

Decision no. 56, dated 16.07.2024

(V-56/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Ilir Toska, Genti Ibrahim, Marjana Semini, Sandër Beci, members, with court secretary Enina Kotoni, on 16.05.2024 and 28.05.2024, took under examination in plenary session on the basis of submitted documents, the case no. 27 (Sh) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **ASSOCIATION OF MANUFACTURERS AND TRADERS OF LOCAL ALCOHOLIC BEVERAGES**, represented by lawyer Sajmir Laçe, Executive Director.

INTERESTED SUBJECTS:

ASSEMBLY OF THE REPUBLIC OF ALBANIA, with authorisation Mimoza Arbi and Aurela Biçja.

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

OBJECT: **Partial repeal of law no. 81/2022 “ On an amendment to law no. 61/2012 “On excise duties in the Republic of Albania””, for “Category B000, code NK 22 03, product “Beer from malt with an alcoholometric scale to a volume higher than 0.5%.”, in Table II” and of law no. 94/2023 “On some amendments to law no. 61/2012 “On excise duties in the Republic of Albania”, amended” to “Category B000, code NK 22 03, product "Beer from malt with an alcoholometric scale to a volume higher than 0.5%”, in Table II", as incompatible with Articles 11, 41 and 17 of the Constitution of the Republic of Albania, with Article 70 of the Stabilization and Association Agreement, European**

Convention on Human Rights, Council Directive 92/83/EC and the Directive 92/84/EC.

Stay of execution of laws no. 81/2022 and 94/2023 until the decision comes into effect.

LEGAL BASIS: Articles 11, 17 and 41 of the Constitution; Article 70 of the Stabilization and Association Agreement (SAA); Article 1 of Protocol no. 1 of the European Convention on Human Rights (ECHR); European Commission Directives 92/83/EC and 92/84/EC; 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 "h", of the Constitution, as well as Articles 71 and 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. Rejection of the application.

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