

Decision no. 4, dated 08.02.2023

(V-4/23)

Constitutional Court of the Republic of Albania composed of: Marsida Xhaferllari, Head of session, Fiona Papajorgji, Elsa Toska, Sandër Beci, Genti Ibrahimimi, Marjana Semini, Holta Zaçaj, Sonila Bejtja, members, with court secretary Belma Lleshi, on 17.11.2022 and 08.02.2023, took under examination in plenary session on the basis of submitted documents, the case no. 2 (K) 2022 of the Basic Court Register, pertaining to:

APPLICANT: KLODIANA GJYZARI

INTERESTED SUBJECT:

HIGH JUDICIAL COUNCIL

OBJECT: Repeal of decisions no. 78, of the High Judicial Council, dated 04 March 2021; no. 55, of the Administrative Court of Appeal, dated 29 July 2021 and no. 00-2021-1923, of the Administrative College of the Supreme Court, dated 02 December 2021, as incompatible with the Constitution of the Republic of Albania. Repeal of point 7, section B, chapter X, of decision no. 75, dated 23 May 2019 of the High Judicial Council "On the procedure for the verification of legal conditions and criteria for the recruitment of candidates for judges, for the career development and for the appointment of judges of the Supreme Court", as incompatible with the Constitution of Republic of Albania.

LEGAL BASIS: Articles 42, 49, point 1, 118, points 1 and 2, 131, point 1, letter "f" and 134, point 1, letter "i" of Constitution of the Republic of Albania; article 6 of the European Convention on Human

Rights; articles 27 and 71/a of Law no. 8577, dated 10 February 2000 "On the organization and functioning of the Constitutional Court of the Republic of Albania", amended.

Constitutional Court of the Republic of Albania, in pursuance of articles 131, point 1, letter “F”, 134, point 1, letter “i” and 133, point 2 of the Constitution, as well as articles 71, 72 and 73, point 4 of Law no. 8577, dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, amended,

DECIDED:

1. Rejection of the application for the first part of the subject of the appeal.
2. Discontinuation of proceedings for the repeal of point 7, section B, chapter X, of decision no. 75/2019 of High Judicial Council.

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