

**Decision no. 1, dated 25.01.2024**

**(V-1/24)**

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahimi, Marjana Semini, members, with court secretary Enina Kotoni, on 21.12.2023, took under examination in public plenary session on the basis of submitted documents, the case no. 1 (Nj) 2023 of the Basic Court Register, pertaining to:

**APPLICANT:**            **A GROUP OF THE MEMBERS OF THE PARLIAMENT OF ALBANIA (NOT LESS THAN A FIFTH OF THE MP-S)**, represented with authorisation, by lawyers Semir Sali and Esmeralda Maillard (Ndoci).

**A GROUP OF STUDENTS OF THE FACULTY OF MEDICINE, TIRANA**, represented with special power of attorney, by lawyers Semir Sali and Esmeralda Maillard.

**INTERESTED SUBJECTS:**

**ASSEMBLY OF THE REPUBLIC OF ALBANIA**, represented with authorisation, by Mimoza Arbi and Gazmend Bici.

**COUNCIL OF MINISTERS**, represented with authorisation, by Herald Jonuzaj, Voltisa Koçi and state advocate Irma Qosja.

**OBJECT:**                **Repeal of article 4, points 1, letter “c”, 2, letter “b”, 3, letter “b” and article 5, first sentence, of Law no. 60/2023, dated 21.07.2023 "On special treatment of the students who follow the integrated second cycle study program of “General Medicine” in the public institutions of higher education”, as incompatible with the Constitution of the Republic of Albania.**  
**Stay of execution of law no. 60/2023, dated 21.07.2023"On special treatment of the students who follow the integrated**

**second cycle study program of “General Medicine” in the public institutions of higher education”, until the final decision of the Constitutional Court enters into force.**

**LEGAL BASIS:** Articles 4, 17, 18, 26, 49, 57, 131, point 1, letters “a” and “f” and 134, point 1, letter “c” and “i”, of the Constitution of the Republic of Albania (*The Constitution*); Articles 4 and 14 of the European Convention on Human Rights (*ECHR*) and article 2 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, pursuant to Articles 131, point 1, letter “a” and 134, points 1, letter “c” and “i” and 2, of the Constitution, as well as Articles 72 and 76, point 5, 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 vote,

**DECIDED:**

1. Admission of the application in part.
2. Repeal of the words “5 (five) years” in article 4, point 1, letter “b”, “5-year” in article 4, point 1, letter “c”, “3 (three) years” in article 4, point 2, letter “a”, “3-year” in article 4, point 2, letter “b”, “2 (two) years in article 4, point 3, letter “a”, “2- year” in article 4, point 3, letter “b”, of law no. 60/2023 "On special treatment of the students who follow the integrated second cycle study program of “General Medicine” in public institutions of higher education”.
3. Finding of the legal gap/omission in article 6 of law no. 60/2023 "On special treatment of the students who follow the integrated second cycle study program of “General Medicine” in the public institutions of higher education”, with regard to the lack of the objective criteria of priority employment, financial treatment in the context of

providing the necessary means of living, as well as, the calculation of the payment regarding the mandatory employment waiting period.

4. The Assembly of the Republic of Albania shall approve the necessary legal amendments within 3 months from the entry into force of the decision.
5. Removal of the measure of stay of execution of law no. 60/2023 “On special treatment of the students who follow the integrated second cycle study program of “General Medicine” in public institutions of higher education”.

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