

Decision no. 47, dated 11.06.2024

(V-47/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Fiona Papajorgji, members, with court secretary Belma Lleshi, on 11.06.2024, took under examination in plenary session on the basis of submitted documents, the case no. 64 (A) 2023 of the Basic Court Register, pertaining to:

APPLICANT: ARLINDA MULGECI

INTERESTED SUBJECTS:

GENERAL DIRECTORATE OF CUSTOMS, represented by the general director Genti Gazheli.

MINISTRY OF FINANCE, represented by Secretary General Risena Xhaja.

OBJECT: Repeal of decision no. 00-2023-3297(279) of the Administrative College of the High Court, dated 12.09.2023, as incompatible with the Constitution of the Republic of Albania.

Remanding of the case to the High Court for further proceedings.

LEGAL BASIS: Articles 4, 17, point 2, 18, point 1, 33, point 1, 41, points 1 and 2, 42, 131, point 1, letter "f", 134, and 142, point 1, of the Constitution of the Republic of Albania (*the Constitution*); Articles 6, point 1 and 13 of the European Convention on the Human Rights; 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 Article 72 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.
2. Repeal of decision no. 00-2023-3297(279) of the Administrative College of the High Court, dated 12.09.2023, 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.