

Decision no. 55, dated 10.07.2024

(V-55/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Genti Ibrahimi, Marjana Semini, Ilir Toska, members, with court secretary Blerina Çinari, on 21.06.2024 and 25.06.2024 took under examination in public plenary session on the basis of submitted documents, the case no. 4 (Nj) 2024 of the Basic Court Register, pertaining to:

APPLICANT: **NOT LESS THAN A TENTH OF THE PARLIAMENT OF THE REPUBLIC OF ALBANIA, NOT LESS THAN A FIFTH OF THE PARLIAMENT OF THE REPUBLIC OF ALBANIA,** represented with authorisation, by MP Gazment Bardhi and lawyer Marash Logu.

INTERESTED SUBJECTS:

ASSEMBLY OF THE REPUBLIC OF ALBANIA, represented with authorisation, by lawyer Artemida Hoxhaj.
MP OLTA XHAÇKA, represented with special power of attorney, by lawyer Genci Çifligu.

OBJECT: **Appeal against decision no. 41/2024, dated 11.04.2024 of Assembly of Albania "On non-submission of the motion to Constitutional Court" and declaration of such decision as incompatible with the Constitution of the Republic of Albania. Resolution of the conflict of competences between the Assembly of Albania and the constitutional entity in conflict, namely not less than 1/10 of the MP-s, through definition of the concrete constitutional framework on how this conflict is to be resolved and how the constitutional right of the parliamentary minority**

(a tenth of MP-s) is to be exercised without its motion being impeded by the Assembly when formal obstacles have not been verified, in a situation where the majority, through a voting process, has decided not to execute Constitutional Court`s decision no. 1, dated 23.01.2023, and such a situation may be repeated in the future.

Final interpretation of Articles 70, points 1 and 4, 73, point 1 and 132, point 1, of the Constitution of the Republic of Albania.

LEGAL BASIS: Articles 4, 7, 70, 71, 73, 124, 131, point 1, letter “ç”, 132 and 134 of the Constitution of the Republic of Albania (*Constitution*); Articles 27, 49, 50, 51 and 66 et seq. 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, letter “ç”, as well as Articles 54, 55, 56, 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. Resolution of the conflict/dispute of competences between the Assembly of Albania and the constitutional subject in conflict, not less than 1/10 of the MP-s.
3. Repeal decision no. 41/2024 of the Assembly of the Republic of Albania of 11.04.2024 “On not sending the motion to the Constitutional Court”, as incompatible with the Constitution of the Republic of Albania.
4. Obligation of the Assembly of Albania to send the motion on the incompatibility of the MP Olta Xhaçka mandate to the Constitutional Court.

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