

**Decision no. 21, dated 18.04.2023**

**(V-21/23)**

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Fiona Papajorgji, members, with court secretary Enina Kotoni, on 09.03.2023 and 17.03.2023, took under examination in plenary session on the basis of submitted documents, the case no. 4 (Nj) 2022 of the Basic Court Register, pertaining to:

**APPLICANT:**            **A GROUP OF MEMBERS OF THE PARLIAMENT OF THE REPUBLIC OF ALBANIA (NOT LESS THAN A FIFTH OF THE MEMBERS OF THE PARLIAMENT)**, represented with authorisation, by Marash Logu, Dhurata Çupi dhe Dashnor Sula.

**INTERESTED SUBJECTS:**

**COUNCIL OF MINISTERS**, represented with authorisation, by Herald Jonuzaj, Irma Qosja, Enea Karkaçi and Ilia Gjermani.

**ASSEMBLY OF ALBANIA**, represented with authorisation, by Mimoza Arbi.

**COMPETITION AUTHORITY**, represented with authorisation, by Miklovana Ymerali.

**BOARD OF TRANSPARENCY AND TEMPORARY RESTRICTION OF WHOLESALE/RETAIL TRADE PRICES OF OIL AND GAS BY-PRODUCTS**, represented with authorisation, by Nikolla Lera.

**OBJECT:**                **Repeal of law no. 39/2022 "On the approval of the normative act no. 5, dated 12 March 2022 "On some amendments to the law no. 8450, dated 24 February 1999 "On the processing, transportation and trading of oil, gas and their by-products",**

amended'", as incompatible with the Constitution of the Republic of Albania.

Repeal of law no. 42/2022 "On the approval of the normative act no. 8, dated 25 March 2022 "On some amendments to the law no. 8450, dated 24 February 1999 "On the processing, transportation and trading of oil, gas and their by-products", amended'", as incompatible with the Constitution of the Republic of Albania.

**LEGAL BASIS:** Articles 11, 18, 101, 131 and 134 of the Constitution of the Republic of Albania; article 71 of law no. 9590, dated 27 July 2006 "On the ratification of the Stabilization-Association Agreement between the Republic of Albania and the European Communities of their member states" (*law no. 9590/2006*); articles 27, 49, 50, and 51 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 131, point 1, letter "a", and 134, point 1, letter "c" of the Constitution, as well as articles 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. Partial admission of the application.
2. Repeal of article 21/10, point 2, second sentence, of Law no. 39/2022 "On the approval of the normative act no. 5, dated 12.03.2022 "On some amendments to the law no. 8450, dated 24.02.1999 "On the processing, transportation and trading of oil, gas and

their by-products", amended""", as incompatible with the Constitution of the Republic of Albania.

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