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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

(VENICE COMMISSION)

**D R A F T   L A W**  
**ON THE ORGANISATION AND FUNCTIONING**  
**OF THE CONSTITUTIONAL COURT**  
**OF THE REPUBLIC OF ALBANIA**

## **LAW "ON THE ORGANIZATION AND FUNCTIONING OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF ALBANIA"**

Based on Articles 6, 81 paragraph 1 and 2 and Article 83 paragraph 1 of the Constitution of the Republic of Albania and on the proposal of a group of deputies

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

Chapter I General Provisions

Article 1 Aim of the Law

1. This Law provides the rules of the organization and composition of the Constitutional Court, the status of its members, functioning of the Constitutional Court, presentation of appeals and their review, as well as the principles and rules on decision taking by the Constitutional Court and the execution of its decisions.
2. Regarding the cases which procedures are not provided by this Law, the Constitutional Court respects the legal provisions regulating the procedures followed by other courts and taking into consideration the legal nature of the case.

Article 2 Duty of the Constitutional Court

The Constitutional Court is the highest authority guaranteeing the respect to the Constitution and makes its final interpretation.

Article 3 Independence of the Constitutional Court

1. The Constitutional Court submits only to the Constitution.
2. The Constitutional Court enjoys complete organizational, administrative and financial independence in fulfilling the duties provided by the Constitution and this Law.

Article 4 Location of the Constitutional Court

The premises of the Constitutional Court are in Tirana, the capital city of the Republic of Albania.

Article 5 Symbols of the Constitutional Court

1. The logo of the Republic of Albania, the National Flag and a view of the Constitution of Albania are placed at the courtroom of the Constitutional Court.
2. The judge of the Constitutional Court, during the plenary sessions wears special robe as thus defined by the Court itself.

Article 6 Financial means

1. The Constitutional Court administers its own budget, which as part of the state budget is drafted by the Court and presented to the Assembly of Albania for approval.
2. The financial means include any other income not prohibited by the law.

3. Financial accounts of the Constitutional Court are to be controlled by the High State Auditing.

## Chapter II Organization of the Constitutional Court

### Article 7 Composition of the Constitutional Court

1. The Constitutional Court is composed by 9 (nine) members appointed by the President of the Republic upon the consent of the Assembly.
2. The judges are appointed for tenure of 9 (nine) years without the right of reappointment and are selected from the ranks of jurists of high qualification and with a work experience of no less than 15 years in profession.
3. The composition of the Constitutional court is renewed to 1/3 every three years period, as provided by the law.
4. The President of the Court is appointed from its members by the President of the Republic with the consent of the Assembly for tenure of 3 (three) years.

### Article 8 Start of tenure

1. The judge of the Constitutional Court starts his/her tenure after swearing in to the President of the Republic.
2. The oath wording is: "I solemnly swear to be always loyal to the Constitution of the Republic of Albania in fulfilling my duties".
3. The tenure of the judge of the Constitutional Court starts on the day of his/her swearing in and terminates on the same date of the same month, unless otherwise provided by the Law.
4. The judge of the Constitutional Court sits in his/her position until the appointment of his successor.

### Article 9 Termination of tenure

1. The tenure of the judge of the Constitutional Court terminates when:
  - a) sentenced by a final decision for a crime committed,
  - b) is absent for more than 6 (six) months and without reasons,
  - c) reaches the age of 70 years old
  - d) presents his/her resignation,
  - e) a final judicial decision declares him/her incapable to act.
2. Termination of the tenure of the judge is declared by a decision of the Constitutional Court.
3. In case of vacancy, the President of the Republic with the consent of the Assembly appoints a new judge within 1 (one) month. The new judge enjoys the tenure of the one he/she replaced.

### Article 10 Conduct of the Constitutional Court

The activity of the Constitutional Court is organized and conducted by its President and on his/her absence by one of the judges he nominates.

### Article 11 Powers of the President of the Court

1. Prepares, convenes and presides the plenary sessions of the Constitutional Court.

2. Represents the Constitutional Court in relations to third parties.
3. Organizes and distributes the caseload among the judges.
4. Signs acts of the Constitutional Court (except the court decisions, which are signed by each and every judge).
5. Nominates and dismisses the administrative staff and provides disciplinary measures against them.

#### Article 11/a Powers of the meeting of the judges

1. Specifies the main directions of the expenses of financial means.
2. Convenes on hearing sessions every 3 (three) months on the budgetary expenses reports.
3. Decides on the organizational structure of the Constitutional Court.
4. Decides on the number of staff and their respective salary.
5. Approves the Internal Rules of Procedure on the activity of the administrative staff of the Constitutional Court.

#### Article 12 Civil servants

1. Secretary General is the most senior civil servant at the Constitutional Court.
2. The civil servants execute the other respective services on the functioning of the Constitutional Court.
3. The Secretary General is selected from the ranks of jurists of professional experience and nominated by the meeting of the judges of the Constitutional Court.
4. The Secretary General manages the administrative activity of the Constitutional Court, under the authority of its President.
5. The rights and duties of the Secretary General and the other staff are provided by this Law and the Internal Rules of Procedure.
6. The status of the administration staff of the Constitutional Court is .....

#### Article 13 Order guarantee

1. The Constitutional Court enjoys the right of police forces under its service to keep order.
2. The President of the Constitutional Court defines the number of the police staff and has them under his/her order.

### Chapter III Status of the Judge of the Constitutional Court

#### Article 14 Immunity

1. Judges of the Constitutional Court enjoy immunity (inviolability).
2. The judge of the Constitutional Court may not be penalized without the consent of the Constitutional Court. He/she may be detained or arrested only if caught in the act of committing the crime or immediately after it. The respective body provides immediate information to the Constitutional Court. The respective body releases the judge unless the Constitutional Court provides its consent to present the case to the normal court within 24 hours.
3. The judges may not be asked to provide explanations on any opinion expressed or voting during the exercising of their powers.

#### Article 15 Remuneration

1. Remuneration of the judge of the Constitutional Court is equal to the remuneration of the President of the High Court.

2. President of the Constitutional Court receives a remuneration of 20% higher than the judges.
3. Remuneration and other benefits cannot be lowered or altered.

#### Article 16 Other rights of the judge of the Constitutional Court

1. The judge of the Constitutional Court enjoys the right of personal special protection, of family and property protection when so considered necessary due to serious situations. The respective organs in charge of the protection of senior personalities are obliged to respond any request provided in this respect.
2. The judge enjoys the right of 40 (forty) days holidays every year. The holidays are during August and September.
3. To receive free of charge the Official Gazette, newspapers and juridical magazines.
4. Enjoy rights at the same way like the parliamentarians in virtue of the status of the deputy and other laws.
5. The tenure of the judge of the Constitutional Court may not be limited except the cases provided by the Constitution and this Law.
6. At the termination of his tenure, unless the judge has been dismissed according to the provided procedures, he is appointed to the position he occupied before his appointment as a judge and if impossible he is appointed to an analogue position at state institutions keeping the remuneration of the judge of the Constitutional Court.

#### Chapter IV Principles of the Constitutional Process

##### Article 17 Collective review

Constitutional Court operates under the collective review of the cases presented (with the participation of all judges of the Court - translator). Only the judges participating during the review of the case take the decision.

##### Article 18 Public hearing

1. The case review at plenary session of the Constitutional Court is opened.
2. Constitutional court may exclude the public or part of the public from hearing session upon the justification of protecting the public moral, public order, national security, and the right of private life or personal right.

##### Article 19 Use of Albanian language

1. The review of the cases is made in Albanian.
2. The parties in process, which speak other language than Albanian may use their mother tongue. The complete proceedings of the process are translated through an interpreter who is provided by the Court.

##### Article 20 Oral hearing

The review of the case at the plenary session is normally preceded orally. In cases of the administration of the documents of written evidence, they are read during the proceedings.

#### Article 21 Defense at the Constitutional process

The parties at a Constitutional process enjoy the right of defense. They may defend themselves or through a representative, as provided by the Law.

#### Article 22 Impartiality at the Constitutional process

1. Judges of the Constitutional Court are impartial in reviewing the cases and subject only to the Constitution and laws in implementing their duty.
2. The judge of the Constitutional Court acts under his/her own person and does not represent any state organ or social organization, political party or association, ethnic or social grouping.
3. The decisions and other acts of the Constitutional Court express the juridical conviction of the judges.

#### Article 23 Publication of the final decision

1. Decisions of the Constitutional Court are public. They are published at the Official Gazette and come into force on the date of their publication.
2. The institution, which publishes the Official Gazette, should include the decisions of the Constitutional Court in the publication not later than 20 days after they have been presented to this institution.
3. The Constitutional court prepares a summary of its respective decision at the end of each year.

#### Chapter V Presentation and Preliminary Review of the Appeal

##### Article 24 Registration of the appeal

1. The appeal addressed to the Constitutional Court is immediately registered at the special registrar of the head-secretary of the Constitutional Court.
2. The appeal is handed to the President of the Constitutional Court, who assigns one or more judges to relate the appeal and review it preliminary.

##### Article 25 Content of the appeal

The appeal addressed to the Constitutional Court is presented in Albanian language, clearly written in as many copies as parties/participants involved to be announced to the parties and should include:

1. The court to which it will be presented,
2. Name, family name (entity), residence of the litigant,
3. Name, family name (entity), residence of the interested persons,
4. Object of the appeal,
5. Content of the appeal and presentation of the reasons of incompatibility of the act with the Constitution (the pretended anti-constitutionality),
6. Presentation of documents and other evidence which accompany the appeal,
7. Signature of the litigant or his/her representative.

##### Article 26 Documents attached to the appeal

Depending on the case, the following documents should accompany the appeal:

1. Representative license unless the case is not presented personally.

2. Copy of the act comprising the subject of the appeal.
3. Original or notarized documents or written evidence related to the case under review.
4. Copy of the act, document or written evidence is presented in as many copies as parties involved in the case, so that they can be notified about.

#### Article 27 Deadline of presentation of the appeal

1. There is no deadline for the presentation of the appeal to the Constitutional Court, unless the appeals of individuals against violations of constitutional right for a fair legal trial which should be submitted no later than within 6 (six) months from the ascertainment of the violation.
2. In cases of violation of constitutional rights for a fair trial and the person may legally address another organ; as a rule he may submit an appeal to the Constitutional Court only after he has exhausted all other judicial means for the protection of his right. In such a case, the deadline for appeal is 6 (six) months from the day of announcing the decision of the respective state organ.

#### Article 28 Preliminary review of the appeal

1. The appeal is preliminary reviewed by a panel of 3 (three) judges of the Constitutional Court.
2. In case the appeal, although within the powers of the Constitutional Court and is submitted by a legitimate entity is not complete, the panel delivers it back to the addressee for completion and notifying it about the reasons. Afterwards, the appeal is presented in a complete form it will still pass through the preliminary review of the panel. The incomplete appeal is not reviewed.
3. When the appeal is presented by a legitimate entity and the case in view is within the powers of the Constitutional Court, the panel decides to send it over to the hearing session. If the appeal is not presented by a legitimate entity or the appealed case is not under the powers of the Constitutional Court the panel decides to reject the appeal from the hearing session. In any case, if either of the judges of the panel is in a descending opinion, the appeal passes on to the preliminary review of the meeting of all judges, which then decides upon a majority of votes to accept or reject the appeal to the hearing session.
4. Regarding all the above-mentioned cases the panel or the meeting of the judges does not review the core solution of the case.
5. Complaints, requests and any other correspondence which does not cover elements of appeal as provided by Article 25 of this Law are treated in an administrative way.

### Chapter VI Functioning of the Constitutional Court

#### Article 29 Session review

1. The Constitutional Court reviews the cases in plenary sessions.
2. All judges should participate at the plenary sessions, but in no case can it be convened with less than 2/3 of the judges of the Constitutional Court.

#### Article 30 Summons and conducting of the session

1. The plenary session of the Constitutional Court is convened and conducted by the President of the Court.
2. The plenary session may be convened and conducted by one of the judges of the Constitutional Court upon the consent of the President of the Court.

#### Article 31 The rights of judges at the constitutional session

1. To take part in reviewing each case unless otherwise provided by the law.
2. To get introduced with the content and all the relevant materials of the case under review.
3. Enjoys the right to ask questions and request explanations from the parties at the process and other people summoned as witnesses or experts during the review (hearing) session.
4. To take part at the final discussion and freely express his/her opinion on the final solution of the case under review.

#### Article 32 Duties of the judges at the constitutional process

1. To prepare the case for the court session and take all respective measures for the proceedings of the plenary session.
2. Be punctual to the time and date fixed for the opening of the plenary sessions and participates in it.
3. To cast his/her vote for the solution of the case.
4. To keep the confidentiality of the discussions and vote.

#### Article 33 Withdrawal from review process

The judge of the Constitutional Court is obliged withdraw from review a concrete case when:

1. has participated in drafting the appeal act of the case under review,
2. due of family or other relations with the parties involved in the process, the objectivity of the judge is questioned,
3. in any other case when there is evidence of serious impartiality,
4. The President of the Court approves withdrawal unless the case is at the hearing session. The withdrawal in hearing session is decided by majority of votes of the judges present at the session.

#### Article 34 Discard of the judge

1. In case when under the provisions of Article 33 the judge does not withdraw from reviewing the case, the involved parties enjoy the right to request his/her discard at any stage of the hearing session.
2. The discard of the judge is decided by the majority vote of the judges present at the hearing session. In case of mean vote, the judge is considered discard.

#### Article 35 Notification and participation at the plenary session

1. Time and date of the plenary session should be notified to the party appealing or its representative and the interested parties.
2. The chief-secretary makes the notification at least 10 (ten) days ahead of the opening of the plenary hearing session.
3. The notification is handed through delivery, official document, and mail and in urgent cases through telegram or Fax. If the residence of either of the parties at the constitutional process is not known or he/she is temporary abroad, the notification is made at the Constitutional Court is made at least 1 (one) month ahead of the date of the opening of the plenary hearing session.
4. The litigant or his/her representative, the interested entity and witnesses and experts attend the plenary hearing session when there is such.



5. Lack of notification is a reason to post pone the plenary hearing session by announcing another date and thus notifying the respective parties.
6. When the appeal, its representative or interested entity, despite the notification is not for any legal reason present at the hearing session, the plenary hearing session is convened in his/her absence.

#### Article 36 Participants at the constitutional hearing session

Participants of the constitutional hearing may be:

1. The entity presenting the appeal or its representative.
2. Entities against which the appeal is compiled or which have interest to the hearing of the case.
3. The organs, which have issued the act.
4. State organs in dispute for the powers.
5. In case the participants at the constitutional hearing are state organs, official persons thus authorized in written form should represent them by their seniors and on their absence.
6. Representatives of the interested parties at the constitutional hearing process may be defense lawyers provided with the respective proxy or thus appointed with a declaration at the hearing session.
7. Chamber of Lawyers nominates lawyers who will defend cases at the Constitutional Court.

#### Article 37 Summon of the expert

1. The Constitutional Court may summon special person as an expert if he/she has special knowledge in a certain field of science, technique or art in order to scientifically explain the evidence related to the case under hearing and if thus requested by the involved parties and ex-officio by the Court, itself.
2. The expert offers his/her explanation in written, but he will be heard during the hearing session, as well.

#### Article 38 Summon of the witness

When necessary to explain the evidence related with the case under hearing, upon the request of the involved parties at the process and ex-officio by the Constitutional Court, the court summons persons as witnesses during the hearing plenary sessions.

#### Article 39 Requesting documents

1. When considered necessary, upon the request of the parties and ex-officio the Constitutional Court may request documents, which are related with the case under hearing.
2. The respective requested documents are administered during the hearing plenary session and undergo the evaluation of the parties in the session.

#### Article 40 Holding the hearing plenary session

Review of the case during the hearing plenary session respects the following rules:

1. Declaration of the opening of the session by its presider.
2. Verify the presence of participants. In case of absentees and the notification has been proper the proceedings will go on in the absence of.
3. Legitimacy of the parties or their representatives is verified.
4. The parties are asked to present preliminary requests, if any.

5. The judge in charge of the said case reads the appeal.
6. Involved parties are invited to present their pros and against starting from the entity which has appealed.
7. The involved parties give their explanations to the questions the judges address to them.
8. The evidence is administered and the parties are invited to comment on them.
9. The parties are invited to put forward their final requests.
10. The court presider declares the closing and the court retreat for decision taking.

#### Article 41 Reopening of the hearing session

1. The Constitutional Court decides to reopen the hearing session, ex-officio or upon the request of the parties and when explanation of additional circumstances of special importance to the case under review.
2. The decision to reopen the hearing session is taken through the majority of votes of the judges present at the plenary session.
3. The decision to reopen the hearing session is announced to the parties at the constitutional hearing session, which enjoy the right to participate at the session and take the floor to present any explanation to their interest, if so considered by them.

#### Article 42 The right for suspension

1. The Constitutional Court, ex-officio or upon the request of either party, when it considers that the implementation of the law or legal act may cause consequences which effect state, social or individual interests with the decision of the meeting of the judges or of the hearing plenary session order the suspension of the law or legal act. The suspension lasts until the final decision of the Constitutional Court is enforced.
2. The decision of suspension measure is notified to the respective organ, which has issued the legal act and makes it public.
3. The Constitutional Court may withdraw any suspension measure at any time of the case review upon the decision of the hearing plenary session.
4. The Constitutional Court should take a stand at the final decision on the continuation or the suspension measure.

#### Article 43 Minutes of the hearing plenary session

Minutes are kept during the hearing plenary session of the Constitutional Court. The presider of the session and the secretary signs the minutes.

#### Article 44 Deadline of reviewing the case

The Constitutional Court should begin the review of the case no later than 2 (two) months of presentation of the appeal.

#### Article 45 Limits of case review

1. The limits of case review are within the object of the appeal.
2. It is, exclusively the Constitutional Court, which decides if there is discordance between the appeal and other acts.

## Chapter VII Special Procedures

### Procedures on the compatibility of the law and other normative acts with the Constitution

#### Article 46

To review the compatibility of the law or other normative acts and international agreements, the Constitutional Court is put into motion through an appeal by the President of the Republic, Prime-Minister, no less than 1/5 of the deputies, chief of the High State Auditing and court of any level.

This right goes to People's Advocate, local authorities, religious entities and political parties only upon reasons proving the case is related with their interests.

#### Article 47

##### Option a

The appeals against the compatibility of the law or other normative acts with the Constitution or international agreements may be presented to the Constitutional Court within 5 (five) years after they are enforced.

##### Option b

Such appeals may be presented at any time.

#### Article 48

In reviewing the appeals provided by Articles ....., the Constitutional Court considers:

- a) the content of the laws and normative acts,
- b) the form of the laws and normative acts,
- c) the approval procedure, proclamation and enforcing.

#### Article 49

In reviewing the appeals provided by Article ....., the Constitutional Court may express itself in considering the compatibility of other provision besides those included in the appeal, under the condition that they be related with the provisions provided by the appeal.

### Procedures on the compatibility of the international agreements with the Constitution

#### Article 50

1. The Constitutional Court considers the compatibility of the international agreements with the Constitution before they are ratified.
2. The Constitutional Court is put into motion to review these cases only after the appeal is presented by entities provided in Article 134, letters 'a, b, c, ç', and by entities provided by paragraph 'dh, e, ë, f', in cases related with their interests.
3. The ratification procedures of the agreement are suspended when the case is at the hearing plenary session. The review should conclude within 1 (one) month from the presentation of the appeal.
4. When the Constitutional Court decides for the incompatibility of the international agreement with the Constitution, the agreement cannot be ratified.

## Article 51

1. Only the Council of Ministers may present to the Constitutional Court appeals to review international agreements ratified before the enforcement of the Constitution.
2. If the Constitutional Court finds out that the international agreement ratified through the law includes provisions incompatible with the Constitution, the court decides the abrogation of the act of its ratification.

## Procedures related with the conflict on powers

## Article 52

1. In case of a conflict of powers between organs representing a power, or between central authorities and local ones, as well as in case of a conflict directly related with their activity, they may address to the Constitutional Court to solve the dispute.
2. The Constitutional Court reviews conflicts between powers, when organs of these powers are considered competent in deciding a certain case and as a result have issued respective regulations for (positive conflict of powers), as well as in case when the above organs do not consider themselves competent to decide on certain cases (negative conflict of powers).
3. Any kind of legal or normative act, action taken or passive stand of the power organs or local authorities, which consequence is a dispute on competences compose, as well bases to commence a review of these cases.

## Article 53

### Deadline of appeal presentation

1. The appeal to review such disputes should be submitted within 6 (six) months from the time the conflict started.

## Article 54

1. The Constitutional Court decides on which organ of the power is competent to solve a concrete case the dispute has been caused by.
2. When the solution of the constitutional dispute is related with legal acts or sub-legal acts issued by the respective organs, parties in conflict, the Constitutional Court reviews the constitutionality or legitimacy of the act in providing a solution to the dispute.

## Procedures to review the appeals on constitutionality of political parties and organization

## Article 55

To review the constitutionality of the political parties and organizations, as well as their activity, the Constitutional Court is put into motion under the appeal of the President of the Republic, Prime Minister or no less than 1/5 of the deputies.

## Article 56

The Constitutional Court reviews and decides:

- a) whether the political party or organization is founded in accordance with the Constitutional provisions,
- b) whether the activity of the political party or organization respects the Constitution.

#### Article 57

When the Constitutional Court has ample evidence that the further activity of a political party or organization violates the constitutional order or state and public interests as the case stands, the court with a special decision of the meeting of the judges or of the plenary session may decide to suspend the activity of the political party or organization until it gives a final decision.

#### Article 58

When the Constitutional Court concludes that the foundation of a political party or organization violates the Constitution, it decides on the abrogation of the foundation act.

When the Constitutional Court concludes that the activity of a political party or organization violates the Constitution, the court decides, as per the case to cancel the activity or orders its deregistration. (writing off)

Procedure of dismissal of the President of the Republic and confirmation of incapability of exercising his powers, as well as the solution of incompatibility in exercising the powers by the President of the Republic

Article 59 Dismissal proclamation and confirmation of incapability of exercising of the Presidential powers

1. The Assembly of Albania, which after deciding on the dismissal of the President, puts into motion the Constitutional Court to declare the dismissal of the President of the Republic.
2. The decision of the Assembly of Albanian should include an interpretation of the serious violation of the Constitution or of the serious crime and accompany them with respective evidence.
3. The Constitutional Court forwards one copy of the decision of the Assembly and the respective evidence to the President of the Republic, who enjoys the right to write down the respective explanations He thus considers necessary.

#### Article 60

1. The Constitutional Court decides to review the case at hearing plenary session upon the majority of its members.
2. The President of the Republic or His legal representative enjoys the right to be present at the hearing plenary session.

#### Article 61

1. When the Constitutional Court concludes that the President of the Republic has seriously violated the Constitution or committed a serious crime, it proclaims His dismissal from all powers. Otherwise, the Constitutional Court abrogates the decision of the Assembly of Albania.
2. The regulations provided in number 1, the President of the Republic as well respects 2, 3, 4 and 5 on the case of final evidence of the incapability of exercising the powers. Under such a situation, the Constitutional Court decides the verification of the incapability in exercising the powers or abrogates the decision of the Assembly of Albania when found unjustifiable.

## Eligibility and incapability in exercising the powers of the President of the Republic

### Article 62

1. On cases regarding the eligibility of the President of the Republic and the incapability in exercising His powers, the Constitutional Court is put into motion upon the appeal presented by
  - not less than 1/5 of the deputies,
  - political parties,
2. Regarding the election, the Constitutional Court decides on the abrogation of the decision of the Assembly of Albania or turning down the appeal.
3. Regarding the incompatibility in exercising the duty, the Constitutional Court decides the proclamation of incompatibility in exercising the powers of the President of the Republic or turning down the appeal.

### Article 63 Cancellation of procedures

If the President of the Republic resigns or his tenure ends while the case of his dismissal is at the Constitutional Court, then the Court ceases the further procedure of the said case. The Constitutional Court may recommence the procedures if thus requested by the Assembly of Albania or the President of the Republic, himself.

Procedures of reviewing the eligibility and incompatibility of the deputies and verification of their election

### Article 64

The President of the Republic or the Assembly of Albania to review the eligibility and incompatibility of the deputies puts the Constitutional Court into motion.

The Constitutional Court verifies the election of the deputies upon the request of the respective political party, of the independent candidate, thus respecting the legal provisions on election.

The request may be presented to the Constitutional Court at any time during the mandate of the deputy.

### Article 65

Upon taking a decision on the election and incompatibility of the deputy, the Constitutional Court delivers it to the Assembly of Albania.

In case the Constitutional Court verifies the election of the deputy and as per the case it decides to turn down the request or abrogate the act of the Central Election Commission.

Procedures to review the constitutionality of the laws as thus requested by the courts of any level

### Article 66

1. When the court, or the judge during a trial or at any level of adjudication, ex-officio or upon the request of either of the party involved considers a law as unconstitutional and if there is a direct link between the law and the solution of the case at hand, that law is not implemented through canceling the trial and delivering the file to the Constitutional Court, which will express about the constitutionality of the law.

2. The decision of the court or of the judge should define the provisions of the law that they consider incompatible with the said norms or other principles of the Constitution, which the law has not respected or violated, as well as the reasons why they request its abrogation.

#### Article 67

1. When the Constitutional Court concludes that the case is not complete and conform the above provision, it delivers it back to the original court. The latter should complete the file within 1 (one) month from the date of its receipt.
2. When the file is complete and conform the above-mentioned provision, the Constitutional Court proclaims the date of hearing session and notifies the said court and other interested entities.

#### Article 68

1. The Constitutional Court, while reviewing such cases and because they are related with the constitutionality of a said law, the Court makes public the fact that such an issue is under review at the Constitutional Court.
2. The review being over, the file and the respective decision of the Constitutional Court are forwarded to the court of origin.
3. In the case the Constitutional Court decides to abrogate a said law as unconstitutional, the respective decision is announced to the Assembly of Albania and the Council of Ministers.

#### Interpretation of the Constitution

#### Article 69

1. In virtue of paragraph 1 or Article 124 of the Constitution of the Republic of Albania, the Constitutional Court provides the final interpretation of the Constitution.
2. The request to interpret the Constitution may be represented by: entities provided by letters 'a', 'b', 'c', and 'ç' of Article 134 of the Constitution of the Republic of Albania and other entities covered by letters 'dh', 'e', 'ë' and 'f' only when they are thus interested.
3. The request presented should clarify which constitutional provision or part of the provision should be interpreted.
4. Party at the hearing session is also the entity, which has wrongly interpreted the Constitution.
5. The review of such requests may be at hearing session and on review of documents.

#### Chapter VIII

#### Decisions of the Constitutional Court

#### Article 70 Decision taking and proclaiming

1. Discussions on and voting of the decision is not public.
2. The decisions of the Constitutional court are taken through the majority of votes of judges present at the session. Abstaining from is not allowed.
3. All the judges present sign the decision at the hearing session.
4. Parties in the process are notified about the date of the proclamation of the decision. Their absence does not hinder the proclamation of the decision.
5. The decision is proclaimed on name of the Republic.
6. The decision of the Constitutional Court reasoned and is read by the presider of the session or any of the other judges so decided by the presider.
7. The decision of the Constitutional Court is obligatory and final.

8. The judge in dissenting opinion enjoys the right to reason his opinion and thus it is attached to and published together with the court decision.

9. Copies of the decision are liable to be handed to the parties at the case if thus requested by them and upon the respective fee.

#### Article 71 Postpone of discussion and voting

If any of the judges participating at the hearing session is absent during the discussion and voting session, then the meeting of judges will not be preceded and will be postponed to another date.

In case the number of judges is not yet as during the hearing session and this can not be secured within a reasonable period of time, the Court provides the decision if the absolute majority of its members is present. In case nor such absolute majority is convened, there is a possibility of including in this case other judges who have not been present at the hearing session and thus the session is opened and the case is reviewed once again from the beginning.

#### Article 72 Turning down the request

If there is a mean voting or so that the requested majority does not vote the said decision, the Constitutional Court decides on turning down the request (appeal). The turning down does not compose any obstacle that claim can be presented in case the conditions provide to have the necessary majority.

#### Article 73 No-change to the decision

The decision of the Constitutional Court, after voting and immediate signing of the handwriting by the judges present at the hearing session is considered taken (valid) and can not be changed.

#### Article 74

##### First option

The decision of the Constitutional Court, which has abrogated the law or normative act as incompatible with the Constitution has juridical effects only to the future.

##### Second option

The decision of the Constitutional Court does not affect the consequences of the abrogated law or normative act, coming into effect before the case was reviewed by the Court.

This decision becomes effective after its publication at the Official Gazette, but it is effective on the consequences which brought the conflict and its review started before that date.

#### Article 75 No juridical effect of the judicial decisions

The court decisions of every level, which are abrogated by the Constitutional Court, have no juridical effect since their proclamation. The case is returned to the Court, which decision is abrogated.

#### Article 76 Proclamation of the decision

When there is decided the abrogation of a law or normative act and the coming relations need juridical regulation, then the decision of the Constitutional Court is announced to the respective organs so that they take measure provided at its decision.



#### Article 77 Interpreting decision

The decision of the Constitutional Court, which provides the interpretation of the Constitution, is retroactive.

#### Article 78 Interpretation and completion of the decision

The Constitutional Court cannot annul or change its own decision, but it enjoys the right to:

1. interpret the decision in case of doubts or disputes on its understanding, but never changing its content,
2. complete the decision or correct the possible mistakes in calculating or any other visible inaccuracy in it, within 2 (months) of the day the decision is proclaimed.
3. the review of the above mentioned cases are made at hearing sessions with the participation of involved parties.

#### Article 79 Execution of the decisions

1. The decisions of the Constitutional Court are obligatory to be executed.
2. The execution of the decisions of the Constitutional Court is implemented through the Council of Ministers of the Republic of Albania, through the respective state administration.
3. The Constitutional Court, itself may assign another organ to execute its decision and the way of execution if necessary.
4. The persons who do not implement or hinder the execution of the decisions of the Constitutional Court, unless the case compose criminal offence is fired by the President of the Constitutional court with a fee up to 100 (one hundred) thousand Lek and such a decision is final and compose an executive title.

### Chapter IX Final Provisions

#### Article 80 Exemption from expenses and taxes

1. The procedures at the Constitutional Court are exempted from taxes.
2. Charges can be set through e separate law for the services met by the Constitutional Court.

#### Article 81 Obligation to provide the documents

Any state organ, juridical or physical entity is obliged to provide to the Constitutional Court documents, data and information if thus requested or considered necessary to the case in review.

#### Article 82 Obligation to publish the announcements

State media is obliged to announce any Press Releases provided by the Constitutional Court about its activity.

#### Article 83 Implementation of the new law

The appeals and case under review on the day this Law enters into force, the provisions of this Law are to be implemented.

Article 84 Abrogation of the law

Law Nr. 8373, dated 15/07/1998 "On the organization and functioning of the Constitutional Court of the Republic of Albania" is abrogated on the enforcement of this Law.

Article 85

This Law enters into force 15 (fifteen) days after its publication at the Official Gazette.