

**Decision no. 54, dated 09.07.2024**

**(V-54/24)**

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 27.05.2024, took under examination in public plenary session on the basis of submitted documents, the case no. 2 (Nj) 2024 of the Basic Court Register, pertaining to:

**APPLICANT:** **NOT LESS THAN A FIFTH OF THE MEMBERS OF THE PARLIAMENT OF THE REPUBLIC OF ALBANIA**, represented by the MP-s Gazment Bardhi, Dhurata Çupi and by lawyer Marash Logu.

**INTERESTED SUBJECTS:**

**ASSEMBLY OF THE REPUBLIC OF ALBANIA**, represented with authorisation, by Mimoza Arbi and Antonela Veshi.

**OBJECT:** **Repeal of law no. 106, dated 21.12.2023 “On some additions and changes to law no. 8891, dated 02.05.2002 "On the organization and functioning of the investigatory committees of the Assembly””.**

**Stay of execution of law no. 106, dated 21.12.2023 “On some additions and changes to law no. 8891, dated 02.05.2002 "On the organization and functioning of the investigatory committees of the Assembly””.**

**LEGAL BASIS:** **Articles 77, point 2, 131, point 1, letter “a” and 134, point 1, letter “c”, of the Constitution of the Republic of Albania (*The Constitution*); Article 25 of the Rules of Procedure of the Assembly of the Republic of Albania (*Rules of Procedure*);**

**Articles 27, 49, 50 and 51 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 134, point 1, letter "c", 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. Admission of the application in part.
2. Finding of Article 4 of law no. 106/2023, dated 21.12.2023 "On some additions and changes to law no. 8891, dated 02.05.2002 " On the organization and functioning of the investigatory committees of the Assembly"" as incompatible with the Constitution due to the legal gap/omission with regard to the alternative wording of the subject of the investigation.
3. Finding of Article 7 of law no. 106/2023, dated 21.12.2023 "On some additions and changes to law no. 8891, dated 02.05.2002 " On the organization and functioning of the investigatory committees of the Assembly"" as incompatible with the Constitution due to the legal gap/omission with regard to the interim decision on the taking of evidence.
4. Repeal of Article 9, points 1 and 2, of law no. 106/2023, dated 21.12.2023 "On some additions and changes to law no. 8891, dated 02.05.2002 "On the organization and functioning of the investigatory committees of the Assembly""", in the part which added points 1/2 and 2/4 in Article 16 of law no. 8891, dated 02.05.2002 "On the organization and functioning of the investigatory committees of the Assembly""", as incompatible with the Constitution.
5. Obligation of the Assembly of the Republic of Albania to fill the legal gap/omission within 6 (six) months from the entry into force of this decision.

6. Rejection of the rest of the subject of appeal.

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