

Decision no. 2, dated 29.01.2024

(V-2/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahimimi, Marjana Semini, Marsida Xhaferllari, members, with court secretary Belma Lleshi, on 18.01.2024, 24.01.2024 and 29.01.2024 took under examination in plenary session on the basis of submitted documents, the case no. 2 (Nj) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **A GROUP OF 30 MEMBERS OF THE PARLIAMENT OF ALBANIA (NOT LESS THAN A FIFTH OF THE MP-S)**, represented with authorisation, by members of parliament Gazment Bardhi, Lindita Metaliaj, Elda Hoti, Dhurata Çupi, Tomor Alizoti and lawyer Marash Logu.

INTERESTED SUBJECTS:

PRESIDENT OF THE REPUBLIC OF ALBANIA, in absentia.

ASSEMBLY OF THE REPUBLIC OF ALBANIA, represented by Secretary General.

COUNCIL OF MINISTERS OF THE REPUBLIC OF ALBANIA, represented by Secretary General.

PEOPLE`S ADVOCATE, represented with authorisation, by commissioner Ahmet Prençi.

OBJECT: **Declaration as unconstitutional, of the protocol between the Government of the Republic of Italy and the Council of Ministers of the Republic of Albania “On strengthening the cooperation in the field of migration” and non-ratification by the Assembly.**

Stay of proceedings of the ratification of the Protocol “On strengthening the cooperation in the field of migration”, signed

between the Government of the Republic of Italy and the Council of Ministers of the Republic of Albania.

LEGAL BASIS: Articles 1, 2, 3, 4, 5, 15, 16, 17, 18, 24, 27, 39, 40, 42, 47, 49, 57, 92, 116, 117, 121, 122, 131, 134 and 148 of the Constitution of the Republic of Albania (*The Constitution*); articles 1, 3, 5, 6, 9, 11, 13 and 14 of the European Convention on Human Rights (*ECHR*), article 2 of its Protocol no. 1; as well as articles 2 and 4 of Protocol no. 4 of *ECHR*; articles 2, 7, 8, 14 and 46 of Vienna Convention on the Law of Treaties; articles 3, 4, 16, 17, 22, 26, 32, 35 and 36 of the 1951 Geneva Convention on the status of refugees; articles 3, 4, 5, 6, 10 and 17 of law no. 43/2016, “On the international agreements in the Republic of Albania”, dated 21.04.2016; articles 2, 3, 5, 7, 8, 31, 46, 56, 99, 100, 102, 103, 114, 116, 117 and 143 of law no. 79/2021 “On Foreigners”, dated 24.06.2021; articles 2, 3, 4, 11, 43, 45, 54 and 66 of law no. 10/2021 “On asylum in the Republic of Albania”, dated 01.02.2021; articles 52 and 52/a 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, pursuant to Articles 131, point 1, letter “b” and 134, point 1, letter “c”, of the Constitution, as well as Articles 52 and 52/a 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. Declaration as constitutional of the protocol between the Government of the Republic of Italy and the Council of Ministers of the Republic of Albania “On strengthening the cooperation in the field of migration”, as well as its ratification by the Assembly.
2. This decision shall be notified immediately to the President, the Assembly and the Council of Ministers and shall be submitted for publication in the Official Gazette.

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