

Decision no. 41, dated 29.05.2024

(V-41/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Marjana Semini, Genti Ibrahim, members, with court secretary Belma Lleshi, on 29.05.2024, took under examination in plenary session on the basis of submitted documents, the case no. 25 (Sh) 2023 of the Basic Court Register, pertaining to:

APPLICANT: “FERLUT” SH.A. COMPANY, represented with authorisation, by lawyer Ervin Metalla.

INTERESTED SUBJECTS:

“ALBANIAN PETROLEUM INVESTMENT” SH.A. COMPANY, represented by lawyer Aranit Roshi.

STATE CADASTRE AGENCY, TIRANA REGIONAL DIRECTORATE, in absentia.

MINISTRY OF FINANCE, represented by Risena Xhaja.

“FIDUCIARIA MARCHE” S.R.L. COMPANY, in absentia.

“GPL-COSTRUZIONI GENERALI” S.R.L. COMPANY, in absentia.

“RAIFFEISEN BANK” SH.A., represented by Alexander Zsolnai.

STATE ADVOCACY, in absentia.

LUIGI FABRI, in absentia.

OBJECT: Repeal of decision no. 00-2023-882 (117) of the Civil College of the High Court, dated 08.03.2023, as incompatible with the Constitution of the Republic of Albania.

LEGAL BASIS: Articles 4, 41, 42, 122, points 1 and 2, 131, point 1, letter “f”, 134, point 1, letter “i” and 142, point 1, of the Constitution of the Republic of Albania (*the Constitution*); Article 6 of the European Convention on Human Rights as well as Article 1 of its Protocol no. 1; Articles 71 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", (*law no. 8577/2000*), amended.

Constitutional Court of the Republic of Albania, pursuant to Articles 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution, as well as Articles 71, 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, unanimously,

DECIDED:

1. Admission of the application.
2. Repeal of decision no. 00-2023-882 (117) of the Civil College of the High Court, dated 08.03.2023, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to the High Court for further proceedings.

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