

Decision no. 62, dated 20.11.2023

(V-62/23)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Marjana Semini, Ilir Toska, members, with court secretary Blerina Basha, on 10.10.2023 and 06.11.2023, took under examination in plenary session on the basis of submitted documents, the case no. 3 (K) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **ALBANIAN HELSINKI COMMITTEE**, represented with authorisation, by Erida Skëndaj.

CIVIL RIGHTS DEFENDER, REGIONAL OFFICE IN TIRANA, represented upon declaration given at the court hearing, by Erida Skëndaj.

ALBANIAN MEDIA COUNCIL, represented upon declaration given at the court hearing, by Erida Skëndaj.

ALLIANCE AGAINST LGBT DISCRIMINATION, represented with special power of attorney, by Erida Skëndaj.

BALKAN INVESTIGATIVE REPORTING NETWORK, ALBANIA – BALKAN, represented with special power of attorney, by Erida Skëndaj.

INTERESTED SUBJECTS:

ASSEMBLY OF THE REPUBLIC OF ALBANIA, represented with authorisation, by Mimoza Arbi.

COUNCIL OF MINISTERS, represented with authorization, by state's advocate Irma Qosja.

OBJECT: **Repeal of point 2 of article 5, with regard to the delegation given to the Council of Ministers; article 8; in point 1 of article 9 of the words “or with nouns contrary to the legal order or mandatory**

legal provisions”; letter “a” of point 3 of article 17; letter “c” of point 2 of article 20; articles 26, 28, point 6 and 32 regarding the position the chancellor`s position ; of the words “kancelari/ose kancelari” in the respective, defining articles; point 1 of article 29; points 1 and 2 of article 36; points 2-6 of article 49; point 5 of article 50 of law no. 80/2021, dated 24.05.2021 “On the registration of non-governmental organizations”, as incompatible with the Constitution of the Republic of Albania.

LEGAL BASIS: Articles 17, 18, 46, 131, point 1, letter “a” and 134, points 1, letter “h” and 2, of the Constitution of the Republic of Albania (*The Constitution*); article 11 of the European Convention on Human Rights (*ECHR*); articles 27, 28 , 29, 30, 47, 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 “h”, 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 the phrase "*për regjistrim fillestar* " in article 8; of the phrase "*kancelari i*" in article 26; of the phrase "*ose nga kancelari*" in point 6 of article 28; of the phrase "*ose kancelari*" in point 1 of article 29 and in point 1 of article 30; of the phrase "*ose të kancelarit*" in point 2 of article 30; of point 3 of article 30; of article 32; of the phrase "*të kancelarit*" in point 2 of article 33; of point 6 of article 33; of the phrase "*ose i kancelarit*" in article 34; of the phrase "*i kancelarit*" in point 1 of article 35; of the

phrase “*përfshirë këtu procedurën e ankimit ndaj vendimit të kancelarit, sipas nenit 33 të këtij ligj*” in point 1 of article 46; of points 2 - 6 of article 49 of law no. 80/2021, dated 24.06.2021 “On the registration of non-governmental organization”, as incompatible with the Constitution of the Republic of Albania.

3. Rejection of the application with regard to the other claims.

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