

Decision no. 5, dated 13.02.2024

(V-5/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Marjana Semini, Genti Ibrahimimi, members, with court secretary Enina Kotoni, on 13.12.2023 and 12.01.2024, took under examination in public plenary session on the basis of submitted documents, the case no. 18 (K) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **THE MUSLIM COMMUNITY OF ALBANIA**, represented with authorisation, by Arjan Muça.

INTERESTED SUBJECTS:

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

COUNCIL OF MINISTERS, represented with authorisation, by Herald Jonuzaj, Elsonida Rama and state advocate Irma Qosja.

PROPERTY TREATMENT AGENCY, represented with authorisation, by Arilind Beqiri, Anjeza Mio and Emiljan Koja.

OBJECT: **Repeal of point 2 of Article 1 and points 1 and 2 of Article 2 of Law no. 77/2022, dated 17.11.2022 "On some amendments and changes in Law no. 133/2015 "On the Treatment of Property and Finalization of the Property Compensation Process"', as incompatible with the Constitution of the Republic of Albania. Repeal of point 2 and points 3/1 and 3/2, letter "c", added to Council of Ministers decision no. 223, dated 23.03.2016 from point 3 of Council of Ministers decision no. 313, dated 24.05.2023, "On some amendments and changes in Council of Ministers decision no. 223, dated 23.03.2016,**

"On the establishment of rules and procedures for the evaluation and execution of Court`s final decisions on property compensation and distribution of financial and physical funds for the compensation of properties", amended", as incompatible with the Constitution of the Republic of Albania.

Repeal of point 8 of Council of Ministers decision no. 313, dated 24.05.2023, "On some amendments and changes in Council of Ministers decision no. 223, dated 23.03.2016, "On the establishment of rules and procedures for the evaluation and execution of Court`s final decisions on property compensation and distribution of financial and physical funds for the compensation of properties", amended" with regard to the part that adds point 16/7 in Council of Ministers decision no. 223, dated 23.03.2016, as incompatible with the Constitution of the Republic of Albania.

Stay of execution of these acts until the final decision of the Constitutional Court shall enter into force.

LEGAL BASIS: Articles 4, 42, 131, point 1, letters "a" and "c", 134, point 1, letter "h" et seq. of the Constitution of the Republic of Albania; Articles 1, 13, 14, 18 and 41 of the European Convention on Human Rights (ECHR) and article 1 of its Protocol no. 1; Articles 45 and 50 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 "a" and "c" and 134, points 1, letter "h" and 2, 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 vote,

DECIDED:

1. Rejection of the application.
2. Revocation of decision to stay the proceedings "On some amendments and changes in Law no. 133/2015 "On the treatment of property and finalization of the property compensation process"".

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