

Decision no. 53, dated 31.10.2023

(V-53/23)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Marjana Semini, Genti Ibrahim, members, with court secretary Belma Lleshi, on 19.10.2023 and 31.10.2023, took under examination in plenary session on the basis of submitted documents, the case no. 2 (T) 2023 of the Basic Court Register, pertaining to:

APPLICANT: TERENZIO D'ALENA

INTERESTED SUBJECTS:

**MUNICIPALITY OF TIRANA,
MINISTRY OF INFRASTRUCTURE AND ENERGY,
MINISTRY OF TOURISM AND ENVIRONMENT,
MINISTRY OF CULTURE,
STATE ADVOCACY,
“GOLDEN EAGLE” LTD COMPANY.**

**OBJECT: Repeal of decisions no. 6083, dated 03 June 2013 of the District Court of Tirana, no. 2526, dated 20 November 2013 of Tirana Appeal Court; no. 00-2022-2028, dated 21 September 2022 of the Civil College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.
Remanding of the case to the District Court of Tirana for further proceedings by a different bench.**

LEGAL BASIS: Articles 41, 42, points 1 and 2, 131, point 1, letter “f”, 134, point 1, letter “i” of the Constitution of the Republic of Albania; article 6 of the European Convention on Human Rights (ECHR) and article 1 of its Protocol no. 1; 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 "f" and 134, point 1, letter "i", of the Constitution, as well as articles 71 and 72 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 decision no. 00-2022-2028, dated 21.09.2022 of the Civil College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to the Supreme Court for further proceedings.

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