

**Decision no. 1, dated 23.01.2023**

**(V-1/23)**

Constitutional Court of the Republic of Albania composed of: Vitore Tusha, President, Marsida Xhaferllari, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Elsa Toska, members, with court secretary Enina Kotoni, on 18.01.2023, took under examination in plenary session, on the basis of submitted documents, the case no. 9 (Nj) 2022 of the Basic Court Register, pertaining to:

**APPLICANT:**            **A GROUP OF NOT LESS THAN 1/10 OF THE MEMBERS OF PARLIAMENT OF ALBANIA**, represented with authorisation, by Marash Logu.

**INTERESTED SUBJECTS:**

**ASSEMBLY OF ALBANIA**, represented with authorisation, by Erind Mërkuri.

**MP OLTA XHAÇKA**, represented with power of attorney, by Genci Çifligu, practicing lawyer.

**OBJECT:**                **Resolution of the conflict of competences between the Assembly of Albania and not less than 1/10 of the MPs. Declaration as incompatible with the Constitution of the Republic of Albania of decisions no. 83, dated 17.11.2022 "On the disapproval of parliamentary minority report in the Council of Regulation, Mandates and Immunity on the invalidity and termination of the mandate of MP Olta Xhaçka" and no. 84, dated 17.11.2022 "On the approval of parliamentary majority report in the Council of Regulation, Mandates and Immunity on the invalidity and termination of the mandate of MP Olta Xhaçka" of the Assembly of Albania.**

**LEGAL BASIS:** Articles 70, 71, 131, letter "ç", of the Constitution of the Republic of Albania; articles 27, 49, 50 and 51 of Law no. 8577, dated 10.02.2000 "On the organization and functioning of the Constitutional Court of the Republic of Albania" (law no. 8577/2000), amended.

Constitutional Court of the Republic of Albania, in pursuance of articles 131, letter "ç", as well as articles 54, 55, 56, 72 et seq. of the law no. 8577, dated 10.02.2000 "On the organization and functioning of the Constitutional Court of the Republic of Albania", amended, by a majority of votes,

**DECIDED:**

1. Admission of the application.
2. Resolution of the conflict of competence between the Assembly of Albania and not less than 1/10 of the MPs.
3. Repeal as incompatible with the Constitution of the Republic of Albania of decisions no. 83, dated 17.11.2022 "On the disapproval of parliamentary minority report in the Council of Regulation, Mandates and Immunity on the invalidity and termination of the mandate of MP Olta Xhaçka" and no. 84, dated 17.11.2022 "On the approval of parliamentary majority report in the Council of Regulation, Mandates and Immunity on the invalidity and termination of the mandate of MP Olta Xhaçka" of the Assembly of Albania.

This decision is final and enters into force on the day of its publication in the Official Gazette.