

Decision no. 2, dated 23.01.2023

(V-2/23)

Constitutional Court of the Republic of Albania composed of: Vitore Tusha, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Sonila Bejtja, members, with court secretary Blerina Basha, on 18.01.2023, took under examination in plenary session on the basis of submitted documents, the case no. 10 (Nj) 2022 of the Basic Court Register, pertaining to:

APPLICANT: **A FIFTH OF THE MEMBERS OF THE PARLIAMENT OF ALBANIA**, represented with authorisation, by Orion Nallbati and Franci Nuri.

INTERESTED SUBJECTS:

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

MP OLTA XHAÇKA, represented with special power of attorney, by Genci Çifligu, practising lawyer.

OBJECT: **Repeal of decisions no. 83, dated 17 November 2022 "On the disapproval of the report of the parliamentary minority in the Council for Regulation, Mandates and Immunity, with object on finding of the invalidity and termination of the mandate of MP Olta Xhaçka" and no. 84, dated 17 November 2022 "On the approval of the report of the parliamentary majority in the Council for Regulation, Mandates and Immunity, with object on the establishment of the invalidity and termination of the mandate of MP Olta Xhaçka" of the Assembly of Albania, as incompatible with the Constitution of the Republic of Albania.**
Finding of incompatibility in exercising the mandate of MP Olta Xhaçka.

LEGAL BASIS: Articles 4, 7, 70, 71, 124, 131, point 1, letter "e" and 134, point 1, letter "c", of the Constitution of the Republic of Albania; Articles 66 et seq. of Law no. 8577, dated 10 February 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 70 and 131, point 1, letter "e" of the Constitution, as well as articles 1, 66 et seq. and 72 et seq. of Law no. 8577 dated 10 February 2000 "On the organization and functioning of the Constitutional Court of the Republic of Albania", amended, by majority of votes,

DECIDED:

1. Discontinuation of proceedings of the case.

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