum in proceedings brought on the basis of claims for nullity and restoration of rights, contractual claims, and claims for direct compensation.* From the admission of the claim and until the order setting the date for the initial hearing is issued, in proceedings concerning claims for nullity and restoration of rights, contractual claims, and direct compensation claims, any person with a direct interest may request to be considered as a co-defendant or challenger, joint litigant, or intervener ad excludendum.

The intervener may perform the procedural acts permitted to the party being assisted, provided that they do not conflict with those of the latter and do not involve the disposition of the right in dispute.

In optional joinder and interventions ad excludendum, it is a requirement that the statute of limitations has not expired. Likewise, it is required that the formulation of the claims in a separate lawsuit would have given rise to the joinder of proceedings.

The claim of the optional co-defendant and the intervener ad excludendum shall be served on the defendant within the period established in Article 172 of this Code.

ARTICLE 225. *Third-party proceedings.* Anyone who claims to have a legal or contractual right to demand from a third party full compensation for the damage they may suffer, or full or partial reimbursement of the payment they would have to make as a result of the judgment, may request the summons of that third party so that the same proceedings may resolve that relationship.

The third party, within the period available to respond to the summons, which shall be fifteen (15) days, may, in turn, request the summons of a third party in the same manner as the plaintiff or the defendant.

The summons must contain the following requirements:

1. The name of the summoned party and that of their representative if they are unable to appear in person at the proceedings.
2. The address of the person being summoned, or failing that, their place of residence, and that of their room or office and those of their representative, as applicable, or a statement that these are unknown, the latter under oath, which is understood to be given by the mere submission of the document.

3. The facts on which the summons is based and the legal grounds invoked.

4. The address of the office or room where the person making the appeal and their representative will receive personal notifications.

The third-party appeal for the purpose of recourse shall be governed by the provisions of Law 678 of 2001 or by those that amend or supplement it.

ARTICLE 226. *Challenge of decisions on third-party intervention. (Repealed by Art. 87 of Law 2080 of 2021)*

ARTICLE 227. Procedure and scope of third-party intervention. In matters not regulated in this Code regarding third-party intervention, the provisions of the General Code of Procedure shall apply.

(Amended by Art. 85 of Law 2080 of 2021) (See

[General Code of Procedure](#))

ARTICLE 228. *Intervention of third parties in electoral processes and inadmissibility in impeachment proceedings.* In electoral processes, any person may request to be considered as a challenger or intervener. Their intervention shall only be admitted until the day immediately prior to the date of the initial hearing.

In proceedings for the removal from office of members of popularly elected bodies, the intervention of third parties shall not be permitted.

CHAPTER XI

Precautionary measures

ARTICLE 229. *Admissibility of precautionary measures.* In all declaratory proceedings brought before this jurisdiction, before notification, the order admitting the claim or at any stage of the proceedings, at the duly substantiated request of a party, the Judge or Presiding Magistrate may order, in a reasoned decision, the precautionary measures deemed necessary to protect and guarantee, on a provisional basis, the subject matter of the proceedings and the effectiveness of the judgment, in accordance with the provisions of this chapter.

The decision on the precautionary measure does not imply prejudgment.

PARAGRAPH. Precautionary measures in proceedings aimed at defending and protecting collective rights and interests and in proceedings for the protection of knowledge under the jurisdiction of the Administrative Court shall be governed by the provisions of this chapter and may be ordered ex officio.

NOTE: Paragraph declared ENFORCEABLE by the Constitutional Court in Ruling [C-284](#) of 2014.

NOTE: The underlined text was declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-284](#) of 2014.

ARTICLE 230. *Content and scope of precautionary measures.* Precautionary measures may be preventive, conservative, anticipatory, or suspensive, and must be directly and necessarily related to the claims in the lawsuit. To this end, the Presiding Judge or Magistrate may order one or more of the following measures:

1. Order that the situation be maintained, or that it be restored to the state it was in before the infringing or threatening conduct, where possible.
2. Suspending an administrative procedure or action, including those of a contractual nature. This measure shall only be taken by the Presiding Judge or Magistrate when there is no other possibility of averting or overcoming the situation that gives rise to its adoption and, in any case, as soon as possible, the Presiding Judge or Magistrate shall indicate the conditions or guidelines to be observed by the defendant so that the procedure or action to which the measure applies may be resumed.
3. Provisionally suspend the effects of an administrative act.
4. Order the adoption of an administrative decision, or the completion or demolition of a project, with the aim of avoiding or preventing harm or the aggravation of its effects.
5. Issue orders or impose obligations on any of the parties to the proceedings to do or refrain from doing something.

PARAGRAPH. If the precautionary measure involves the exercise of a power that includes elements of a discretionary nature, the Judge or Presiding Magistrate may not substitute the competent authority in adopting the corresponding decision, but must limit himself to ordering its adoption within the time limit he sets for that purpose, taking into account the urgency or necessity of the measure and always in accordance with the limits and criteria established for that purpose in the current legal system.

ARTICLE 231. *Requirements for ordering precautionary measures.* When the nullity of an administrative act is sought, the provisional suspension of its effects shall proceed for violation of the provisions invoked in the complaint or in the request made in a separate document, when such violation arises from the analysis of the challenged act and its comparison with the higher norms invoked as violated or from the study of the evidence submitted with the request. When, in addition, the restoration of rights and compensation for damages are sought, the existence of the same must be proven, at least summarily.

In other cases, precautionary measures shall be appropriate when the following requirements are met:

1. The claim is reasonably based on law.
2. The plaintiff has demonstrated, even if only summarily, ownership of the right or rights invoked.
3. The plaintiff has submitted the documents, information, arguments, and justifications that allow for the conclusion, through a weighing of interests, that it would be more detrimental to the public interest to deny the precautionary measure than to grant it.
4. In addition, one of the following conditions must be met:
 - a) That failure to grant the measure would cause irreparable harm, or

b) That there are serious grounds for considering that failure to grant the measure would render the effects of the judgment null and void.

ARTICLE 232. *Security.* The applicant shall provide security in order to guarantee any damages that may be caused by the precautionary measure. The judge or magistrate shall determine the form, amount, and other conditions of the security, for which purpose he or she may offer alternatives to the applicant.

The decision establishing or denying the bond shall be appealable together with the order decreeing the precautionary measure; the decision accepting or rejecting the bond provided shall not be appealable.

(Paragraph 2, repealed by Article 87 of Law 2080 of 2021).

No bond shall be required in cases involving the provisional suspension of the effects of administrative acts, proceedings aimed at defending and protecting collective rights and interests, guardianship proceedings, or when the applicant for the precautionary measure is a public entity.

ARTICLE 233. *Procedure for the adoption of precautionary measures.* The precautionary measure may be requested from the filing of the complaint and at any stage of the proceedings.

Upon admitting the claim, the Presiding Judge or Magistrate shall, in a separate order, order the transfer of the request for a precautionary measure so that the defendant may respond to it in a separate brief within five (5) days, a period that shall run independently of the period for responding to the claim.

This decision, which shall be notified simultaneously with the order admitting the claim, shall not be subject to appeal. The request submitted in the course of the proceedings shall be forwarded to the other party on the day following its receipt in the manner established in Article 108 of the Code of Civil Procedure.

(See Article 110 of the General Code of Procedure)

The order deciding on the precautionary measures must be issued within ten (10) days of the expiration of the period available to the defendant to rule on it. In this same order, the Judge or Presiding Magistrate must set the bond. The precautionary measure may only take effect after the order accepting the bond has been enforced.

However, if the precautionary measure is requested at a hearing, it shall be transferred during the hearing to the other party for a decision, and once evaluated by the presiding judge or magistrate, it may be decreed at the same hearing.

When the measure has been denied, it may be requested again if new facts have arisen and, by virtue of those facts, the conditions required for its decree are met. No appeal may be filed against the order resolving this request.

ARTICLE 234. *Urgent precautionary measures.* From the moment the request is filed and without prior notification to the other party, the judge or magistrate may adopt a precautionary measure when the requirements for its adoption are met and it is evident that, due to its urgency, it is not possible to exhaust the procedure provided for in the previous article. This decision shall be subject to the applicable appeals.

The measure thus adopted shall be communicated and complied with immediately, after the bond indicated in the order decreeing it has been posted.

ARTICLE 235. *Lifting, modification, and revocation of the precautionary measure.* The defendant or the party affected by the measure may request the lifting of the precautionary measure by providing security to the satisfaction of the Judge or Presiding Magistrate in cases where this is compatible with the nature of the measure, in order to guarantee compensation for any damages that may be caused.

The precautionary measure may also be modified or revoked at any stage of the proceedings, either ex officio or at the request of a party, when the judge or magistrate finds that the requirements for its granting were not met or no longer exist or have been overcome, or that it is necessary to modify it in order for it to be complied with, as the case may be; in such cases, the security referred to in the preceding paragraph shall not be required.

The party in whose favor a measure is granted is obliged to report, within three (3) days of becoming aware of it, any substantial change in the circumstances that led to its decree and that could give rise to its modification or revocation. Failure to comply with this obligation, when the other party has been unable to become aware of such modification, shall be punished with fines or other measures that, in accordance with current regulations, may be imposed by the judge in the exercise of his or her corrective powers.

ARTICLE 236. Time limit for resolving appeals. Appeals against the order deciding on precautionary measures shall be resolved within a maximum period of twenty (20) days.

(Amended by Article 59 of Law 2080 of 2021)

ARTICLE 237. *Prohibition on reproduction of the suspended or annulled act.* No annulled or suspended act may be reproduced if it essentially retains the same annulled or suspended provisions, unless, subsequent to the judgment or order, the legal grounds for the annulment or suspension have disappeared.

ARTICLE 238. *Procedure in case of reproduction of the suspended act.* In the case of reproduction of the suspended act, it shall be sufficient to request the suspension of the effects of the new act, accompanying the proceedings with a copy thereof. This request shall be decided immediately, regardless of the status of the proceedings, and the final judgment shall determine whether or not both acts are declared null and void.

The request for provisional suspension shall be decided by order of the judge or presiding magistrate, against which the appeals indicated in Article 236 may be lodged, which shall be decided outright.

(Underlined expression, repealed by Article 87 of Law 2080 of 2021)

ARTICLE 239. *Procedure in the event of reproduction of the annulled act.* The interested party may request the provisional suspension and annulment of the act that reproduces an annulled act, by means of a reasoned letter addressed to the judge who decreed the annulment, accompanied by a copy of the new act.

If the judge or presiding magistrate considers the accusation of illegal reproduction to be well-founded, he or she shall order the immediate suspension of the effects of the new act, order that the proceedings be transferred to the entity responsible for the reproduction, and convene a hearing to decide on the nullity.

At that hearing, the judge or magistrate presiding over the case shall declare the new act null and void when it is proven that it reproduces the annulled act, and shall certify copies to the competent authorities for any criminal and disciplinary investigations that may be necessary.

The request shall be denied when the proceedings at the hearing conclude that the illegal reproduction did not occur.

ARTICLE 240. *Liability*. Except in cases of provisional suspension of administrative acts of a general nature, when the precautionary measure is revoked during the proceedings on the grounds that its decree was inadmissible, or when the judgment is dismissed, the applicant shall be financially liable for any damages caused, which shall be settled by means of a proceeding brought within thirty (30) days following the enforcement of the ruling.

The rulings that resolve the liability incident referred to in this article shall be subject to appeal or petition, as the case may be.

(Paragraph 2, repealed by Article 87 of Law 2080 of 2021)

ARTICLE 241. *Penalties*. Failure to comply with a precautionary measure shall give rise to contempt proceedings, as a result of which successive fines may be imposed for each day of delay in compliance, up to the amount of two (2) times the current legal minimum monthly wage payable by the reluctant party, without exceeding fifty (50) times the current legal minimum monthly wage.

The penalty shall be imposed by the same judicial authority that issued the order against the legal representative or director of the public entity, or the individual responsible for compliance with the precautionary measure. This shall be imposed through incidental proceedings and shall be subject to appeal, which shall be decided within five (5) days.

(Paragraph 2, amended by Article 60 of Law 2080 of 2021)

Failure to comply with the terms for deciding on a precautionary measure constitutes serious misconduct.

CHAPTER XII

Ordinary Appeals and Procedure

ARTICLE 242. *Review*. An appeal for review may be filed against all orders, unless otherwise provided by law. With regard to its timeliness and procedure, the provisions of the General Code of Procedure shall apply.

(Amended by Article 61 of Law 2080 of 2021)

(See CHAPTER I of the SINGLE TITLE of Section Six of the General Code of Procedure)

ARTICLE 243. *Appeal*. First instance judgments and the following orders issued in the same instance are appealable:

1. Those that reject the claim or its amendment, and those that deny the executive order in whole or in part.
2. The one who, for any reason, terminates the proceedings.
3. The one who approves or disapproves extrajudicial or judicial settlements. The order approving a settlement may only be appealed by the Public Prosecutor's Office.

4. The one who resolves the incident of settlement of the sentence in the abstract or of damages.
5. The one who decrees, denies, or modifies a precautionary measure.
6. The one who denies the intervention of third parties.
7. The one who denies the decree or the taking of evidence.
8. Any other matters expressly provided for as appealable in this code or in special regulations.

PARAGRAPH 1. Appeals against judgments and rulings listed in paragraphs 1 to 4 of this article shall be granted with suspensive effect. Appeals against other rulings shall be granted with devolutive effect, unless expressly provided otherwise.

PARAGRAPH 2. In proceedings and incidents governed by other procedural statutes and in enforcement proceedings, appeals shall proceed and be processed in accordance with the special rules governing them. In such cases, the appeal must always be filed with the judge of first instance within the time limit provided for appeals.

PARAGRAPH 3. The party not acting as appellant may join the appeal filed by another party, insofar as the appealed judgment is unfavorable to it. The statement of joinder, duly substantiated, may be filed with the judge who issued the judgment while the case file is in his or her office, or with the superior court, until the expiration of the term for enforcement of the order admitting the appeal.

The joinder shall be without effect if the main appellant withdraws.

PARAGRAPH 4. The foregoing rules shall apply without prejudice to the special rules governing the procedure for electoral nullity proceedings.

(Amended by Article 62 of Law 2080 of 2021)

ARTICLE 243A. Rulings not subject to ordinary appeals. The following rulings are not subject to ordinary appeals:

1. Judgments handed down in the course of the first or second instance.
2. Those related to the lifting or revocation of precautionary measures.
3. Those deciding on motions for reconsideration, unless they contain points not decided in the appealed order, in which case the appropriate appeals may be filed with respect to the new points.
4. Those deciding appeals, complaints, and petitions.

5. Those that resolve conflicts of jurisdiction.
6. Decisions issued during the processing of impediments and recusals, except for those relating to the imposition of fines, which are subject to reconsideration.
7. Those that deny the request regulated by the final paragraph of Article 233 of this code.
8. Those that decide on the request to take over jurisdiction of a proceeding in order to issue a consolidation order, under the terms of Article 271 of this code.
9. Orders that decree ex officio evidence.
10. Those that set a date and time for the initial hearing.
11. Those that transfer the request for a precautionary measure.
12. Those that deny the addition or clarification of proceedings or judgments. Within the enforcement of the order or judgment that resolves the clarification or addition, the appropriate appeals may be filed against the ruling that is the subject of clarification or addition. In the case of a judgment, the term for appealing it shall be calculated again.
13. Those that refuse to process the appeal for review, when it lacks grounds.
14. In the electoral control process, in addition to the above, no appeal may be lodged against the following decisions: those admitting or rejecting the claim or its amendment; those deciding on the joinder of proceedings; those rejecting outright a procedural nullity; and those granting or admitting an appeal against the judgment.
15. Those ordering the expert to rule on new points.
16. Those that resolve the challenge of the expert witness.
17. Any other decisions that, by express provision of this code or other procedural statutes, are not subject to ordinary appeals.

(Added by Article [63](#) of Law 2080 of 2021)

ARTICLE 244. Procedure for appeals against orders. The filing and decision of appeals against orders shall be subject to the following rules:

1. The appeal may be lodged directly or as an alternative to the motion for reconsideration. When the motion for reconsideration lodged by one of the parties is granted in whole or in part, the other party may appeal the new ruling, if it is subject to this remedy.

2. If the order is issued in a hearing, the appeal must be lodged and argued orally following its notification in court or that of the order that wholly or partially denies the appeal. The judge or magistrate shall immediately forward the appeal to the other parties to the proceedings for their comments and shall then decide whether or not to grant it, all of which shall be recorded in the minutes.

3. If the order is notified by the court, the appeal must be filed and argued in writing before the person who issued it, within three (3) days of its notification or of the notification of the order that totally or partially denies the appeal. In the case of electoral control, this period shall be two (2) days.

The grounds for appeal shall be forwarded by the clerk's office to the other parties to the proceedings within the same period, without the need for an order to that effect. The time limits shall be the same if both parties have appealed. This forwarding shall not proceed when the order rejecting the claim or denying the executive order in whole or in part is appealed.

Once the transfer has been made, the clerk shall forward the file to the office and the judge or magistrate shall grant the appeal if it is admissible and has been substantiated.

4. Once the appeal has been granted, the file shall be forwarded to the superior court for a final decision.

(Amended by Article 64 of Law 2080 of 2021)

ARTICLE 245. Complaint. This appeal shall be filed with the superior court when the appeal is not granted, is rejected, or is declared void, so that it may be granted, if appropriate.

Likewise, when the appeal is granted with an effect other than that indicated in the law and when the extraordinary appeals for review and unification of jurisprudence provided for in this code are not granted.

The provisions of Article 353 of the General Code of Procedure shall apply to its processing and filing.

(Amended by Article 65 of Law 2080 of 2021)

ARTICLE 246. Appeal. An appeal may be lodged against the following orders issued by the presiding judge:

1. Those declaring lack of competence or jurisdiction in any instance.
2. Those listed in paragraphs 1 to 8 of Article 243 of this code when issued in the course of the single instance, or during the processing of the appeal or extraordinary appeals.
3. Those that, during the processing of the appeal or extraordinary remedies, reject or declare them void.
4. Those who flatly reject the extension of case law.

This appeal does not apply to orders resolving the appeal or complaint.

The petition shall have the same effects as those provided for appeals against rulings. Its filing and decision shall be subject to the following rules:

- a) The appeal may be lodged directly or as an alternative to the appeal for reconsideration. When the appeal for reconsideration lodged by one of the parties is upheld in whole or in part, the other party may lodge an appeal against the new order, if it is subject to this latter appeal;
- b) If the order is issued at a hearing, the appeal must be lodged and argued orally following its notification in court or that of the order that wholly or partially denies the appeal. The reporting judge shall immediately forward the appeal to the other parties to the proceedings for their comments and shall then order the proceedings or copies thereof to be forwarded to the competent authority for a decision, depending on the effect to be achieved.
- c) If the order is notified by state, the appeal must be filed and substantiated in writing before the person who issued it within three (3) days of its notification or of the notification of the order that totally or partially denies the appeal. In the electoral control process, this term shall be two (2) days.

The brief shall be added to the file and shall be kept at the registry for two (2) days at the disposal of the other parties to the proceedings, without the need for an order to that effect. This transfer shall not proceed when the appeal is against the order rejecting the claim or the order denying the executive order in whole or in part. Once the transfer has been made, the secretary shall pass the file or its copies to the competent authority to decide, according to the effect to be produced.

- d) The appeal shall be decided by the other members of the chamber, section, or subsection to which the judge who issued the appealed order belongs. The judge who is next in line shall be the rapporteur for the decision.
- e) In cases where the appellant does not substantiate the appeal, the judge or magistrate acting as rapporteur shall, outright, refrain from processing it.

(Amended by Article 66 of Law 2080 of 2021)

ARTICLE 247. Processing of appeals against judgments. Appeals against judgments handed down in the first instance shall be processed in accordance with the following procedure:

1. The appeal must be filed and substantiated before the authority that issued the ruling within ten (10) days of its notification. This term also applies to judgments handed down in court.
2. When the first instance ruling is condemnatory, in whole or in part, and an appeal is filed against it, the judge or magistrate shall summon a conciliation hearing to be held before ruling on the appeal, when the parties mutually agree to request it and propose a conciliation formula, or at the request of the public prosecutor, when the appellant is the condemned entity. The public prosecutor shall base his or her request on one of the following criteria: 1) the existence of case law precedents or unification judgments that allow the confirmation of the judgment to be anticipated; 2) when, based on the analysis of the evidence provided in the proceedings and the considerations contained in the judgment of conviction in the first instance, there is a high probability of conviction.

In the event that the Public Prosecutor's Office requests a conciliation hearing, the entity convicted in the first instance must resubmit the case to the Conciliation Committee for consideration, so that the latter may determine whether or not to present a conciliation proposal. If no conciliation proposal is submitted, the representative of the entity must provide a copy of the Committee's minutes setting out the factual and legal arguments justifying its decision.

If the representative of the Public Prosecutor's Office disagrees with the decision adopted by the Conciliation Committee despite the existing unification rulings, as well as the judicial precedent and the high probability of conviction, they must record this circumstance at the conciliation hearing.

The judge of second instance, ex officio or at the request of the Public Prosecutor's Office, if he or she notices recklessness or reluctance in the non-conciliatory position of any of the parties, shall order the party or the public servants who participated in the corresponding conversations to pay fines *in favor* of the national treasury of 5 to 100 SMLMV.

(Paragraph AMENDED by Article 132 of Law 2220 of 2022)

3. If the appeal was filed in a timely manner and meets the other legal requirements, it will be granted by means of an order to forward the case file to the higher court. Once the higher court has received the case file, it will decide whether to admit the appeal if it finds that the requirements have been met.

4. From the notification of the order granting the appeal until the execution of the order admitting it in the second instance, the parties to the proceedings may comment on the appeal filed by the other parties.

5. If it is necessary to order evidence to be taken, once this has been done, the higher court shall authorize the submission of written arguments, for which it shall grant a period of ten (10) days. Otherwise, there shall be no opportunity to submit arguments. The clerk shall forward the file to the office for judgment within ten (10) days of the end of the period for submitting arguments or of the enforcement of the order admitting the appeal.

6. The Public Prosecutor's Office may issue an opinion from the time the appeal is admitted until the case is submitted to the office for judgment.

7. The ruling shall be issued within the following twenty (20) days. It shall order the return of the file to the judge of first instance for compliance and enforcement.

(Amended by Article 67 of Law 2080 of 2021)

TITLE VI

EXTRAORDINARY APPEALS

CHAPTER I

Extraordinary Appeal for Review

ARTICLE 248. *Admissibility*. The extraordinary appeal for review is admissible against final judgments handed down by the sections and subsections of the Administrative Litigation Chamber of the Council of State, by the Administrative Courts, and by administrative judges.

ARTICLE 249. *Jurisdiction.* Appeals for review against judgments handed down by the sections or subsections of the Council of State shall be heard by the Full Chamber of Administrative Litigation, without exclusion of the section that issued the decision.

Appeals for review against final judgments handed down by the Administrative Courts shall be heard by the sections and subsections of the Council of State according to the subject matter.

Appeals for review against final judgments handed down by administrative judges shall be heard by the Administrative Courts.

The rules of jurisdiction set forth in the preceding paragraphs shall also apply to requests for review of judicial decisions issued in this jurisdiction, as regulated in Article 20 of Law 797 of 2003.

(Paragraph 4, added by Article 68 of Law 2080 of 2021)

ARTICLE 250. *Grounds for review.* Without prejudice to the provisions of Article 20 of Law 797 of 2003, the following are grounds for review:

1. Decisive documents have been found or recovered after the judgment was handed down, which could have led to a different decision and which the appellant was unable to submit to the proceedings due to force majeure or unforeseeable circumstances or due to the actions of the opposing party.
2. The judgment was handed down based on false or altered documents.
3. The judgment was handed down based on the opinion of experts who were criminally convicted for illegal acts committed in its issuance.
4. A criminal judgment has been handed down declaring that there was violence or bribery in the pronouncement of the judgment.
5. There is nullity arising from the judgment that ended the proceedings and against which no appeal is possible.
6. After a judgment has been handed down in favor of one person, another person with a better right to claim appears.
7. The person in whose favor a periodic payment was ordered did not have the necessary legal capacity at the time of recognition, or lost that capacity after the judgment, or one of the legal grounds for its loss arose.
8. The judgment is contrary to a previous one that constitutes res judicata between the parties to the proceedings in which it was handed down. However, there shall be no review if the exception of res judicata was raised in the second proceedings and was rejected.

ARTICLE 251. *Time limit for filing an appeal.* The appeal may be filed within one year of the enforcement of the respective judgment.

In the cases referred to in paragraphs 3 and 4 of the preceding article, the appeal must be filed within one year of the enforcement of the criminal judgment declaring it.

In the case of paragraph 7, the appeal must be filed within one year of the occurrence of the grounds giving rise to the appeal.

In the cases provided for in Article 20 of Law 797 of 2003, the appeal must be filed within five (5) years following the enforcement of the court order or, in cases where this is not required, within the same period counted from the completion of the settlement or conciliation agreement.

ARTICLE 252. *Requirements for the appeal.* The appeal must be filed in writing and must contain:

1. The names of the parties and their representatives.
2. The name and address of the appellant.
3. The facts or omissions on which it is based.
4. A precise and reasoned indication of the grounds invoked.

The appeal must be accompanied by a power of attorney for its filing and the documentary evidence in the appellant's possession, and the appellant shall request any evidence he or she intends to rely on.

ARTICLE 253. *Procedure.* Once the file has been received, the reporting judge shall decide on the admissibility of the appeal. If it is rejected for not meeting the formal requirements set forth in Article 252, the appellant shall be granted a period of five (5) days to correct the defects noted.

The appeal shall be rejected when:

1. It is not filed within the legal time limit.
2. It has been filed by someone who lacks standing to do so.
3. The deficiencies noted in the rejection are not corrected within the time limit.

Once the appeal has been admitted, this order shall be personally notified to the other party and to the Public Prosecutor's Office so that they may respond within the following ten (10) days, if they so wish, and request evidence.

Within this procedure, no preliminary objections may be raised, nor shall the appeal for review be amended.

PARAGRAPH. Under no circumstances shall the appeal for review suspend compliance with the judgment.

(Amended by Article 69 of Law 2080 of 2021)

ARTICLE 254. *Evidence.* If evidence is ordered ex officio or at the request of a party, a maximum period of thirty (30) days shall be set for its presentation.

ARTICLE 255. *Judgment.* Once the evidentiary period has expired, a judgment shall be rendered.

If the competent court finds any of the grounds set forth in paragraphs 1 to 4 and 6 to 8 of Article 250 of this Code, or in paragraph b) of Article 20 of Law 797 of 2003, to be well-founded, it shall invalidate the reviewed judgment and issue the judgment that is legally appropriate.

The judgment invalidating the reviewed decision shall rule on restitutions, cancellations, damages, fruits, improvements, deterioration, and other consequences of such invalidation. If there is no evidence in the file to impose a specific sentence, it shall be imposed in the abstract and the provisions of Article 193 of this Code shall be complied with.

If it finds that the grounds set forth in paragraph 5 of the aforementioned Article 250, or those set forth in paragraph a) of Article 20 of Law 797 of 2003, are well-founded, it shall declare the judgment or proceeding affected by the grounds that gave rise to the review null and void, and shall return the case to the original judicial authority so that it may redo the proceedings or issue a new judgment, as appropriate.

If the appeal is declared unfounded, the appellant shall be ordered to pay costs and damages.

(Amended by Article 70 of Law 2080 of 2021)

CHAPTER II

Extraordinary Appeal for Unification of Jurisprudence

ARTICLE 256. *Purposes.* The extraordinary appeal for unification of jurisprudence aims to ensure the unity of interpretation of the law, its uniform application, and to guarantee the rights of the parties and third parties who are harmed by the appealed decision and, where appropriate, to remedy the grievances inflicted on such parties to the proceedings.

ARTICLE 257. *Admissibility.* The extraordinary appeal for unification of jurisprudence is admissible against judgments handed down in the first and second instances by administrative courts, both for proceedings governed by Decree 01 of 1984 and for those governed by Law 1437 of 2011.

(Decree 01 of 1984, Repealed by Art. 309 of Law 1437 of 2011)

In the case of judgments of a patrimonial or economic nature, the appeal shall proceed provided that the amount of the award or, failing that, the amount claimed in the lawsuit, is equal to or exceeds the following amounts in force at the time the appeal is filed:

1. Two hundred and fifty (250) times the current legal minimum monthly wage, in proceedings for annulment and restoration of rights in which administrative acts of any authority are contested.
2. Two hundred and fifty (250) current legal minimum monthly wages, in proceedings concerning the amount, distribution, or allocation of national, departmental, municipal, or district taxes, contributions, and fees.

3. Four hundred and fifty (450) times the current legal minimum monthly wage, in proceedings concerning contracts of state entities, at their various levels.

4. Four hundred and fifty (450) times the current legal monthly minimum wage, in direct reparation proceedings and in actions for recovery brought by the State against public servants or former public servants and private individuals who, in accordance with the law, perform public functions.

PARAGRAPH. In proceedings for annulment and restoration of labor and pension rights, the extraordinary appeal shall proceed regardless of the amount involved.

This appeal shall not apply to matters provided for in Articles 86, 87, and 88 of the Constitution.

(Amended by Article 71 of Law 2080 of 2021)

ARTICLE 258. *Grounds.* An extraordinary appeal for unification of jurisprudence shall be admissible when the contested judgment contradicts or opposes a unification judgment of the Council of State.

ARTICLE 259. *Jurisdiction.* The extraordinary appeal for unification of jurisprudence provided for in this chapter shall be heard, in accordance with the corresponding agreement of the Council of State and in view of its specialization, by the respective section of the Administrative Litigation Chamber of the same Corporation.

ARTICLE 260. *Standing.* Any of the parties or third parties to the proceedings who have been aggrieved by the ruling are entitled to file the appeal, and they must act through an attorney who has been granted sufficient power of attorney; however, it is not necessary to grant a new power of attorney.

PARAGRAPH . No appeal may be filed by anyone who did not appeal the first instance judgment or join the other party's appeal, when the second instance ruling is exclusively confirmatory of the former.

ARTICLE 261. *Filing.* The extraordinary appeal for unification of jurisprudence must be filed and substantiated in writing before the person who issued the ruling, no later than ten (10) days after its enforcement.

If the appeal was filed and substantiated within the time limit, the rapporteur shall grant it within five (5) days and order the file to be forwarded to the competent authority for resolution. Otherwise, he shall reject it or declare it void, as the case may be.

The granting of the appeal shall not prevent the enforcement of the judgment, except where it has been appealed in its entirety by both parties and by third parties recognized in the proceedings. However, where the appeal does not cover all decisions, those not appealed shall be enforced. The foregoing is without prejudice to the provisions of Article 264 of this Code.

(Amended by Article 72 of Law 2080 of 2021)

ARTICLE 262. *Requirements for the appeal.* The extraordinary appeal for unification of jurisprudence must contain.

1. The designation of the parties.
2. An indication of the contested ruling.
3. A specific, brief, and succinct statement of the facts in dispute.
4. A precise indication of the ruling on the unification of case law that is considered to be contrary and the reasons on which it is based.

ARTICLE 263. *Amount of interest for appeal.* When it is necessary to take into account the value of the interest for appeal and this is not determined, before deciding on the granting of the appeal, the rapporteur, in the Administrative Court, shall order that it be assessed by an expert, within the period specified by him and at the expense of the appellant. If, through the fault of the appellant, the expert opinion is not obtained, the appeal shall be declared void. The expert opinion is not subject to appeal. If the appeal is denied by the Administrative Court or declared void, the interested party may lodge a complaint with the Council of State.

ARTICLE 264. *Suspension of the appealed judgment.* When there is only one appellant, he or she may request that the enforcement of the appealed judgment be suspended, for which purpose he or she must post a bond within ten (10) days of notification of the order to do so, to cover any damages that may be caused. The nature and amount of the bond shall be determined by the presiding judge in the court. If the appellant does not provide the bond in the manner and terms ordered, the appeal proceedings shall continue, but the execution of the judgment shall not be suspended.

If the security provided is sufficient, the suspension of enforcement of the judgment shall be ordered in the same ruling granting the appeal. If the appellant does not provide the security in the manner and terms ordered, the appeal proceedings shall continue, but enforcement of the judgment shall not be suspended.

(Paragraph 2, amended by Article 73 of Law 2080 of 2021)

ARTICLE 265. Admission of the appeal. Once the appeal has been granted by the Court and the file has been forwarded to the Council of State, it shall be distributed to the appropriate section.

If the appeal meets the legal requirements, the reporting judge shall admit it. If it does not meet the requirements set forth in Article 262, the judge shall indicate the defects so that the appellant may remedy them within five (5) days. If the appellant fails to do so, the judge shall reject the appeal and order the file to be returned to the office of origin.

The appeal shall also be dismissed when it is inadmissible, despite having been granted.

PARAGRAPH. The appeal shall be rejected outright and the appellant shall be ordered to pay costs when it is not directly based on a ruling unifying case law or when it is clear that this is not applicable to the case.

(Amended by Article 74 of Law 2080 of 2021)

ARTICLE 266. *Processing of the appeal.* The order admitting the appeal shall order that it be forwarded for fifteen (15) days to the opponent or opponents and to the Public Prosecutor's Office, if the latter is not the appellant.

Once the above period has expired, the rapporteur may, within the following ten (10) days, summon the parties to a hearing to be held within thirty (30) days from the date of the order scheduling it, to hear each party for a period of twenty (20) minutes on the matters it deems necessary.

Once the hearing has been held or has failed due to the non-appearance of the parties, the rapporteur shall register a draft decision, if it is a judgment, within the following forty (40) days.

ARTICLE 267. Effects of the judgment. If the appeal is successful, in whole or in part, the chamber shall annul, as appropriate, the appealed decision and issue the one that should replace it or adopt the corresponding decisions. If the appeal is dismissed, the appellant shall be ordered to pay the costs.

When the Council of State annuls a ruling that has been fully or partially complied with, it shall declare the procedural acts carried out for that purpose to be null and void, and shall order the judge of first or sole instance to proceed with restitution and take the appropriate measures. In addition, the Council of State shall order that the bond referred to in Article 264 be canceled in the order complying with the decision on the extraordinary appeal.

If the appeal for unification of jurisprudence is unsuccessful, the bond shall continue to cover the damages caused, which shall be settled and approved by means of an incidental proceeding before the court of first or sole instance, as the case may be. This must be proposed within sixty (60) days following notification of the order to comply with the decision of the higher court.

(Amended by Article 75 of Law 2080 of 2021)

ARTICLE 268. Withdrawal. The appellant may withdraw the appeal as long as no judicial decision has been issued to terminate it. If the withdrawal comes only from one of the appellants, the appeal shall continue with respect to the persons not included in the withdrawal.

The withdrawal must be unconditional, unless agreed otherwise by the parties, and only affects the applicants and their successors.

The provisions contained in Article 316 of the General Code of Procedure shall apply to the request, as appropriate, including the award of costs.

When the appellant is a state entity, body, or agency, the withdrawal must be signed by the legal representative with prior written authorization from its duly accredited representative, as provided for in Article 159 of this code.

(Amended by Article 76 of Law 2080 of 2021)

TITLE VII

EXTENSION AND UNIFICATION OF CASE LAW

CHAPTER I

Extension of the jurisprudence of the Council of State

ARTICLE 269. Procedure for the extension of the jurisprudence of the Council of State to third parties. If the extension of the effects of a unification ruling is denied or the authority has remained silent under the terms of Article 102 of this code, the interested party, through a representative, may appeal to the Council of State by means of a reasoned brief in which they demonstrate that they are in a similar factual and legal situation to the plaintiff whose right was recognized in the unification ruling invoked.

The written request must be accompanied by a copy of the proceedings before the competent authority and a sworn statement, which shall be deemed to have been made by the mere submission of the request, that the applicant has not resorted to administrative litigation in order to obtain recognition of the right claimed.

If the written request does not meet the requirements, it will be rejected so that it can be corrected within ten (10) days. Failure to do so will result in the extension request being rejected.

The request for extension shall be rejected outright by the rapporteur when:

1. The petitioner has already appealed to the Administrative Court in order to obtain recognition of the right sought in the request for extension.
2. It has been filed late.
3. An extension is requested for a judgment that is not a unification judgment.
4. The unification ruling invoked is not one that recognizes a right.
5. The appropriate means of control has expired or the right claimed has become completely time-barred.
6. It is established that the requested extension is not applicable because there is no similarity between the situation presented by the petitioner and the unification ruling invoked, or because such similarity has not been proven.

If the requirements are met, the request shall be admitted and the brief shall be forwarded to the entity against which the extension is requested and to the National Agency for Legal Defense of the State, for a common period of thirty (30) days, so that they may provide the evidence they deem relevant. The entity summoned and the National Agency for Legal Defense of the State may only oppose the extension for the same reasons referred to in Article 102 of this Code.

Once the aforementioned period for forwarding has expired, the parties and the Public Prosecutor's Office may submit their arguments in writing within a common period of ten (10) days, without the need for an order to that effect.

Within thirty (30) days following the expiration of the aforementioned period, a decision shall be made on the petition. If the request is deemed appropriate, the Chamber shall order in writing the extension of the jurisprudence and the recognition of the applicable right. This decision shall have the same effect as the extended ruling.

When appropriate, a hearing will be convened at which the relevant decision will be made. The official of the entity with the authority to decide the matter may be ordered to attend this hearing, and will be obliged to do so on pain of

of committing a serious offense.

If the ruling involves the recognition of a property right to the petitioner that must be settled, the settlement shall be made in the same decision based on the evidence provided.

If there is insufficient evidence for the settlement, the decision shall be rendered in abstracto, in which case the settlement shall be made, at the request of the interested party, through the incidental proceeding provided for in Article 193 of this code for the settlement of convictions. The petitioner shall initiate the incidental proceeding by filing a written request within thirty (30) days following the enforcement of the decision ordering the extension, before the judicial authority that would have been competent to hear the appeal in relation to the matter that gave rise to the extension of the jurisprudence.

An appeal for reconsideration may be filed against the decision settling the property right, exclusively on the grounds of disagreement with the amount.

If the request for extension is denied, the interested party may appeal to the authority for a final decision on the matter, in accordance with the general rules, if no decision has been made previously. In this case, the authority's ruling may be subject to judicial review by means of an action for annulment and restoration of rights, where applicable.

If an administrative decision on the merits already exists, or if the appropriate means of review does not require an express ruling by the entity, the term for filing a lawsuit shall be resumed with the enforcement of the ruling denying the extension, in accordance with the rules established for the filing of the lawsuit.

If the Council of State finds that the request for extension of jurisprudence is manifestly inadmissible, it shall order the petitioner to pay the costs.

PARAGRAPH 1. The decision on the extension of jurisprudence alone shall not be grounds for the disqualification or recusal of the judicial official.

PARAGRAPH 2. In no case shall the mechanism for extension of jurisprudence be processed if the matter or issue is not within the jurisdiction of the contentious-administrative court, according to the rules set forth in Articles 104 and 105 of this code.

(Amended by Article 77 of Law 2080 of 2021)

ARTICLE 270. Judgments unifying case law. For the purposes of this Code, judgments unifying case law shall be those issued or previously issued by the Council of State due to their legal importance or economic or social significance, or due to the need to unify or establish case law, clarify its scope, or resolve differences in its interpretation and application; those issued when deciding on extraordinary appeals and those relating to the eventual review mechanism provided for in Article 36A of Law 270 of 1996, added by Article 11 of Law 1285 of 2009.

(Amended by Article 78 of Law 2080 of 2021)

ARTICLE 271. Decisions based on legal importance, economic or social significance, or the need to establish case law or clarify its scope or resolve differences in its interpretation and application. For reasons of legal importance, economic or social significance, or the need to establish or unify case law, clarify its scope, or resolve differences in its interpretation and application that warrant the issuance of a ruling or order to unify case law, the Council of State may take cognizance of matters pending judgment or interlocutory decision. Such consideration may be assumed ex officio; by referral from the sections or subsections of the Council of State or the courts; at the request of a party; or at the request of the National Agency for Legal Defense of the State or the Public Ministry. The proceedings

Cases subject to this mechanism that are heard before administrative courts must be of first or second instance.

In these cases, it is incumbent upon the Full Chamber of Administrative Litigation of the Council of State to issue judgments and orders for the unification of jurisprudence on matters arising from its sections. The sections of the Administrative Litigation Chamber of the Council of State shall issue judgments and orders for unification in those same cases, in relation to matters arising from the subsections of the corporation, from the offices of the magistrates who comprise them, or from the courts, as the case may be. Decisions that seek to unify or establish jurisprudence on procedural aspects that are common to all sections of the Council of State may only be issued by the Full Chamber of Administrative Litigation.

In order to take up the case at the request of a party or the National Agency for the Legal Defense of the State, the petition must be filed before the ruling is recorded. If the petition comes from a State Councilor, the administrative court, or the Public Ministry, it may be filed without the above time limitation. The National Agency for Legal Defense of the State may only request this when it has previously intervened or become a party to the proceedings.

The request shall contain a statement of the circumstances that require knowledge of the proceedings and the reasons that determine the legal importance or economic or social significance or the need to unify or establish case law, or to specify its scope or resolve differences in its interpretation and application.

The request for the Council of State to hear the case shall not suspend its proceedings, unless the Council of State so decides.

The competent authority shall decide whether or not to assume jurisdiction over the matter by means of an order that is not subject to appeal.

PARAGRAPH . The Council of State shall implement an easily accessible electronic mechanism that allows its members and the general public to be informed and alerted regarding matters or issues that are being processed by the Corporation and that, due to their legal importance, economic or social significance, or due to the need to unify or establish jurisprudence or clarify its scope or resolve differences in its interpretation and application, may be proposed to be taken up ex officio by the Plenary Chamber of Administrative Litigation, for the purposes set forth in this article.

This mechanism will also allow the country's courts and tribunals to report on proceedings pending in their respective judicial districts which, due to similar circumstances, may be taken up by the Council of State for the purposes of this article. It will also serve to highlight differences in the interpretation or application of judgments and unification orders by the Council of State.

(Amended by Article 79 of Law 2080 of 2021)

CHAPTER II

Contingency review mechanism

ARTICLE 272. *Purpose of eventual review in class actions and group actions.* The purpose of the eventual review established in Article 36A of Law 270 of 1996, Statutory Law on the Administration of Justice, added by Article 11 of Law 1285 of 2009, is to unify case law in proceedings brought for the protection of collective rights and interests and the redress of damages caused to a group and, consequently, to achieve the application of the law under equal conditions in the same factual and legal situation.

ARTICLE 273. *Admissibility.* The eventual review shall proceed, at the request of a party or the Public Ministry, against judgments or orders

that determine the termination or dismissal of proceedings brought for the protection of collective rights and interests and the redress of damages caused to a group, issued by the Administrative Courts, which are not subject to appeal before the Council of State, in the following cases:

1. When the ruling that is the subject of the request for review presents contradictions or interpretative divergences regarding the scope of the law applied between courts.
2. When the ruling that is the subject of the request is contrary, in the same terms referred to in the previous paragraph, to a unification ruling of the Council of State or to the repeated jurisprudence of this Corporation.

ARTICLE 274. *Jurisdiction and procedure.* The section determined by the regulations according to its specialty shall hear the eventual review, and the following rules shall be observed for its processing:

1. The petition must be filed within eight (8) days following the enforcement of the judgment or ruling that ends the respective proceeding.
2. The petition shall include a reasoned statement of the circumstances that require review and shall be accompanied by a copy of the rulings related to the request.
3. Within eight (8) days of the filing of the petition, the Administrative Courts shall forward the file to the corresponding section determined by the regulations so that, within a maximum period of three (3) months from its receipt, it may rule on the petition for review by means of a reasoned decision.
4. When a decision is made not to select a particular ruling, any of the parties or the Public Prosecutor's Office may insist on their request within five (5) days of notification of that decision. The decision to select or not to select and the resolution of the insistence shall be reasoned.
5. The ruling on the rulings selected for review shall be issued, as a Unification Ruling, by the section determined by the regulations according to its specialty, within six (6) months of the date of selection.
6. If the review is successful, in whole or in part, the judgment or order shall be invalidated, as appropriate, and a replacement order shall be issued or the corresponding provisions shall be adopted, as the case may be. If the contested judgment has been fully or partially enforced, the Unification Judgment shall render the procedural acts performed null and void and shall order the lower court to execute the orders on restitution and adopt the appropriate measures.

PARAGRAPH . The filing of the request and the processing of the eventual review shall not suspend the execution of the order that is the subject of the review.

TITLE VIII

Special Provisions for the Processing and Decision of Electoral Claims

ARTICLE 275. *Grounds for electoral annulment.* Acts of election or appointment shall be null and void in the cases provided for in Article 137 of this Code and, in addition, when:

1. Any type of violence has been exercised against the nominators, voters, or electoral authorities.
2. Electoral documents, elements, or materials have been destroyed, as well as when any type of violence or sabotage has been exercised against them or against the systems for voting, information, transmission, or consolidation of election results.
3. The electoral documents contain false information or have been altered for the purpose of modifying the election results.
4. The votes cast in the respective election are counted in violation of the constitutional or legally established system for the distribution of seats or positions to be filled.
5. Candidates are elected or persons are appointed who do not meet the constitutional or legal qualifications and requirements for eligibility or who are subject to grounds for disqualification.
6. Polling station officials or members of the vote counting commissions are spouses, permanent partners, or relatives of the candidates up to the third degree of consanguinity, second degree of affinity, or sole civil relationship.
7. In the case of elections by popular vote in constituencies other than the national constituency, voters are not residents of the respective constituency.
8. In the case of elections by popular vote, the candidate is a member of two political parties at the time of the election.

NOTE: The underlined text was declared UNCONSTITUTIONAL by the Constitutional Court in Ruling [C-334](#) of 2014.

ARTICLE 276. Processing of the claim. Once the claim has been received, it must be distributed no later than the following business day, and a decision on its admission shall be made within the following three (3) days.

The order admitting the complaint is not subject to appeal and shall become final on the day following notification to the plaintiff.

If the complaint does not meet the formal requirements, the plaintiff shall be granted three (3) days to remedy the situation by means of an order that is not subject to appeal. Failure to do so shall result in the complaint being rejected.

An appeal may be lodged against the order rejecting the claim before the other judges or for reconsideration before the administrative judge in single-instance proceedings and before the court of first instance in appeal proceedings, which must be duly substantiated within two (2) days of notification of the decision.

(Final paragraph, repealed by Article [87](#) of Law 2080 of 2021)

ARTICLE 277. *Content of the order admitting the claim and methods of notification.* If the claim meets the legal requirements, it shall be admitted by means of an order, which shall provide:

1. That the elected or appointed person be notified in person, subject to the following rules:

a) When a person has been elected or appointed to a single-person position, or when the nullity of the act is claimed on the grounds of Article 275, paragraphs 5 and 8, of this Code, related to the lack of the qualifications and requirements provided for in the Constitution, the law, or the regulations, or because they are subject to grounds for disqualification or dual political affiliation at the time of the election, personal notification shall be made at the address provided by the plaintiff, by delivering a copy of the order to the person to be notified, after identifying them by means of a suitable document, and signing the respective record, which shall include the date on which the notification is made, the name of the person notified, and the order to be notified.

(Underlined expression, declared UNCONSTITUTIONAL by Constitutional Court Ruling C-334 of 2014)

b) If personal notification of the order cannot be made within two (2) days of its issuance at the address provided by the plaintiff, or if the plaintiff states that he or she is unaware of it, the chosen or appointed person shall be notified, without the need for a special order, by means of a notice published once in two (2) newspapers with wide circulation in the territory of the respective electoral district.

c) The notice shall indicate its date and that of the order being notified, the names of the plaintiff and the defendant, and the nature of the proceedings, warning that the notification shall be deemed to have been served within five (5) days from the day following its publication.

Similarly, the publication notice will inform the community of the existence of the proceedings, so that any interested citizen may, within the same period, intervene by challenging or supporting the claim, or defending the act being challenged.

A copy of the newspaper page where the notice appears shall be added to the file. Likewise, a copy of the notice shall be sent by certified mail to the address indicated in the lawsuit as the defendant's place of notification and to the address listed in the local telephone directory, which shall be recorded in the file.

d) When an election by popular vote for public office is challenged on the grounds of 1, 2, 3, 4, 6, and 7 of Article 275 of this Code related to irregularities or defects in the voting or counting of votes, in which case all citizens elected for the acts whose nullity is sought shall be considered defendants, they shall be notified of the ruling by notice in accordance with the terms of the preceding paragraphs.

e) Political parties or movements and significant groups of citizens shall be notified through the publication of the aforementioned notices.

f) Copies of the complaint and its attachments shall remain at the Secretariat at the disposal of the notified party, and the transfer or the terms granted by the notified order shall only begin to run three (3) days after personal notification or notification by notice, as the case may be.

g) If the plaintiff fails to provide proof of the press publications required to serve the notices provided for in the preceding paragraphs within twenty (20) days of notification to the Public Prosecutor's Office of the order requiring them, the proceedings shall be declared terminated due to abandonment and the case file shall be ordered to be closed.

2. The authority that issued the act and the authority that participated in its adoption, as applicable, shall be notified personally by means of a message sent to the electronic mailbox for judicial notifications, in accordance with the terms of this Code.

3. The Public Prosecutor's Office shall be notified personally, in accordance with the terms of this Code.

4. The plaintiff shall be notified by status.

5. That the community be informed of the existence of the proceedings through the website of the Administrative Jurisdiction or, failing that, through other effective means of communication, such as institutional radio or television, taking into account the scope or field of application of the contested election act.

6. In the case of an election by popular vote, the president of the respective public corporation shall be informed so that he or she may notify the members of the corporation who have been sued.

In the event that a provisional suspension of the contested act has been requested, which must be requested in the complaint, it shall be resolved in the same order of admission, which must be issued by the judge, the chamber, or the section. Against this order, only an appeal for reconsideration is admissible in single-instance proceedings and, in first-instance proceedings, an appeal.

ARTICLE 278. *Amendment of the complaint.* The complaint may be amended only once within three (3) days following notification of the order admitting the complaint to the plaintiff and shall be resolved within three (3) days thereafter. Charges may be added against the act whose nullity is sought, provided that the statute of limitations has not expired; otherwise, the amendment in relation to these charges shall be rejected. No appeal may be lodged against the order ruling on the admission of the amendment to the complaint.

NOTE: The underlined text was declared ENFORCEABLE by the Constitutional Court, through Ruling [C-437](#) of 2013.

ARTICLE 279. *Response to the complaint.* The complaint may be responded to within fifteen (15) days following the date of personal notification of the order admitting the complaint to the defendant or the date of publication of the notice, as applicable.

ARTICLE 280. *Prohibition of withdrawal.* In electoral proceedings, the withdrawal of the complaint shall not be permitted.

ARTICLE 281. *Inadmissibility of combining objective and subjective grounds for nullity.* Grounds for nullity relating to defects in the qualifications, requirements, and disqualifications of the elected or appointed person may not be combined in the same lawsuit with those based on irregularities in the voting and counting process.

Improper accumulation shall result in the dismissal of the lawsuit so that they may be filed separately, without affecting the expiration of the means of control.

Article 282. *Joinder of proceedings.* Proceedings challenging the same appointment or the same election shall be decided in a single judgment when the nullity is sought on the grounds of irregularities in the voting or counting of votes.

Furthermore, proceedings based on lack of requirements or disqualifications shall also be joined when they refer to the same defendant.

In the Council of State and in the Administrative Courts, once the deadline for responding to the complaint in the proceeding that first reaches this stage has expired, the Secretary shall inform the Presiding Judge of the status of the others so that their joinder may be ordered.

In the administrative courts and for the purposes of consolidation, once the order admitting the claim has been issued, the office shall order that official letters be sent to the other courts in the judicial circuit communicating the respective order.

The decision on joinder shall be made by order. If granted, a notice shall be posted at the Registry for one (1) day, summoning the parties to the hearing to select the Presiding Judge or judge for the joined proceedings. No appeal may be lodged against this decision. The hearing shall be scheduled for the day following the removal of the notice.

This proceeding shall be conducted in the presence of the judges, or the Magistrates of the Administrative Court or the Magistrates of the Fifth Section of the Council of State to whom the proceedings were assigned, and the Secretary, and may be attended by the parties, the Public Prosecutor's Office, and other interested parties.

The failure of any of the persons entitled to attend to do so shall not invalidate the proceedings, provided that the majority of the judges or magistrates, or in their place the Secretary and two witnesses, are present.

ARTICLE 283. *Initial hearing.* On the day following the expiration of the term for responding to the complaint, the judge or magistrate, by means of an order that shall not be subject to appeal, shall set a date for the initial hearing, which shall take place within a period of not less than five (5) days and not more than eight (8) days from the date of the order setting the date. The purpose of this hearing is to provide for the rectification, set the terms of the dispute, and order evidence.

In matters of pure law or where it is not necessary to take evidence, the procedure established in this Code for ordinary proceedings shall be followed.

ARTICLE 284. *Nullities.* Procedural nullities shall be governed by the provisions of Article 207 of this Code. The untimely formulation of nullities shall be rejected outright and shall be considered dilatory conduct in the proceedings. There shall be no appeal against an order that rejects a procedural nullity outright.

ARTICLE 285. *Evidence hearing.* The evidence hearing shall be governed by the provisions of this Code for ordinary proceedings.

In the case of documentary evidence constituting the background to the act of election by popular vote, a request shall be made to the National Registrar of Civil Status or the National Electoral Council, who shall be obliged to send it immediately.

ARTICLE 286. *Hearing of arguments and judgment.* Once the evidence has been examined, the judge or presiding magistrate shall set the date for the hearing of arguments and judgment, which shall be subject to the provisions of this Code for ordinary proceedings.

ARTICLE 287. *Grounds for annulment of the popular election.* In order to guarantee respect for the legitimate will of the majority of voters, the election by popular vote shall be declared null and void when the judge determines that the irregularities in the voting or in the counting of votes are such that, if new votes were counted, different candidates would be elected.

ARTICLE 288. *Consequences of the annulment ruling.* Rulings declaring the nullity of the election shall have the following consequences:

1. When the election is declared null and void on the grounds specified in paragraph 1 of Article 275 of this Code, a repeat election or election shall be ordered at the polling station or stations affected.

If the acts of violence affected the right to vote of more than twenty-five (25) percent of the citizens registered in the census of an electoral district, the election shall be ordered to be repeated throughout the district.

2. When the election is annulled, the ruling shall order the cancellation of the corresponding credentials, declare the election of those who are finally elected, and issue their credentials, if applicable. If necessary, the judge hearing the case shall conduct new counts.

3. In the cases provided for in paragraphs 5 and 8 of Article 275 of this Code, the annulment of the election by popular vote shall entail the cancellation of the respective credentials, which shall take effect upon the enforcement of the ruling.

4. When the nullity of the election is declared on the basis of Article 275(6) of this Code, only the votes for the candidate or candidates to whom this situation applies shall be annulled, and it shall not affect the other candidates.

If, as a result of the decision, a new vote count must be conducted by the judge, court, or Council of State, the date and time for doing so shall be specified in the same ruling. This date may not be set for earlier than the second business day following the date of the ruling or later than the fifth business day, counted in the same manner. These terms may be extended prudently when it is necessary to obtain documents located in other offices in order to carry out the proceedings. In such a case, a request shall be made to the authority, official, or corporation in whose possession they are, so that they may be sent as soon as possible, under penalty of a fine of fifteen (15) to one hundred (100) times the current legal minimum monthly wage for any unjustified delay, without prejudice to the sending of copies of the relevant parts of the file to the competent authorities for the purpose of investigating possible violations of criminal law.

The Council of State shall be responsible for enforcing judgments ordering a new vote count, when such judgments have been handed down in proceedings heard by this entity as the sole instance. In all other cases, enforcement shall be the responsibility of the judge or court that handed down the judgment in the first instance. These rules shall also apply in cases involving the total or partial rectification of a vote count.

PARAGRAPH . In cases of nullity due to irregularities in the voting and counting process, the judicial authority conducting the new vote count shall issue the election certificate and the respective credentials to those who are elected, and, by the same act, those issued to other persons shall be rendered null and void.

ARTICLE 289. *Notification and communication of the judgment.* The judgment shall be notified personally to the parties and the agent of the Public Prosecutor's Office on the day following its issuance. If two (2) days have elapsed without personal notification, notification shall be made by edict, which shall remain posted for three (3) days. Once the judgment has become final, it shall be immediately communicated by the Clerk to the relevant entities or agencies.

ARTICLE 290. *Clarification of the judgment.* Up to two (2) days after the date on which it is notified, the parties or the Public Prosecutor's Office may request that the judgment be clarified. The clarification shall be made by means of an order that shall be notified by the court the day after it is issued, and no appeal shall be admissible against it. The same procedure shall be followed when the clarification is denied.

ARTICLE 291. *Addition to the judgment.* No appeal may be lodged against the order denying the addition.

ARTICLE 292. *Appeal of the judgment.* The appeal shall be filed and argued before the *court of first instance* at the time of notification or within the following five (5) days, and shall be granted with suspensive effect. If the appeal is not argued in a timely manner, the lower court shall declare it void and the judgment enforceable.

Once the appeal has been filed, it shall be sent to the superior no later than the following day for a decision on its admissibility. If it meets the legal requirements, it shall be admitted by means of an order instructing the Secretariat to make the supporting brief available to the opposing party for

three (3) days. If both parties appeal, the terms will be common.

No appeal may be lodged against the order granting and admitting the appeal.

PARAGRAPH . The Secretaries shall be responsible for any delays in the delivery of the files.

ARTICLE 293. *Second instance proceedings.* Second instance proceedings shall be conducted in accordance with the following rules:

1. The case shall be assigned no later than the second day after its arrival at the court or the Estaco Council. On the same day, or the following day, the rapporteur shall issue a single order on the admission of the appeal and that the file remain with the Registry for three (3) days so that the parties may submit their written arguments.
2. Once the deadline for submitting arguments has expired, the Public Prosecutor's Office shall submit its opinion within the following five (5) days.
3. The time limits for ruling shall be reduced to half those set for the first instance.
4. The appeal against the rulings shall be decided outright.
5. In the second instance, no grounds for nullity may be proposed that should have been alleged in the first instance, except for lack of functional jurisdiction and improper notification of the order admitting the claim to the defendant or their representative.

ARTICLE 294. *Nullities arising from the judgment.* Procedural nullity arising from the judgment shall only proceed on the grounds of lack of functional jurisdiction, improper notification of the order admitting the claim to the defendant or their representative, omission of the pleadings stage, and when the judgment has been adopted by fewer judges than provided for by law.

By means of an order not subject to appeal, the judge or presiding judge shall reject outright as inadmissible any request for nullity against the judgment based on grounds other than those mentioned above.

ARTICLE 295. *Irrelevant petitions.* The filing of irrelevant petitions and the lodging of inadmissible appeals and nullities shall be considered as forms of delaying the proceedings and shall be punished with a fine of five (5) to ten (10) times the current legal minimum monthly wage.

ARTICLE 296. *Unregulated aspects.* In matters not regulated in this title, the provisions of ordinary proceedings shall apply insofar as they are compatible with the nature of the electoral process.

TITLE IX

Enforcement proceedings

ARTICLE 297. *Enforceable Judgment.* For the purposes of this Code, the following constitute enforceable judgments:

1. Duly enforced judgments issued by the Administrative Court, ordering a public entity to pay monetary sums.

2. Final decisions issued in the course of alternative dispute resolution mechanisms, in which public entities are clearly, expressly, and enforceably required to pay sums of money.

3. Without prejudice to the prerogative of coercive collection corresponding to public bodies and entities, contracts, documents containing their guarantees, together with the administrative act declaring their breach, the contract settlement agreement, or any act issued in connection with the contractual activity, in which clear, express, and enforceable obligations are recorded, to be borne by the parties involved in such proceedings.

4. Authentic copies of administrative acts with proof of enforcement, which acknowledge a right or the existence of a clear, express, and enforceable obligation on the part of the respective administrative authority. The authority issuing the administrative act shall be responsible for certifying that the authentic copy corresponds to the original.

ARTICLE 298. Procedure. Once the terms provided for in Article 192 of this code have elapsed, without the sentence imposed by this jurisdiction having been served, the competent judge or magistrate, depending on the factor of connection, shall issue an executive order in accordance with the rules provided for in the General Code of Procedure for the enforcement of judgments, upon request by the creditor.

If the title consists of a settlement approved by this jurisdiction or an arbitration in which a public entity was a party, the writ of execution shall be issued, upon request by the creditor, once six (6) months have elapsed since the decision became final or since the date indicated therein, under the same conditions and consequences established for judgments as enforceable titles. In this case, the rules established in the General Code of Procedure for the enforcement of judicial orders shall be observed.

If enforcement proceedings are initiated on the basis of a settlement agreement approved by this jurisdiction, the factor of related jurisdiction shall apply. If the basis for enforcement is an arbitral award, the criteria for jurisdiction based on amount and territory, as defined in this code, shall apply.

PARAGRAPH. Formal defects in the enforcement order may be declared by the judge ex officio in the judgment or in the order to proceed with enforcement, as the case may be.

(Amended by Art. 80 of Law 2080 of 2021)

ARTICLE 299. Enforcement in matters of contracts. Except as provided in this code for coercive collection in favor of public entities, in the enforcement of titles derived from proceedings related to contracts entered into by public entities, the rules established in the General Code of Procedure for enforcement proceedings shall be observed. The competent judge shall be determined in accordance with the factors of territorial jurisdiction and amount established in this code.

With regard to the payment order, regulated in Article 430 of the General Code of Procedure, the following rules shall apply in the contentious-administrative jurisdiction:

Once the claim has been filed, accompanied by a document that provides enforceable merit, the judge shall issue an order requiring the defendant to comply with the obligation in the manner requested, if applicable, or in the manner that the judge considers legal.

The formal requirements of the enforceable title may only be challenged by means of an appeal for reconsideration against the enforcement order. No dispute over the requirements of the title that has not been raised by means of such an appeal shall be admitted. However, formal defects in the enforceable title may be recognized or declared by the judge ex officio in the judgment or in the order to proceed with enforcement, as the case may be.

(Amended by Article 81 of Law 2080 of 2021)

TITLE X

THE PUBLIC PROSECUTOR'S OFFICE

ARTICLE 300. *Intervention by the Public Prosecutor's Office.* The Attorney General shall intervene before the Administrative Court directly or:

1. Before the Council of State, through the deputy attorneys assigned by the Attorney General of the Nation to the sections of the Administrative Court.
2. Before the Administrative Courts and Administrative Courts of the Circuit, through the Judicial Attorneys for administrative matters distributed by the Attorney General of the Nation.

ARTICLE 301. *Qualifications.* Delegated and judicial attorneys must meet the same qualifications required to be members of the corporation before which they will act.

ARTICLE 302. *Appointment.* Delegate and judicial attorneys before the Administrative Litigation Jurisdiction shall be appointed by the Attorney General of the Nation in accordance with their powers.

ARTICLE 303. *Powers of the Public Prosecutor's Office.* The Public Prosecutor's Office is empowered to act as plaintiff or as a special procedural party and may intervene in all proceedings and incidents brought before the Administrative Jurisdiction in defense of the legal order, public property, and fundamental rights and guarantees.

In enforcement proceedings, the Public Prosecutor's Office shall be personally notified of the payment order, the judgment, and the first ruling in the second instance.

It shall also have the following special powers:

1. Request the involvement in the proceedings of public servants or former public servants who, through their wilful misconduct or gross negligence, have given rise to claims seeking financial compensation from any public entity.
2. Request that administrative acts be declared null and void.
3. Request that state contracts be declared absolutely null and void.

4. To file appeals against orders approving or disapproving agreements reached in judicial conciliation.
5. File the extraordinary appeals referred to in this Code.
6. Request the application of the concept of extension of case law and the application of the mechanism for eventual review of rulings referred to in this Code.
7. To advance pre-trial or extrajudicial conciliations.

PARAGRAPH. Once the request for conciliation has been submitted, the agent of the Public Prosecutor's Office, either ex officio or at the request of the convening party, shall verify the existence of unified case law applicable to the case, in accordance with the provisions of this Code on the matter. If this is confirmed, and if the defendant authority expresses its refusal to conciliate, the hearing shall be suspended so that the respective conciliation committee may reconsider its position and, if appropriate, propose a settlement formula for the resumption of the hearing or state the reasons why it considers that the unified case law is not applicable.

TITLE XI

SPECIAL DECONGESTION PLAN, TRANSITIONAL REGIME, VALIDITY, AND REPEAL

ARTICLE 304. *Special Decongestion Plan.* Within one year of the enactment of this law, the Superior Council of the Judiciary, with the participation of the Council of State, shall prepare and adopt, among other transitional measures, a Special Plan for Decongestion of the Administrative Jurisdiction, the objective of which is to bring to completion all judicial proceedings initiated before the entry into force of this law and which are pending in the administrative courts and tribunals and in the Council of State.

The Special Decongestion Plan will operate under the Project Management methodology, attached to the Administrative Chamber of the Superior Council of the Judiciary, which will hire a project manager from a shortlist presented by the Plenary Chamber of the Council of State, a corporation that will take into account, in particular, professionals with experience in diagnosing judicial congestion, specialized knowledge of the functioning of the Administrative Jurisdiction, and in the management and execution of projects in large organizations. The project manager will be responsible for directing the execution of the plan and coordinating operational tasks with the Council of State, the administrative courts and tribunals, and other administrative or judicial bodies involved.

The Special Decongestion Plan will be implemented in the group of judicial offices selected for this purpose, in accordance with the volume of cases to be cleared, and will operate in parallel with the offices designated to assume the new powers and procedures established in this Code. These offices will be excluded from the distribution of constitutional actions.

The Special Decongestion Plan will have two phases, which will be developed based on the following parameters:

1. Diagnostic Phase. This will be carried out by personnel hired for this purpose, other than the employees of the offices. At least the following tasks will be performed during this phase:
 - a) Actual inventory of the processes accumulated in each office.
 - b) Technical classification of the cases being processed in each office, applying classification methodologies by specialty, subject matter, amounts, status of the proceedings, among others.

subject matter, amounts, status of the proceedings, among others.

c) Classified inventory of cases pending in each circuit, district, and nationally.

d) Costing and preparation of the special budget for the Special Decongestion Plan.

e) Analysis of the actual congestion map and definition of strategies and measures to be taken based on available human, financial, physical, and technological infrastructure resources.

f) Determination of the special offices that will be in charge of the decongestion plan, assigning the appropriate physical and technological infrastructure.

3. (Sic) Implementation phase. At least the following tasks will be carried out during this phase:

a) Training of participating officials and employees.

b) Delivery of classified processes to be evacuated by each office, and setting of goals.

c) Publication and dissemination of the plan to the community at large and to all interested parties.

d) Coordination, monitoring, and control of the plan's implementation.

The implementation of the Special Decongestion Plan may not exceed a period of four (4) years from its adoption by the Council of State and the Superior Council of the Judiciary.

NOTE: Article declared ENFORCEABLE by the Constitutional Court in Ruling [C-334](#) of 2012.

ARTICLE 305. *Implementation of the new procedural system.* In order to achieve the transition to the implementation of the new procedural regime and powers provided for in this Code, the Superior Council of the Judiciary, with the participation of the Council of State, shall carry out the necessary analyses and take the corresponding decisions, at least, on the following matters:

1. Implementation of the new offices and their distribution at the level of judicial circuits and districts based on the new functions and powers and other aspects of the new regime that make it possible to determine the demand for services by each office, court, or corporation within the jurisdiction.

2. Current number of judges, magistrates, and other judicial officials to determine, in accordance with expected workloads, the necessary adjustments in order to effectively and efficiently serve the new system and, consequently, assign the required personnel.

3. Forecast of demand and implementation of training plans in the new system for judges, magistrates, and other judicial officials.

4. Definition and provision of the infrastructure required for the normal functioning of the jurisdiction under the new regime, particularly in terms of headquarters, courtrooms, recording systems, video equipment, computers, and other physical and technological resources.

5. Design and implementation of information systems ordered in this Code and others necessary for its development and the proper administration of justice in administrative litigation.

ARTICLE 306. *Unregulated aspects.* In matters not covered by this Code, the Code of Civil Procedure shall be followed insofar as it is compatible with the nature of the proceedings and actions that fall within the jurisdiction of the Administrative Court.

(See [General Code of Procedure](#))

ARTICLE 307. *Resources for the implementation and development of the Code.* The implementation and development of this law shall be addressed with the resources that the National Government has been allocating to the Judicial Branch, in compliance with the provisions of the transitional paragraph of Article 10 of Law 1285 of 2009, in accordance with budgetary availability, the Medium-Term Fiscal Framework, and the Medium-Term Expenditure Framework.

ARTICLE 308. *Transitional regime and effective date.* This Code shall enter into force on July 2, 2012.

This Code shall only apply to administrative proceedings and actions initiated, as well as to lawsuits and proceedings instituted after its entry into force.

Administrative proceedings and actions, as well as lawsuits and proceedings in progress at the time of entry into force of this law, shall continue to be governed by and shall be concluded in accordance with the previous legal regime.

ARTICLE 309. *Repeals.* All provisions contrary to this Code are repealed as of the effective date set forth in the previous article, in particular Decree 01 of 1984, Decree 2304 of 1989, Articles 30 to 63 and 164 of Law 446 of 1998, Law 809 of 2003, Law 954 of 2005, Law 1107 of 2006, Article 73 of Law 270 of 1996, Article 9 of Law 962 of 2005, and Articles 57 to 72 of Chapter V, 102 to 112 of Chapter VIII, and 114 of Law 1395 of 2010. Underlined text declared ENFORCEABLE by the Constitutional Court in Ruling C-818 of 2011.

Paragraph 5 of Article 35 of Law 640 of 2001, amended by Article 52 of Law 1395 of 2010, is also repealed in the following sentence: "when, in the proceedings in question, a request is made for the issuance of a decree and the implementation of precautionary measures, the matter may be referred directly to the courts."

([Second paragraph repealed by paragraph a\), art. 626, Law 1564 of 2012.](#))

THE PRESIDENT OF THE HONORABLE SENATE OF THE REPUBLIC,

ARMANDO BENEDETTI VILLANEDA.

THE SECRETARY GENERAL OF THE HONORABLE SENATE OF THE REPUBLIC,

EMILIO OTERO DAJUD.

THE PRESIDENT OF THE HONORABLE CHAMBER OF REPRESENTATIVES,

CARLOS ALBERTO ZULUAGA DÍAZ.

THE SECRETARY GENERAL OF THE HONORABLE CHAMBER OF REPRESENTATIVES,

JESÚS ALFONSO RODRÍGUEZ CAMARGO.

REPUBLIC OF COLOMBIA - NATIONAL GOVERNMENT

PUBLISH AND EXECUTE.

Given in Bogotá, D.C., on the 18th day of January 2011.

JUAN MANUEL SANTOS CALDERÓN

THE MINISTER OF THE INTERIOR AND JUSTICE,

GERMÁN VARGAS LLERAS.

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