

Tirana, 17 10 2016

CONSTITUTIONAL COURT, LAW
GJYKATA KUSHTETUESE, LIGJ

L A W¹

Nr. 8577, date 10.02.2000

**“ON THE ORGANIZATION AND FUNCTIONING OF THE
CONSTITUTIONAL COURT OF THE REPUBLIC OF ALBANIA”**

In reliance of Article 6, 81, 83, paragraph 1 of the Constitution, upon the proposal of a group of members of the Assembly,

**THE ASSEMBLY
OF
THE REPUBLIC OF ALBANIA
DECIDED:**

**Chapter I
General Provisions**

**Article 1
Aim of the Law**

1. This Law provides rules on the organization and functioning of the Constitutional Court, status of its members, presentation and review of the applications, principles and regulations of constitutional adjudication, decision taking and their execution.
2. The Constitutional Court, for cases related to procedures that are not regulated by this law or by the Regulation of the Constitutional Court, shall also take into account the legal provisions that regulate other procedures, taking into consideration the legal nature of the case.

**Article 2
The Function of the Constitutional Court**

The Constitutional Court resolves constitutional disputes and makes the final interpretation of the constitution.

¹ As amended by Law no.99/2016 ‘On some additions and changes in Law no.8577, dated 10 02 2000 on organization and functioning of the Constitutional Court of the Republic of Albania’ entered into force on

Article 3

Independence of the Constitutional Court

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

Article 4

The Seat of the Constitutional Court

The seat of the Constitutional Court is in Tirana, the capital city of the Republic of Albania.

Article 5

Symbols Used at the Constitutional Court

1. The Emblem of the Republic of Albania, the National flag and the logo and an image of the Constitution of Albania are placed at the courtroom of the Constitutional Court.
2. A judge of the Constitutional Court wears a special robe during the plenary sessions, the description and the form of which is determined by the Constitutional Court.

Article 6

Financial Means

1. The Constitutional court administers its own budget, which, as part of the State budget, is drafted by the Constitutional Court and presented for approval to the Assembly of the Republic of Albania.
2. The financial means include any other income that is not prohibited by law.
3. The financial accounts of the Constitutional Court are audited by the High State Audit.

CHAPTER II

APPOINTMENT, ELECTION AND TERMINATION OF THE MANDATE OF THE MEMBERS OF THE CONSTITUTIONAL COURT

Article 7

Composition of the Constitutional Court

1. The Constitutional Court is composed of 9 members, whereof 3 members are appointed by the President of the Republic, 3 members by the Assembly of Albania and 3 members by the High Court. The judges of the Constitutional Court shall be appointed for 9 years without the right to reappointment.
2. The composition of the Constitutional Court is renewed every 3 years by 1/3 of its composition. The new members shall be appointed according to the sequence, respectively by the President of the Republic, the Assembly, and by the High Court. This rule shall be followed even in the event of early termination of the mandate of the Constitutional Court member.

Article 7/a

Criteria and Conditions of Appointment of the Constitutional Court Judge

1. Member of the Constitutional Court can be elected the Albanian citizen meeting the following conditions:
 - a) Have full capacity to act;
 - b) Have completed higher education in law, Second Level Diploma;

- c) Have not assumed political functions in the public administration and have not assumed leadership positions in political parties during the past 10 years from the date of application;
 - ç) Not to be a subject of criminal proceedings and not to be sentenced to imprisonment for commission of a criminal offence;
 - d) Not to be dismissed from office due to disciplinary grounds and not to be a subject of any current disciplinary measure;
 - dh) Have successfully passed the process of assessment and verification of his/her personal assets and those of his/her family members, in accordance with the law.
2. The candidate meeting the conditions set out in point 1 of this Article, shall meet the following further criteria:
- a) Have professional experience not less than 15 years as a judge, prosecutor, advocate, law professor or lecturer in law, high-level jurist in the public administration;
 - b) Have a renowned activity in the field of constitutional law, human rights or other spheres of law;
 - c) Be appreciated for professional skills and ethical and moral integrity.
3. Fulfilment of the criteria above shall be assessed on the basis of:
- a) Seniority in profession;
 - b) Specific experience of the candidate in a certain field of law or as legal advisor in the Constitutional Court or High Court;
 - c) Post university qualifications and training in the field of constitutional law, human rights or another sphere of law;
 - ç) Scientific indicators, including publications and scientific articles in the field of law;
 - d) Performance during the higher legal education, with an average of scores of not less than 8, or equivalent to it, in case the higher education has been completed abroad or the final evaluation of the School of Magistrates;
 - dh) Information received from other public institutions.
4. The appointing bodies shall take account of the composition of the Constitutional Court at the moment of appointing the candidate for guaranteeing the balance among professional experiences of the members and observation of gender equality.

Article 7/b

Procedure of Appointment by the President of the Republic

1. The Chairperson of the Constitutional Court shall, under this law, notify the President of the Republic on the vacancy, who shall, within 7 days of receipt of notification, announce on public information media and on the internet website the opening of the application procedure. The applications of the candidates along with the documents establishing the fulfilling of conditions and criteria set out in Article 7/a shall be submitted to the President of the Republic, who shall forward them to Justice Appointments Council.
2. The Chairperson of the Justice Appointments Council shall, within 5 days of the publication of the list of candidates, convene the meeting of the Council, which shall examine the legal conditions and criteria met by the candidates for judges of the Constitutional Court. The notification for convening the meeting shall be public and it shall contain the date, time and venue of holding the meeting. Public institutions related to the justice system, civil society organisations being active in the protection of human rights and established for the protection of interests and users of the justice system may submit their opinion regarding the candidacies to the Justice Appointments Council.

3. The Justice Appointments Council shall, following the evaluation of the appointment conditions and criteria, within 10 days of holding the meeting, draft a final list by ranking the candidates. Where more than one vacancy exists, the Council shall draft two separate lists, one of which containing candidates coming from among the ranks of the judiciary. The list shall be associated with a written report, thus analysing the meeting of the legal conditions and criteria for each candidate. The reasoned report, upon approval by a majority vote of all members of the Justice Appointments Council, shall be published.

4. The President shall, within 30 days of receiving the list from the Justice Appointments Council, appoint the member of the Constitutional Court from the candidates ranked on the three first positions of the list. The appointment decree shall be announced associated with the reasons of selection of the candidate. Where the President does not appointment a judge within 30 days of submission of the list by the Justice Appointments Council, the candidate ranked first shall be considered as appointed.

Article 7/c

Procedure of Appointment by the Assembly of the Republic of Albania

1. The Chairperson of the Constitutional Court shall, under this law, notify the Assembly of the Republic on the vacancy, which shall, within 7 days of receipt of the notification, announce on the internet website the opening of the application procedure. The applications of the candidates along with the documents establishing the fulfilling of the conditions and criteria set out in Article 7/a shall be submitted to the Assembly of Albania.

2. The Assembly of Albania shall, within 30 days from the opening of the application procedure, publish the list of candidates and send it to the Justice Appointment Council.

3. The Chairperson of the Justice Appointment Council shall, within 5 days of the publication of the list of candidates, convene the meeting of the Council, which shall examine the meeting of legal conditions and criteria by the candidates for judges of the constitutional court. The notification for convening the meeting shall be public and it shall contain the date, time and venue of holding the meeting. The candidates' files, with the application and relevant documentation shall be made available to the Justice Appointments Council by the Assembly of Albania.

4. The Justice Appointments Council shall, following the evaluation of meeting the appointment conditions and criteria, draft a final list by ranking the candidates. Where more than one vacancy exists, the Council shall draft two separate lists, one of which shall contain the candidates coming from among the ranks of the judiciary. The list shall be associated with a report in writing, analysing the meeting of legal conditions and criteria for each of the candidates. The reasoned report, upon approval by a majority vote of all members of the Justice Appointment Council, shall be published.

5. The Committee on Legal Affairs, Public Administration and Human Rights shall, within a reasonable period referring to the ranking, organise the hearings with the candidates. Public institutions related to the justice system, civil society organisations being active with the protection of human rights or established for the protection of the users of the justice system, may submit their opinions regarding the candidacies to the Justice Appointments Council. Following these hearings, the Committee shall send to the Assembly the names of three candidates for each vacancy along with the grounded report for each candidate selected.

6. The Constitutional Court judges shall be elected upon 3/5 of the votes of all members of the Assembly. Where the Assembly does not elect a judge within 30 days of submission of the list

by the Justice Appointments Council, the candidate ranked first shall be considered as appointed.

7. Where more than one vacancy exists at the same time, at least one member of the Constitutional Court shall be elected out of the candidates with legal education, with not less than 15 years of experience in the legal profession, law professor or lecturer in law, high-level jurist in the public administration.

Article 7/ç

Procedure of Appointment by the High Court

1. The Chairperson of the Constitutional Court shall, under this law, notify the Chairperson of High Court on the vacancy, who shall announce on the public information media and on the official website the opening of the application procedures. The Chairperson of the High Court shall admit the candidacies within 30 days of the notification, make them public and send them to the Justice Appointments Council. Public institutions related to the justice system, civil society organisations being active in the protection of human rights or established for the protection of the interests of the users of the justice system may submit their opinions regarding the candidacies to the Justice Appointments Council.

2. The Justice Appointment Council shall, within 10 days following the evaluation of appointment conditions and criteria, rank the candidates and submit the report approved by a majority of all the members along with the list and the accompanying documentation for each candidate to the Chairperson of High Court. The reasoned report, once approved by a majority vote of all the members of the Justice Appointment Council, shall be published.

3. The Chairperson of High Court, shall convene the special meeting of the judges of the High Court. The meeting shall be valid if not less than 3/4 of all judges of the High Court are attending. The list of candidates shall be made known first to the participants in the meetings.

4. For each vacancy, it shall be voted for each of the candidates ranked in the top three places of the list. The candidate obtaining 3/5 of the votes of the present judges shall be declared elected. Where no necessary majority is attained, the candidate ranked first by the Justice Appointments Council shall be considered elected.

5. The name of the elected judge shall be notified immediately to the Speaker of Parliament, President of the Republic and Chairperson of the Constitutional Court.

Article 7/d

Election of the Chairperson of the Constitutional Court

1. The Chairperson of the Constitutional Court shall be elected upon secret voting, by a majority vote of all judges of the Constitutional Court, for a period of three years, with the right to only one re-election.

2. The hearing for the election of the Chairperson shall be presided over by the most senior judge in office. Where more than one candidate is running and during the voting none of them took the foreseen number of votes, a new voting occurs and, following this, voting shall occur among the candidates having obtained the highest number of votes. Upon the completion of this voting, the candidate having obtained the majority of the votes shall be announced elected. Where none of the candidates obtains the majority of votes or the votes are divided equally, the chairperson shall be chosen by lot. The procedure for drawing lots shall be envisaged by decision of the Meeting of Judges.

3. The elected Chairperson shall notify the President of the Republic and the Speaker of Parliament.

Article 7/dh

Renewal of the Composition of the Constitutional Court

1. The composition of the Constitutional Court shall be renewed on a regular basis every three years, to one third thereof.
2. In case of an early termination of the mandate of a judge, the election of the new judge, who shall stay in office until the expiry of the mandate of the outgoing judge, shall follow the sequence envisaged for his replacement, under Article 7, paragraph 2, of this law.

Article 8

Assumption of Office

1. The judge of the Constitutional Court shall assume office after taking the oath before the President of the Republic of Albania.
2. The oath formula is: "I solemnly swear to remain always faithful to the Constitution of the Republic of Albania in fulfilling my duties".
3. The mandate of the judge of the Constitutional Court starts on the day of his\her swearing in and terminates on the same date of that month, of the ninth year, unless otherwise provided by the Constitution.
4. The judge of the Constitutional Court shall remain in office until the appointment of his\her successor.

Article 9

Termination of Mandate

1. The mandate of the judge of the Constitutional court shall end in the following cases:
 - a) Upon reaching 70 years of age;
 - b) Upon completing the 9-year mandate;
 - c) Upon his\her resignation;
 - ç) Upon being dismissed under the provisions of Article 128 of the Constitution;
 - d) Upon establishing the conditions of non-electability and incompatibility in assuming the function;
 - dh) Upon establishing the fact of inability to perform duties.
2. The end of mandate of a judge shall be declared by decision of the Constitutional Court. The request for the declaration of the end of the mandate of a judge shall be made by the Chairperson of the Constitutional Court.
3. The Chairperson of the Constitutional Court, no later than 3 months before the end of mandate of a Constitutional Court judge, under paragraph 1, letter "a" and "b" of this Article, as well as after the premature termination of the mandate, shall immediately notify the appointing body regarding the vacancy. The procedure for the appointment of the new judge shall be completed within 60 days from the decision of the Constitutional Court that declared the end of the mandate.
4. The President of the Republic and the Assembly of the Republic of Albania shall in any case be notified about the end of the mandate of a judge.

CHAPTER II/1

DISCIPLINARY LIABILITY OF THE CONSTITUTIONAL COURT JUDGE

Article 10

Disciplinary Violations

A Constitutional Court judge shall assume disciplinary liability, particularly because of:

1. Failure to submit a request for waiver of proceedings or trial of a case, where this is mandatory under the procedural law and the judge is aware of such circumstances;
2. Behaviours, acts and other actions of the judge that create unfair profit or damage for litigants;
3. Failure to inform the Chairperson of the Court or competent authorities, under the law, regarding the interventions or exercise of other forms of improper influence by advocates, political senior officials, public senior officials and other entities;
4. Interference or any other improper influence on the performance of duties of another judge.
5. Failure to inform the Chairperson and the responsible institutions on the existence of a reasonable doubt of cases of incompatibility with the assumption of his/her function.
6. Unjustified, intentional or repeated failure to fulfil his/her function;
7. Submission of a request for waiver and commission of those actions which are not based on grounds provided in law or are taken intentionally to create undue profits for the litigants and third parties, or with a view of preventing the judge from the legal obligation to examine the case or intending to establish the possibility that the case be reviewed by other judges, or when the resignation has taken place late, regardless of being aware of the fact for which he/she resigns;
8. Repeated or serious breach of the rules of solemnity and rules of conduct in relations with litigants, as well as with judges and personnel of the administration of the Constitutional Court;
9. Repeated and unjustified lengthy delays of procedural actions in performing the function;
10. Public disclosure of opinions delivered by the judge himself or by other judges during the process that has not yet taken the form of an act made public;
11. Breach of the obligation of confidentiality and non-disclosure of information, resulting from the ongoing or completed investigation or trial, including the facilitation of publication and distribution, as well as due to negligence, of confidential or procedural acts or confidential information resulting from the matters under a process of investigation or trial.
12. Public disclosure of statements and in media on matters, except for press communications within the limits of his duty.
13. Distorted submission of facts on the acts issued.
14. Using of the mandate of judge, with a view of deriving unjustified profits or benefits for oneself or for others.
15. Being in the company of persons under criminal prosecution or being subject of a criminal proceeding or persons criminally convicted, save the cases of the rehabilitation of convicts, or in company of persons who are relatives of blood-related or in-law-related with the judges and having improper business relations with these persons;
16. Unfair direct or indirect benefit of gifts, favours, promises or preferential treatments of any kind, either by lawful actions, granted due to the function he/she exercises or as a result of his use of position of the magistrate;

17. Improper behaviour to meet obligations in relations and in communication with state institutions and their officials, other cases of improper unjustified behaviour.

Article 10/a

Commencement and Application of Disciplinary Proceedings

1. Where there is sufficient evidence that a Constitutional Court judge has committed a violation provided for in Article 128 of the Constitution and Article 10 of this Law, upon the request of the Chairperson or of any Constitutional Court judge, the Chairperson or the most senior judge in office, when the Chairperson is subject to proceedings, shall take measures for instituting disciplinary proceedings.
2. Disciplinary proceedings shall be instituted immediately after the ascertainment of violation. The disciplinary proceedings shall be terminated as long as the judge resigns. In this case, he/she shall not be entitled to be any longer appointed in public functions for a period of 15 years.
3. Two judges assigned by lots shall collect facts, evidence and other data regarding the violation attributable to the judge and they shall, within 30 days, prepare the respective report and send it to the Disciplinary Committee for examination.
4. The Disciplinary Committee shall be composed of three Constitutional Court judges appointed by lots, without the participation of the judges involved in collection of facts and evidence under paragraph three of this Article. The Committee shall examine the submitted report and decide to impose disciplinary measures, under Article 10/d of this law or the termination of the proceedings, upon the violation not being established.
5. The judge being subject to proceedings shall be entitled to avail himself of the remedy of complaint against the decision of the Disciplinary Committee. The complaint shall be examined by the Ad Hoc Committee consisting of three Constitutional Court judges, not being part of the proceedings under paragraph three and four of this Article.

Article 10/b

Disciplinary Measures

1. The following disciplinary measures may be imposed on the judge:
 - a) Written reprimand;
 - b) Public reprimand;
 - c) Temporary reduction of salary up to 50% for a period not longer than 1 year,
 - ç) Suspension from Office for a period from 3 months up to six months;
 - d) Dismissal for Office.
2. During the period of disciplinary proceeding, the judge shall be suspended from duty, under Article 10/ç of this law and he/she shall obtain 50% of the salary.

Article 10/c

Examination of Disciplinary Violations

1. The Disciplinary Commission shall examine the case within 10 days from the submission of the report and decide on:

- a) Imposing the disciplinary measure;
 - b) Rejecting the proposal for the disciplinary measure;
 - c) Remitting the case for collection of other evidence and facts;
 - ç) Termination of proceeding, when the judge resigns from office, or his mandate expires;
2. The decision shall be notified to the judge being proceeded against and in each case it shall be published. When dismissal is decided against the judge being proceeded against, the decision shall be submitted to the appointing body.

Article 10/ç

Suspension of the Judge from Office

1. A judge shall be suspended from office upon the decision of the Meeting of Judges, where:
 - a) A personal security measure of “arrest in prison” or “house arrest” is imposed on him;
 - b) Obtaining the capacity of the defendant;
 - c) A disciplinary proceeding is commenced under this law.
2. The Chairperson or the most senior judge in office, if the Chairperson is subject to proceedings, shall, within 3 days of becoming aware of the causes provided for in paragraph 1 of this Article, convene the Meeting of Judges, which decides on the measure of suspension of the judge. The decision of the Meeting of Judges shall be final.
3. The suspended judge shall not attend the examination of cases up to the lifting of the suspension measure by the Meeting of Judges.
4. The Chairperson shall take measures for appointing a new for the cases assigned to the judge suspended.

Article 11 (repealed)

CHAPTER II/2

ORGANIZATION OF THE CONSTITUTIONAL COURT

Article 12

Powers of the Chairperson

1. The Constitutional Court activity is organized and lead by its Chairperson, and in his absence, by the most senior judge in office, unless the matter is in the competence of the Meeting of Judges.
2. The Chairperson of the Constitutional Court has the following powers:
 - a) Prepares, convenes and leads the plenary sessions of the Constitutional Court;
 - b) Represents the Constitutional Court in the relations with third parties;
 - c) Coordinates the work among the judges;
 - ç) Signs the acts of the Constitutional Court, except for the decisions that are signed by all judges,
 - d) Appoints and dismisses from duty the administrative staff and issues disciplinary measures to it.

Article 13

Powers of the Meeting of Judges

The Meeting of Judges of the Constitutional Court has the following powers:

- a) Specifies the main directions of the expenses of budgetary means;
- b) Being informed on the budgetary expenses by way of reports every 6 (six) months;
- c) Decides on the organizational structure of the Constitutional Court;
- ç) Decides on the number of administrative staff, the Legal Service Unit and other employees, as well as on the professional criteria to be met and respectively their salaries;
- d) Approves the regulation for judicial proceedings of the Constitutional Court, as well as the internal rules of procedure for the activity of the Constitutional Court administration;
- dh) Appoints and dismisses the Secretary General;
- e) Appoints the chambers in the beginning of each calendar year based on the Rules of Procedure of the Constitutional Court;
- ë) Examines at last instance the complaints of civil servants and other employees for their removal from office;
- f) Decides on disciplinary measures against legal advisors.

Article 14

The Administration of the Constitutional Court

1. The administration of the Court shall be composed of civil servants and other employees. In the performance of his functions, the Chairperson shall be assisted by the Cabinet.
2. The Secretary General is the most senior civil servant and is appointed by the Meeting of Judges of the Constitutional Court, upon the proposal of the Chairperson, from the ranks of the jurists of not less than 10 years of professional experience.
3. The Secretary General shall be dismissed by decision of the Meeting of Judges, upon the proposal of a judge of the Constitutional Court, in accordance with the rules provided by the Meeting of Judges for that purpose.
4. The Secretary General manages the administrative activity of the Constitutional Court, under the authority and instructions of the Chairperson of the Constitutional Court.
5. The civil servants of the administration of the Constitutional Court are subject to Civil Service regulations, as long as this does not run counter to this law, and are financially equally treated with the administrative staff of the Assembly of the Republic of Albania.
5. The rights and duties of the Secretary General, civil servants and other employees are provided by this Law and the Internal Rules of Procedure.

Article 14/a

Legal Service Unit

1. The Legal Service Unit operates attached to the Constitutional Court and it constitutes the scientific legal nucleus of the Constitutional Court. It carries out advisory and supporting activity in the decision-making process of the Constitutional Court, such as: preparation of the cases for trial, submitting legal opinions and undertaking scientific research on various legal cases brought for review before the Constitutional Court, as well as any other tasks being assigned by the Chairperson or the Meeting of Judges.
2. The Legal Service Unit shall consist of legal advisors appointed by the Chairperson, from among the jurists who fulfil the criteria for being a judge, prosecutor or jurist of not less than 10 years of professional experience as lector of law, advocate, or senior employee in the public

administration. Not less than half of the total number of legal advisors shall be appointed from among the ranks of magistrates. The legal advisors who come from among the ranks of jurists shall receive the salary equal to the “gross starting salary” of the first instance court judge, without the other financial benefits in accordance with the Law ‘On the Status of Judges and Prosecutors in the Republic of Albania’.

3. The Legal Service Unit shall be under the authority of the Chairperson, who for each case assigns the legal advisor, based on his professional experience and legal expertise, in accordance with the rules of procedure of the Constitutional Court. The number of legal advisors shall be determined upon the decision of the Meeting of Judges.

4. The legal advisors shall be disciplinary accountable. Disciplinary measures shall be decided by the Meeting of Judges, in accordance with the rules of procedure.

5. The legal advisors shall be subject to the rules provided in this law, the Internal Rules of Procedure of the Constitutional Court and the law on the status of magistrates, as far as applicable.

Article 15 **Ensuring Order**

1. The Constitutional Court has the right of access to police forces at its service to maintain order and security of the Court.

2. The number and duties of these police forces shall be approved by the Minister of Public Order, upon the proposal of the Chairperson of the Constitutional Court.

CHAPTER III **THE STATUS OF JUDGE OF THE CONSTITUTIONAL COURT**

Article 16 **Immunity**

The Constitutional Court judge shall enjoy immunity regarding the opinions expressed and decisions made in the course of assuming his functions, except for the cases of intentionally rendering a decision, as a consequence of personal interest or malice.

Article 16/a **Incompatibility**

1. Being a Constitutional Court judge is not compatible with any other state activity, or professional activity carried out against payment, except for teaching, academic, and scientific activity for the development of doctrine. The duration of the professional permitted activity shall be decided upon the decision of the Meeting of Judges. The assumption of the function of judge is not compatible with being a member of a political party or participation in public activities organised by political parties, as well as other activities incompatible with the task of the Constitutional Court Judge.

2. The newly elected judge shall take the measures for avoiding any situation of incompatibility, within 10 days from taking the oath.

3. Where the Constitutional Court member, in the course of assuming his office, is in a situation of incompatibility, he shall immediately take measures for avoiding it. Otherwise, rules of Article 10 and of the following articles of this law shall be applied.

Article 17
Remuneration

1. The salary of the Constitutional Court judge shall be equal to the salary of the Chairperson of the High Court.
2. The salary of the Chairperson of the Constitutional Court shall be 20 percent higher than the salary of the Constitutional Court judge.
3. The salary and other benefits of the Constitutional Court judge cannot be reduced or affected.

Article 18
Other Rights of the Judge of the Constitutional Court

1. The judges of the Constitutional Court should:
 - a) Have special protection for themselves, their family and property, when such a thing is required by them for serious circumstances or when considered as necessary. Relevant bodies, charged with the protection of high personalities are obliged to respond to every request of this kind;
 - b) Benefit 40 days of paid annual leave. The annual leave is taken during the months August – September;
 - c) Benefit the Official Journal, juridical newspapers and magazines free of charge;
 - ç) Enjoy equal rights with members of the Assembly of Albania as provided in Article 16, paragraph 1, 19, 20, 23, 25 and 26 of Law Nr. 8550, dated 18\11\1999 “On the Status of the Members of Assembly”.
2. The tenure of the judge of the Constitutional Court may not be limited, unless provided for in the Constitution and this Law.
3. At the end of term, with the exception of the case when dismissed under the procedures provided for in the law, the Constitutional Court judge shall be appointed to another equal or nearly equal job and as well as shall benefit transitional remuneration and/or supplementary pension, according to the legislation in force.

Article 19
Protocol Status

1. The Chairperson and the judges of the Constitutional Court have a special protocol status.
2. The Chairperson of the Constitutional Court, in regard to protocol relations, comes directly after the Prime Minister and the judges of this Court are equal with the minister in protocol treatment.
3. The judges of the Constitutional Court are invited to participate in official delegations, ceremonies, receptions and various activities of cultural, social and sports character in conformity with the protocol provided in this Article.

CHAPTER IV
PRINCIPLES OF CONSTITUTIONAL ADJUDICATION

Article 20
Panel Discussion

Examination of issues by the Constitutional Court is made collegially. The decision is taken only by those judges who have participated in the examination of the issue.

Article 21

Public Hearing

1. The examination of cases by the Constitutional Court is made at open plenary hearings or based on documents. In any case, it is the Chamber or Meeting of Judges that decides.
2. The Constitutional Court may exclude the public from the plenary session, or part of the plenary session, on the grounds of protection of public morality, public order, national security and the right of privacy or personal rights.

Article 22

Use of the Albanian Language

1. In the examination of cases is used Albanian language.
2. Participants in trial, who do not speak Albanian, shall use their mother language. They become aware of the whole development of the process through an interpreter, who as a rule is provided by the Constitutional Court, upon the request of the party.

Article 23 (repealed)

Article 24

Defence in Constitutional Adjudication

Parties at the constitutional adjudication may be defended by themselves or through their legal representative. Where the case is admitted for adjudication and the scope of the petition is a law or normative act, the petitioner shall be represented by an advocate or specialised legal representative.

Article 25

Impartiality in Constitutional Adjudication

1. The judge of the Constitutional Court is impartial in examining the cases and is subject only to the Constitution and laws, while performing their duty.
2. In his/her activity, the judge of the Constitutional Court acts personally and does not represent any state authority, social organization, political party or association, ethnic or social group.

Article 26

Publication of Final Decision and Entry into Effect

1. Decisions of the Constitutional Court shall be published in the Official Journal as well as in other means of public information. The publication of the decisions of the Constitutional Court shall occur no later than 15 days after their submission for publication with the Official Publications Centre. The dissenting opinion shall be published along with the final decision.
2. Decisions shall, as a rule enter into effect on the day of publication, unless otherwise provided by this law. Where the decision brings about consequences for the constitutional rights of the individual, the Constitutional Court may decide for it to enter into effect on the day

of announcement. In such a case, the decision shall be associated with a summarised reasoning, while the fully reasoned decision shall be published within 30 days.

3. The Constitutional Court may make an order concerning its decision by which it has examined the act, to yield its effects on another date. In such a case, the Constitutional Court may order the suspension of the implementation of the repealed act to the petitioner in the judicial proceedings, until the time when the decision becomes effective.

4. The Constitutional Court prepares and publishes a periodic summary of its decisions.

CHAPTER V PRESENTATION AND PRELIMINARY DISCUSSION OF APPLICATION

Article 27

The Content of the Application

1. The application to the Constitutional Court is submitted by the petitioner or the representative appointed by him. Where the petitioner has chosen to be represented by an advocate, he shall attach the representation act to the petition. In such a case, all the notifications of the Court shall be addressed to the representative of the petitioner.

2. The request shall be submitted in written form in Albanian language, in clear and understandable language, in as many copies as the number of participants and should include:

a) The name and address of the Constitutional Court;

b) The name, surname or denomination, residence or location of the petitioner and/or representative;

c) The name, surname or denomination, residence or location of the interested entities and/or their representatives;

ç) The object of the petition and legal reference;

d) Submission of causes and alleged violations of a constitutional nature;

dh) Documents, evidence or exhibits associating the petition;

e) Certified copies of all the decisions being subject to this request, as well as complaints and remedies submitted to other judicial instances;

ë) Signature of the petitioner or his representative, as well as the act of representation of the latter.

3. The petition may be delivered in person or per post. In the event of posting the petition, the date of submission shall be the date of handover at the postal office. Where the petition has been sent erroneously to another institution and the petition has been filed with the Constitutional Court following the expiry of the legal timing, the petition shall be considered to have been filed within the time period as long as it can be established that this has occurred in good faith.

4. The petition meeting the criteria provided for in paragraph 2 of this Article shall be registered at a special register being kept by the Judicial Department at the Constitutional Court.

5. The petition not meeting the criteria provided for in paragraph 2 of this Article shall be considered incomplete and it shall not be registered with the register of petitions. The Judicial Department shall inform the petitioner to make the necessary changes within 10 days. Where the petitioner does not submit the petition rectified or within the time period set out by the Judicial Department, the petition shall be archived.

6. The petition registered with the register of the petitions shall be submitted to the Chairperson of the Constitutional Court, who takes measures for appointing the rapporteur by lots, in accordance with the Regulation of the court.

Article 28
Judicial Expenses

1. Costs of judicial proceedings before the Constitutional Court shall be subject to regulations provided for in the law on court fees.
2. Upon the Constitutional Court deciding the admission of the constitutional individual complaint, it may rule on the representation expenses in part or in full, where sought by the petitioner.

Article 29 (repealed)

Article 30 (repealed)

Article 31
Preliminary Examination of the Application

1. The application is preliminary discussed at a panel composed of three judges of the Constitutional Court, including the rapporteur.
2. When the application, although within the competences of the Constitutional Court and submitted by a legitimate entity is not complete due to a cause other than those provided for in Article 27 of this Law, the panel delivers it back to the applicant for completion indicating the reasons for the return and the deadline of its completion. Thereafter, when the application is submitted complete within the deadline set out for rectification, it passes again for preliminary examination to the panel. In such a case, the date of submission of the petition shall be considered the date of its submission for the first time to the court. When the application is submitted incomplete within the deadline set out for rectification, the panel shall decide not to pass it over for adjudication.
3. Where the application does not meet the criteria set out in Article 31/a, paragraph 2, of this law, the panel shall decide not to pass the case over to the plenary hearing. In all the cases, where one of the judges of the panel is not of the same opinion with the others, the petition shall be passed over for preliminary examination to the Meeting of Judges.
4. The chamber or the Meeting of Judges shall not examine the merits of the case at this stage.
5. The complaints, requests or any other correspondence not containing the elements of a petition in the sense of Article 27 of this law, shall be registered in a separate register and disposed of administratively.

Article 31/a

The Decision not to Transfer a Case for Examination to the Plenary Hearing

1. The decision not to transfer a case for examination to the plenary hearing shall be taken unanimously by the Chamber, while the decision of the Meeting of Judges shall be taken by a majority vote.

2. The decision not to transfer a case to the plenary hearing shall be taken when:
- a) The claims contained in the petition do not fall under the powers of the Constitutional Court;
 - b) The petition has not been filed by the legitimate person;
 - c) The petition has been filed by an unauthorised person;
 - ç) It is established that the petition has been filed beyond the legal timing;
 - d) The petitioner has not exhausted the effective legal remedies prior to approaching the Constitutional Court, or the legislation in force provide for available effective remedies;
 - dh) The claims contained in the petition are subject of a previous decision of the Constitutional Court or the reinstatement of the infringed right is not possible anymore;
 - e) The petition is evidently ungrounded.

Article 31/b
Waiver of Claims

1. The petitioner may waive the claims before the Constitutional Court commence examining them. In such a case, the Constitutional Court shall decide to dismiss the case.
2. The Constitutional Court shall decide not to accept the waiver of claims, when it considers that the examination of the case is of public interest. In such a case, the Constitutional Court shall provide the grounds for not accepting the waiver of claims.

Article 31/c
Abuse of Right to File a Petition

1. The Constitutional Court, upon finding that the petitioner or his legal representative submits an abusive or repeated petition for the same cause or scope although being examined once by the Constitutional Court, or upon finding that the petitioner or the legal representative have hidden or distorted facts and circumstances connected to the case, shall order that the petitioner or his legal representative be fined in the amount from 100 000 to 500 000 ALL. Upon the Constitutional Court finding that it encounters cases of forging of documents or another criminal offence, it shall send the materials to the prosecution office for investigation.
2. The decision shall, in the cases provided for in paragraph 1 of this Article, be taken by the Meeting of Judges, upon the proposal of the Chairperson or rapporteur of the case.
3. The fine imposed by the Meeting of Judges is an executive title.

CHAPTER VI
OPERATION OF THE CONSTITUTIONAL COURT

Article 32
Examination in Plenary Hearing

1. The Constitutional Court examines the applications in a plenary session with the participation of all the members of the Constitutional Court, however, never with the attendance of less than two thirds.
2. The rules on the plenary session held in camera shall be set out upon the decision of the Meeting of Judges.

3. The rules of solemnity and security shall be observed during the hearing, which are set out in the rules of procedure of the Court.
4. The radio, TV, audio or video recording by the media representatives during the plenary hearing shall be allowed only upon the consent of the Court, depending on the concrete case.

Article 33

Calling and Chairing a Plenary Hearing

1. The Chairperson of the Constitutional Court shall call and chair the plenary hearings of the Constitutional Court. Where the Chairperson is not able to attend the adjudication hearing, he shall task the most senior judge in office to preside over the hearing.
2. The chair of the plenary hearing shall assume the following tasks:
 - a) Makes arrangements for a full and impartial investigation of the case circumstances;
 - b) Directs the dialogue among the parties and avoids any discussion that is not necessary for the case;
 - c) Interrupts the participating parties if their discussion does not bear any connection with the case, or does not fall under the jurisdiction of the Constitutional Court;
 - ç) Prohibits the right to speak to parties if their discussion is arbitrary, insulting, and contrary to the rules of ethics and moral;
3. The chair of the hearing may order persons to leave the hearing hall, as long as they do not observe the commandments of the chair of the hearing, as well as if they fall short of demonstrating respect for the adjudication panel and the Constitution.
4. The hearing shall, as a rule, be conducted without interruption. In specific cases, the chair may, following the consultation with the members of the adjudication panel, interrupt the plenary hearing.

Article 34

The Rights of a Judge in a Constitutional Adjudication

The Constitutional Court judge enjoys the right to:

- a) Participate in the discussion of every application, except for the cases prohibited by law;
- b) Have access to the content and all relevant materials of the case under review;
- c) Ask questions and require explanations from the parties involved in the case and the persons called as experts or witnesses during the hearing session;
- ç) Take part in the final discussions and express his opinion freely on the final solution of the case at hand.

Article 35

Duties of a Judge in a Constitutional Adjudication

The Constitutional Court judge should:

- a) Prepare the case for adjudication and take the respective measures for the proceedings of the plenary hearing,
- b) Cast a vote for the solution of the case;
- c) Keep the confidentiality of the discussions and voting process.

Article 36
Withdrawal from Adjudication

1. The Constitutional Court judge shall seek to withdraw from adjudication of a concrete case when:
 - a) He/she has participated in drafting the act subject to adjudication;
 - b) He/she has declared publicly his attitude to the case;
 - c) The impartiality of the judge is called into question due to family or other relations with either of the parties involved,
 - c) His/her impartiality is called into question due to other causes.
2. Where falling under the scope of examination is a law or normative act, which may have impact also on the judge of the Constitutional Court, his withdrawal or request for recusal due to this cause shall not be admitted.
4. In the instances provided for in paragraph 1 of this Article, the judge shall, within a reasonable timing, submit in writing the request for withdrawal from the case to the Chairperson of the Constitutional Court. The withdrawal or recusal request shall be immediately examined by the Meeting of Judges, which decides on the admission or rejection.

Article 37
Recusal of judge

1. The involved parties have the right to request the recusal of the judge at any stage of the hearing session, when there exists one of the cases provided for in Article 36 of this Law, and the judge does not withdraw from the examination of the case,
2. The majority of the judges participating in the examination of the case shall decide on the recusal of the judge. The judge, whose recusal is requested, after being heard, does not take part in voting. When the votes are divided equally, the judge is considered recused.

Article 38
Notification, Submission of Documents and Participation in the Plenary Hearing

1. The notification about the time and date of conducting the plenary hearing, open to the public or based on documents, shall be made by the Judicial Department, as a rule, 30 days prior to the date set for the plenary hearing, except for the cases where the Constitutional Court decides otherwise.
2. The notification of the applicant, interested entity or their representatives or, as appropriate, the witness, expert or other persons whose participation is necessary to conduct constitutional proceedings effectively, shall be made via official letter, summons sent per post, telegram, as well as e-mail as long as the parties agreed on this notification means at the moment of filing the request to the Constitutional Court.
3. Where any of the participants in constitutional proceedings does not have a precise residence or is permanently abroad, the notification shall occur by way of a letter rogatory, under the rules of the Civil Procedure Code, and by posting it at the Constitutional Court bulletin board, at least 30 days prior to the date set out for conducting the plenary hearing.
4. Failure to make an appropriate notification shall adjourn the plenary hearing, thus setting out another date to hold the hearing and making the respective notifications.
5. When the applicant, the interested entity or their representatives, although notified, do not appear in the plenary hearing or do not send additional documents, the plenary hearing shall occur in absentia.

6. Where the hearing occurs based on documents, the failure to forward the submissions within the time specified and without good reason by the applicant, and the objections by the interested entity/ies, shall entail the conduct of the adjudication only on the basis of the request and/or associating documents submitted at the moment of registration.

Article 39

Participants in a Constitutional Adjudication

1. Participants in a constitutional adjudication shall be:
 - a) The requesting entity or its representative;
 - b) The entities against whom the application is submitted or who have direct interest in the case under adjudication;
 - c) The body that has issued the act;
 - ç) The State bodies in dispute for power.
2. In cases when state bodies are parties in a constitutional adjudication, they shall be represented by the respective head of the institution and at their absence by formally authorized persons.
3. The involved parties in a constitutional adjudication may be represented by defence lawyers, provided with the respective power of attorney or assigned as such upon a declaration at the plenary hearing session.
4. The National Chamber of Advocates issues the list of advocates who may take part in the review of cases in the Constitutional Court.

Article 40

Summoning of Experts

1. The Constitutional Court may, upon the request of the parties involved or ex-officio, summon persons with the quality of experts who have special knowledge in a certain field of science, technique or art for the finding and clarification of facts with connection to the case under review.
2. The expert provides his\her opinion in writing, but he\she may be heard during the hearing session, as well.

Article 41

Summoning of Witnesses

The Constitutional Court may summon and ask persons in the quality of the witnesses during the plenary hearing, upon the request of the parties involved and\or ex-officio, when deemed necessary to clarify the facts related to the case under review.

Article 42

Requesting Documents and the Obligation to Present Them

1. The Constitutional Court may, when considered necessary, upon the request of the parties involved or ex-officio, request documents that are related to the case under review.
2. The documents requested shall be administered in the plenary hearing.
3. Each state body, natural or legal person, shall be obliged to provide to the Constitutional Court documents, data and relevant information if this is requested or considered necessary to examine the case.

Article 43
Proceedings in a Plenary Hearing

The hearing of a case in a plenary hearing shall respect the following rules:

- a) The hearing is declared open by the chairperson;
- b) The presence of participants is verified;
- c) The eligibility of the parties, or their representatives is verified;
- ç) The parties are asked to present any preliminary requests, if any, and the court accordingly decides on them;
- d) The reporting judge reads the application;
- dh) The involved parties are invited to present their requests and objections, starting with the entity that has presented the application,
- e) The involved parties provide their respective explanations or provide explanations to the questions asked by the judges;
- ë) The respective evidence is administered and the involved parties are invited to comment on their content;
- f) The involved parties are invited to pose their final requests;
- g) The hearing chairperson shall declare the closing of the plenary hearing and the withdrawal for decision taking.

Article 43/a
Procedure during the Public Hearing Session

1. Persons present in the courtroom must respect the solemnity of the Court. They must abide by the orders of the hearing chairperson for maintaining order.
2. The smooth running of the hearing session shall be guaranteed by an employee of the Court. His orders to maintain order or to implement instructions of the hearing chairperson shall be mandatory for all participants in the process.

Article 43/b
Rights of Participants in a Court Hearing

1. Participants in a court proceeding before the Constitutional Court shall have the following rights to:
 - a) Get acquainted with case files, take extracts or photocopies thereof;
 - b) Participate in reviewing the evidence;
 - c) Present evidence;
 - ç) Ask questions to each other, to witnesses, experts and specialists;
 - d) Submit requests;
 - dh) Provide explanations in writing or orally;
 - e) Present their conclusions;
 - ë) Object other parties' questions, their findings and explanations, as well as to submit their final claims.
2. The applicant, at any stage of the process until the decision of the Constitutional Court, may request in writing the limitation and extension of the scope of petition or the waiver of claim.

Article 44
Reopening a Plenary Hearing

1. Where after the closure of the plenary hearing, the explanation of additional circumstances, which are of particular importance to the case under review is deemed necessary, it shall be decided to reopen the hearing.
2. The decision to reopen the plenary hearing shall be taken upon the majority of votes of the judges who have been present in the plenary hearing.
3. The decision to reopen the plenary hearing shall be announced to the parties involved in the constitutional adjudication, who have the right to participate in the hearing session and take the floor to provide any explanations that they consider in their own interests.

Article 44/a

Adjournment of the Hearing Session

The court may adjourn the review of a case, if the appearance of witnesses and experts of the field, the obtaining of additional evidence, the further investigation of the case or the full establishment of the panel is considered necessary. The review of the case shall resume from the moment of termination.

Article 44/b

Suspension of Adjudication

1. If the Constitutional Court, during the review of a case, decides to seek an advisory opinion from the European Court of Human Rights regarding the implementation of rights and freedoms provided by the European Convention of Human Rights and additional protocols thereof, or require *amicus curia* from other organizations, it shall decide to suspend the adjudication of the case.
2. The hearing session shall reopen immediately after receipt of the advisory opinion of the European Court of Human Rights or *amicus curiae*. Parties shall be notified on the opinion received and on the date of the hearing.

Article 45

Suspension of a Law or Act

1. The Constitutional Court, ex-officio or at the request of either of the parties, when considering that the implementation of a law or legal act may consequently affect the state, social or individual interests, upon the decision of the Meeting of Judges or at the plenary hearing, shall decide on suspending the respective law or legal act. The suspension lasts until the final decision of the Constitutional Court enters into effect.
2. The decision of suspension shall be announced to the respective entity that has issued the law/legal act and shall be made public, as well.
3. The Constitutional Court may lift the suspension at any stage of the review of the case, upon a decision in the plenary hearing.
4. The Constitutional Court should pronounce a final decision to continue or not continue the suspension.
5. In any case, the decision of the Constitutional Court shall be reasoned and published immediately.

Article 46 (repealed)

Article 47

The Time Limit for Reviewing a Case

1. The review of a case by chambers or the Meeting of Judges shall end within 3 months from submission of the application, except for cases when this law stipulates other terms. In any case, the deliberations and decisions of the chambers or the Meeting of Judges shall be made on the basis of a draft decision prepared by the rapporteur.
2. The review of the case in a plenary hearing shall be only after the parties have submitted in advance all necessary documents required for adjudication and after the case has been fully prepared by the rapporteur. The rapporteur shall submit the respective draft decision during deliberations, whereon shall vote all the judges who have taken part in the voting.
3. The final decision shall be announced reasoned no later than 30 days from the end of the hearing session, unless otherwise provided for in this law.

Article 48

The Scope of the Review of a Case

1. The scope of review of a case lies within the object of the application and the reasons provided in it.
2. Exceptionally, the Constitutional Court decides in any case when there is a link between the object of the application and other normative acts.

CHAPTER VII

SPECIAL PROCEDURES

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

Article 49

Subjects that have Recourse to the Constitutional Court

1. Entitled to have recourse to the Constitutional Court to check the conformity of the law or other normative acts with the Constitution or international agreements shall be: the President of the Republic, Prime Minister, not less than one-fifth of members of the Assembly, and the Ombudsman.
2. The President of the Republic and not less than one fifth of the members of the Assembly shall be entitled to have recourse to the Constitutional Court to control only the observance of the procedure provided for by the Constitution under Article 131 paragraph 2, and Article 177 of the Constitution.
3. Entitled to initiate a check on the conformity of laws and other normative acts with the Constitution or international agreements shall also be:
 - a) The Head of High State Audit;
 - b) Local government bodies, when alleging that their rights provided in the Constitution or their constitutional position have been violated;
 - c) Commissioners established by law for the protection of fundamental human rights, when during their activity they conclude that a law or normative act has violated fundamental rights and freedoms of individuals;

- c) The High Judicial Council and High Prosecutorial Council, when claiming that a law or normative act is violating their constitutional activity or the legal position of judges and prosecutors;
 - d) Bodies of religious communities, political parties, organizations, when claiming that a law or normative act is violating their activities and the rights and freedoms of their members;
 - dh) Courts of all levels, where, in the course of adjudication of a case, they find out that the law or the normative acts run counter to the constitution or international agreements;
 - e) Individuals, when claiming that their rights and freedoms provided for in the Constitution have been violated directly and substantially, after having exhausted all legal remedies for this purpose and when the act they are opposing is directly applicable and does not provide for the issuance of bylaws for its implementation.
4. Subjects referred to in paragraph 3 of this Article shall, in any case, have an obligation to prove that the issue is directly related to the rights and freedoms provided for by the Constitution or to the purposes of their activity.

Article 50

The Time Limit to Submit an Application

1. The applications to the Constitutional Court to check the conformity of a law or other normative acts with the Constitution or international agreements ratified, according to paragraph 1, and paragraph 3 letters "a", "b", "c", "ç" and "d" of Article 49 of this Law, can be submitted within two years from the entry into force of the act.
2. The application regarding the constitutionality of the law for the revision of the Constitution may, in the procedural aspect, be submitted within 60 days from the entry of this law into effect.
3. The courts may submit the application at any time, where in the course of examining a concrete judicial case, under Article 145 paragraph 2 of the Constitution, they have found the anti-constitutionality of a law or normative act.
4. Individuals may file an application to check the conformity of a law or other normative acts with the Constitution or international agreements ratified, within four months of the finding of violation.

Article 51

1. The Constitutional Court shall, in reviewing the applications provided by Articles 49 and 50 of this Law, consider:
 - a) The content of the laws and normative acts,
 - b) The form of the laws and normative acts,
 - c) The procedure of their approval, promulgation and entry into force.
2. Where a law or normative act, or parts thereof, which are subject to review before the Constitutional Court, are repealed or amended before the Constitutional Court makes the decision, the case is dismissed, except for cases when it considers that the proceedings should continue due to public or state interest.

Article 51/a

Constitutional Court Decision Making

1. The Constitutional Court, while concluding the review of the case, shall decide to:

- a) Reject the application;
 - b) Accept the application completely or partially and repeal the law or normative act;
2. In any case, in the ordering provision, the Constitutional Court shall explain the effect of the decision and its consequences.

Article 52

Procedures on the compatibility of the International Agreements with the Constitution

1. The Constitutional Court considers the compatibility of the International Agreements with the Constitution before their ratification.
2. The recourse to the Constitutional Court to consider such cases shall be established only after an application is presented on behalf of the entities provided in letter “a”, “b”, “c” and “ç” of Article 134 of the Constitution. The recourse to the court may also be established by the entities provided in letters “d”, “dh”, “e”, “ë”, “f”, “g” “gj”, “h” and “i” of Article 134 of the Constitution, for issues relating to their interests.
3. The procedures for the ratification of the agreement shall be suspended, if the case is transferred to a plenary hearing. The review shall be concluded within three months from the presentation of the application.
4. Where the Constitutional Court decides on the incompatibility of the International Agreement with the Constitution, the agreement cannot be ratified.

Article 52/a

Constitutional Court Decision Making

1. The Constitutional Court, while concluding the review of the case, shall decide to:
 - a) Declare the international agreement in conformity with the Constitution and to allow its ratification by the Assembly.
 - b) Declare the international agreement as not in conformity with the Constitution and ban its ratification by the Assembly.
2. The decision of the Constitutional Court shall be notified immediately to the President, the Assembly and the Council of Ministers and shall be submitted for publication to the Official Journal.

Article 53

International Agreements Approved prior to the Entry into Force of the Constitution

1. International agreements that are ratified before the entry into force of the Constitution and are incompatible with it, can be presented to the Constitutional Court only by the Council of Ministers.
2. In case the Constitutional Court concludes that an International Agreement ratified by law includes provisions, which are incompatible with the Constitution, the Constitutional Court decides on the abrogation of the act of its ratification.

Article 54

Procedures related to competence disputes

1. In reliance of Article 131 letter “ç” of the Constitution, the Constitutional Court treats the competence disputes between authorities, as well as between the central authority and the local authorities when the disputes are directly related to their activities.

2. The Constitutional Court shall review such conflicts, when the respective entities have considered themselves as competent to decide on a concrete matter and, as appropriate, have issued acts governing the matter, or when the entities have not considered themselves as competent to decide on specific matters.

3. The application is presented to the Constitutional Court by the entities in conflict or by the entities directly affected by the conflict.

4. Any kind of legal or normative act, action or omission of the bodies of the three powers or local authorities that have led to disputes on competences between them, shall constitute the basis to commence the review of such cases.

Article 55

The application to review such disputes should be submitted within six months from the time the conflict started.

Article 56

1. The Constitutional Court shall decide which body is competent to settle the concrete case, for which the dispute has arisen.

2. Where the settlement of the competence dispute is related to legal or normative acts issued by the bodies being parties in the conflict, the Constitutional Court shall also review the constitutionality or legality of the act in order to settle the dispute.

Article 57

Requesting Authorities

1. To review the constitutionality of the political parties and organizations, as well as their activity, the recourse to the Constitutional Court shall be established through the application of the President of the Republic, Prime Minister or no less than one fifth of the members of the Assembly, the Ombudsman and the Head of the High State Audit.

2. The applications may be presented to the Constitutional Court at any time.

Article 58

The Scope of Review

The Constitutional Court shall review and decide:

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 is in conformity with the Constitution.

Article 59

Where the Constitutional Court considers that there is evidence that the further activity of a political party or organization violates the constitutional order or state and public interests, as appropriate, the Court upon a special decision of the Meeting of Judges or through a plenary hearing may decide to suspend the activity of the political party or organization, until the final decision is made.

Article 60

Constitutional Court Decision Making

1. Where the Constitutional Court concludes that the creation of a political party or organization violates the Constitution, it shall decide on the abrogation of the founding act.
2. When the Constitutional Court concludes that the activity of a political party or organization comes into conflict with the Constitution, the Court shall decide, as appropriate, either to ban this activity or to order the de-registration of the political party or organisation.

Article 61

Recourse to the Constitutional Court

1. The recourse to the Constitutional Court for the declaration of the dismissal of the President of the Republic shall be established by decision of the Assembly of Albania that has decided on his dismissal from office.
2. The decision of the Assembly should include a reasoned interpretation of the serious violation of the Constitution or of the serious crime and be accompanied by appropriate evidence.
3. The Constitutional Court forwards a copy of the decision of the Assembly and of the appropriate evidence to the President of the Republic, who has the right to give written explanations that he deems necessary.

Article 62

Holding the Session

1. The Constitutional Court, in order to transfer a case to a plenary hearing, shall decide by a majority of its members. In this case, a public plenary hearing shall be held.
2. The President of the Republic shall be invited to attend the plenary hearing, who can be represented by a counsellor chosen by him or by the Assembly. The Constitutional Court, as appropriate, may decide to call other persons in the hearing.
3. The absence of the President of the Republic or of his representative in the plenary hearing, without cause, shall not constitute a reason to not hold the hearing.

Article 63

Constitutional Court Decision Making

1. Where the Constitutional Court concludes that the President of the Republic has seriously violated the Constitution or has committed a serious crime, it shall declare his dismissal from office. In this case, the decision of the Constitutional Court shall enter into force on the day of announcement and it shall be published right away in the Official Journal.
2. Where the Constitutional Court does not come to the conclusion that the President of the Republic has seriously violated the Constitution or has committed a serious crime, it shall decide to repeal the decision of the Assembly of Albania.
3. The resignation of the President of the Republic from office or the completion of his mandate, after the Constitutional Court has commenced to review the case, shall not constitute a reason to dismiss the case.
4. Where the declaration of dismissal from office of the President of the Republic is decided on, the President shall not benefit the special treatment provided to senior officials.
5. Rules laid down in Article 61, paragraph 1, 2 and 3, shall also apply in the case of the final verification of the fact of permanent inability of the President of the Republic to perform duties. In this case, the Constitutional Court shall decide on the establishment of the fact of inability to perform the duty or shall overturn the decision of the Assembly.

Electability and incompatibility with the assumption of functions of the President of the Republic

Article 64

Review of the Issue

1. For issues relating to the election of the President of the Republic, the electability and incompatibility with the assumption of his functions, the recourse to the Constitutional Court shall be established upon the application of no less than 1\5 of the members of the Assembly or of political parties.
2. In the case of election procedure and electability, the Constitutional Court shall decide to abrogate the decision of the Assembly or to reject the application.
3. In the case of incompatibility with the performance of duties, the Constitutional Court shall decide to declare the incompatibility with the assumption of functions of the President of the Republic or to reject the application.

Article 65 (repealed)

Procedures for reviewing the electability and incompatibility with the assumption of functions of a member of the Assembly

Article 66

Requesting Authorities

1. The recourse to the Constitutional Court to review the electability of members of the Assembly shall be established upon the request of the President of the Republic, no less than 1/5 of members of the Assembly or of political parties.
2. The recourse to the Constitutional Court to review the incompatibility with the assumption of functions of the members of the Assembly, shall be established upon the request of the Assembly or 1/5 of the members of the Assembly.
3. The Constitutional Court shall verify, under the Constitution, the election of members of the Assembly, at the request of a political party or of an independent candidate for Assembly member.

Article 66/a

Application Deadlines

1. The application to review the electability of members of the Assembly shall be submitted to the Constitutional Court within three months of the identification of the fact of non-electability.
2. The application on the incompatibility with the function of the member of the Assembly may be submitted to the Constitutional Court as long as the mandate of the latter lasts, but no later than six months before the end of the mandate and no later than three months from the finding of the incompatibility.

3. In such cases, the Constitutional Court shall conclude the consideration of the case within 60 days from the submission of the application.

Article 67

Constitutional Court Decision Making

1. Where the Constitutional Court verifies the electability of the members of the Assembly, it shall decide, as appropriate, to reject the application or to abrogate the act of the Central Election Commission.
2. After reviewing the application on the electability or incompatibility of members of the Assembly, the Constitutional Court shall deliver its decision to the Assembly of Albania.

Procedures Related to Referendum

Article 67/a

Requesting Authorities

1. The Assembly or an initiating group of 50 thousand citizens eligible to vote, when being under terms of Article 150 paragraph 2 and Article 177 of the Constitution, shall be entitled to request the Constitutional Court to carry out a preliminary verification of the constitutionality of the issue put to referendum.
2. The Constitutional Court shall decide within 60 days from submission of the request.

Article 67/b

Review of the Issue

1. During the preliminary review of the constitutionality of issues put to referendum, the Constitutional Court shall assess the formal and material validity of the issue put to referendum.
2. The Constitutional Court cannot check the importance of individual issues or the constitutionality of the act that will be subject to referendum.

Article 67/c

Constitutional Court Decision Making

1. The Constitutional Court, at the conclusion of the judicial review, shall decide to:
 - a) Declare the issue put to referendum as compatible with the Constitution and allow the holding of a referendum;
 - b) Declare the issue put to referendum as not compatible with the Constitution.
2. The referendum shall not be held under conditions where letter "b" of this Article is applicable.

Article 67/ç

Verification of the Final Result of the Referendum

1. Within 10 days of the announcement of the final result of the referendum, the entities provided for in Article 134, letter "e", "f", "g" and "h" of the Constitution, when the issue relates to their interests, or the initiating group for holding the referendum, have the right to seek the verification of this outcome from the Constitutional Court.

2. The Constitutional Court shall make a decision within 30 days from submission of the request. In specific cases, the Constitutional Court may decide to extend the deadline by not more than 30 days.

Article 67/d
Case Review

1. The Constitutional Court shall examine the credibility of claims of constitutional nature and claims dealing with the exercise of the right to vote by citizens who have taken part in the referendum, the validity of the referendum process and the process of announcing the outcome of the referendum.

2. Where the Constitutional Court considers the recount of votes as necessary, it shall order the Central Election Commission to conduct such a procedure.

3. After conducting the procedure in accordance with paragraph 2 of this Article, the Central Election Commission shall notify the Constitutional Court on the outcome.

Article 67/dh
Constitutional Court Decision Making

1. At the conclusion of the judicial review, the Constitutional Court shall decide to:

- a) Reject the complaint and uphold the final result of the referendum;
- b) Repeal the decision of the Central Election Commission and declare the law as unchanged or repealed;
- c) Repeal the decision of the Central Election Commission and declare the issue or draft law of special importance as adopted or not adopted;
- ç) Repeat the referendum.

Procedures to review the constitutionality of the laws required by the courts

Article 68
Recourse to the Constitutional Court

1. When a court or a judge, during the trial and at any time, considers ex officio or at the request of either party involved that a certain law is unconstitutional and if there is a direct link between the law and the resolution of the matter at hand, shall not enforce the law, by ordering the suspension of further examination of the matter and sending the materials to the Constitutional Court to pronounce on the constitutionality of the law.

2. The decision of the court or of the respective judge should define the provisions of the law they consider incompatible with the said norms or other principles of the Constitution, which the law has not complied with or has violated, as well as the reasons for which its repeal is required.

Article 69
Case Review

1. The Constitutional Court, when considering that the presented file is not complete and conform Article 68 of this law, shall deliver it back to the original court. The latter should complete the file within one month from the date of receipt of the file.

2. When the respective file is found complete and conform Article 68, the Constitutional Court shall proclaim the date of the plenary hearing session and notify the court and summon other interested entities.

Article 70

Constitutional Court Decision Making

1. The Constitutional Court, when reviewing the cases provided under Article 68 and 69 of this Law, and because of reasons related to the constitutionality of a concrete law, shall publish the fact that such an issue is under adjudication.
2. Where the case referred to by the High Court is admitted for adjudication in plenary hearing, the other courts shall suspend pending cases for which the law contested before the Constitutional Court applies.
3. In case the Constitutional Court decides to abrogate a certain law as unconstitutional, the respective decision is announced to the Assembly of Albania and the Council of Ministers.

Procedure to review individual constitutional complaint

Article 71

The Right to Exercise Individual Constitutional Complaint

1. Every individual, natural or legal person, being the subject of private and public law, who is a party in a legal process or is the holder of fundamental rights and freedoms provided for in the Constitution, is entitled to lodge an individual constitutional complaint before the CC against an individual act that violates his rights and freedoms provided for in the Constitution, under the criteria provided in Art.71/a of this law.
2. In specific cases, subject to the individual constitutional review can also be a law or any other normative act, as provided by Article 49 paragraph three of this law.
3. The Constitutional Court shall conclusively examine the appeals against the decisions of the High Judicial Council and High Prosecutorial Council, under Article 140 paragraph 4 and Article 148/d of the Constitution.

Article 71/a

Criteria to Exercise Individual Constitutional Complaint

The individual constitutional complaint shall be reviewed by the Constitutional Court when:

- a) The applicant has exhausted all effective legal remedies before addressing the Constitutional Court or when the domestic legal framework does not provide for effective legal remedies available.
 - b) The application is submitted within 4 months of finding an infringement;
 - c) The negative consequences are direct and real to the applicant;
 - ç) The examination of the case by the Constitutional court could restore the infringed right of the individual.
2. In addition to the criteria envisaged in paragraph 1 of this Article, arrangements provided for in this law on preliminary examination, shall apply.

Article 71/b

Review by the Constitutional Court

1. The Constitutional Court shall examine whether the act, partially or totally, is in conformity with the Constitution and ratified international agreements. The Constitutional Court may also rule on other provisions that are not subject of the application, if it deems that they are connected to the issue under review.
2. When the Constitutional Court reviews the constitutionality of an act and concludes that it is based on an unconstitutional law or normative act, the Court shall simultaneously decide to also repeal the law or the normative act.
3. In cases where paragraph 2 of this Article is applicable, the effects of the Constitutional Court decision shall not extend to acts which no longer have effects or judicial decisions that have become final.
4. The Constitutional Court shall consider the application within a reasonable time.

Article 71/c

Obligations Arising from Decision Making in International Courts

1. For purposes of this law, international courts are the courts whose jurisdiction extends to the Albanian State as a result of obligations arising from ratified international agreements.
2. If an international court finds out that the Republic of Albania has violated the obligation arising from an international agreement and as a consequence the rights and freedoms of a natural or legal person have been violated through a law or normative act, the Constitutional Court, upon request, may repeal the law or the normative act, if it finds that there is no other effective legal remedy to restore the violated rights.
3. If the Constitutional Court has previously ruled on a matter, which has been tried by an international court and the latter has concluded that fundamental rights and freedoms of the individual have been violated as a result of the decision of the Constitutional Court, the subject infringed upon, in whose favour the international court has ruled, shall be entitled to address the Constitutional Court with a request to re-open the judicial process.
4. The request for re-opening the process shall be filed within 4 months of the entry into force of the decision of the international court. It must contain a summary of the international court's decision, highlights of findings and concrete research made by that court. The applicant must expressly request the re-opening of the process and a repeal of the act.
5. The request for re-opening the process shall not be accepted if:
 - a) Consequences of violation of fundamental rights and freedoms no longer exist;
 - b) The international court has given an indemnity without associating it with a re-opening of the process (just satisfaction);
 - c) The violation has been avoided by a new legal arrangement or other forms.
6. When the Constitutional Court accepts the request, it shall decide on:
 - a) The repeal of its previous decision and admissibility of the application.
 - b) The repeal of its previous decision and simultaneously the repeal of the act that has violated fundamental rights and freedoms of the applicant and the obligation of the competent authority to issue a new act or the obligation of the authority not to act, as appropriate.

Article 71/ç

The Review of Applications on the Undue Prolongation of the Process before the Constitutional Court

1. Anyone, who is a party to a process that takes place before the Constitutional Court or a party to a judicial process suspended as a consequence of an incidental check or of the verification of the constitutionality of the law initiated by other entities provided for in Article 134 of the Constitution, who claims that the trial has been conducted beyond a reasonable time, has the right to demand due compensation from the Constitutional Court, if determined that his rights and freedoms provided for by the Constitution have been violated from the undue prolongation of the process.
2. In any case, regardless of the consequences, the applicant cannot submit an application without passing at least one year after the commencement of case review.
3. In any case, the Constitutional Court shall assess the nature of the process and of the case, as well as the circumstances that have contributed to the decision-making process of the Constitutional Court. It shall decide on the compensation amount by reference to consequences suffered by the applicant because of the undue prolongation of the process before the court.
4. If the Constitutional Court comes to the conclusion that the trial has been extended beyond the deadline without reasonable cause, then, it shall compensate the applicant up to the extent of 100,000 ALL for each year of delay.

Article 71/d

The Review of Application in accordance with Article 179/1 of the Constitution

1. The Constitutional Court, at the request of no less than 1/5 of members of the Assembly, shall review cases provided for in Article 179/1 of the Constitution.
2. In this case, the Constitutional Court shall examine whether it has to do with a situation where bodies, tasked by the Constitution or the law to ascertain the ending or invalidity of the mandate or the dismissal from office of an elected, appointed official or a senior public functionary, fail to act.
3. At the end of the case review, the Constitutional Court shall decide to:
 - a) Reject the application;
 - b) Confirm the ending or invalidity of the mandate or the dismissal from office of the senior public functionary.

CHAPTER VIII DECISIONS OF THE CONSTITUTIONAL COURT

Article 72

Decision Making and its Announcement

1. The deliberations and voting on a decision are not public.
2. The Constitutional Court decisions are made by a majority vote of all the judges of the Constitutional Court. Abstention is not permitted.

3. The decision shall be signed by all the judges present at the plenary hearing session.
4. Parties in the process shall be notified about the announcement of the decision. Their absence does not hinder the announcement of the decision.
5. The decision is announcement “on the name of the Republic of Albania”
6. The Constitutional Court decision shall be reasoned. In special cases dealing with matters of public importance, the Constitutional Court may announce ordering provisions immediately after the decision has been made and announce the reasoned decision within five days. In this case, the decision shall enter into force on the day of its announcement together with reasons, unless the Court decides otherwise.
7. The Constitutional Court decision has general binding power and it is 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.
8. Copies of the decision may be delivered to the involved parties upon their request and upon the respective fee.

Article 73

The Postponement of Deliberation and Voting

1. When any of the judges who has taken part in the plenary hearing is absent during the deliberations or voting, the Meeting of Judges shall not take place and it shall be adjourned to another date.
2. If even after that, the judge’s participation cannot be secured within a reasonable period of time, the Court shall conclusively decide on the matter at hand, when the absolute majority of its members is formed.
3. In case this majority is not formed and there is a possibility to include other judges who have not been present at the plenary hearing session, the plenary hearing shall be reopened and the case will be heard from the beginning.
4. Where the majority of five judges is not achieved, the petition shall be considered rejected.

Article 74 (repealed)

Article 75

Consistency of Decision

After the vote, the Constitutional Court decision shall be considered as rendered and it cannot be amended.

Article 76

Legal Effects of Constitutional Court Decisions

1. The Constitutional Court’s decisions are final and mandatory for implementation.
2. The Constitutional Court’s decision that has repealed a law or a normative act as incompatible with the Constitution or international agreements, as a rule, shall have legal effects from the date of its entry into force, unless otherwise provided by this law.
3. In any case, the Constitutional Court shall define effects of its decision.
4. The Constitutional Court may decide that its decision to repeal an act may produce effects on a date different from the date of its entry into force. In this case, the Assembly or any other

institution must make necessary changes within the deadline set by the Constitutional Court in its decision and in line with the reasoning behind it.

5. Where during the review of a case, the Constitutional Court finds out that there is a legal vacuum that has brought negative consequences to fundamental rights and freedoms of the individual, it, among other things, shall determine the legislator's obligation to complete the legal framework within a certain deadline.

6. Decisions of courts at all levels, which have been repealed by the Constitutional Court, shall not have legal force from the moment they were made. The case shall be sent for examination to the court, whose decision has been repealed.

7. The decision shall have retroactive effect only against:

a) A criminal sentence, even while it is being executed, if it is directly connected with the implementation of the law or normative act that has been repealed;

b) Cases being reviewed by courts, as far as their decisions are not final and irrevocable.

c) Unexhausted consequences of the law or normative act that has been repealed.

Article 77 (repealed)

Article 78

Announcement of Decision

When the repeal of a law or normative act has been decided on and the respective relations call for legal arrangements, the decision of the Constitutional Court shall be announced to the respective bodies to take the relevant measure provided in its decision.

Article 79 (repealed)

Article 80

Accuracy and Completion of a Decision

1. The Constitutional Court has the right, within 2 months of the announcement of the decision, upon request, to correct errors in writing, in computation or any obvious inaccuracy allowed in the decision, without changing the substance of the decision.

2. After reviewing these cases, the Constitutional Court shall make a decision which shall be published in the Official Journal.

Article 81

Execution of Decisions

1. The enforcement of the decisions of the Constitutional Court is compulsory.

2. The execution of the decisions of the Constitutional Court is ensured by the Council of Ministers through the respective organs of the state administration.

3. The Constitutional Court, depending on the type of decision and where appropriate, may specify in the ordering provision the body charged with the implementation of the decision as well as the manner of execution, setting concrete deadlines, the relevant manner and procedure of execution.

4. Failure to enforce or obstruction of the execution of the Constitutional Court's decision shall be punishable in accordance with the relevant provisions of the Criminal Code.

CHAPTER IX TRANSITIONAL AND FINAL PROVISIONS

Article 82 (repealed)

Article 83 (repealed)

Article 84 (repealed)

Article 85 (repealed)

Article 86

Implementation of the New Law

1. The examination of disciplinary violations of the Constitutional Court judges under Article 10 of this Law for a 9-year period since the entry into force of this law, shall be affected by the Special Chamber of Appeal at the Constitutional Court, under the provisions of the Law no 84/2016 "On the temporary re-evaluation of judges and prosecutors in the Republic of Albania".

2. The legal advisors appointed prior to the entry into force of this law shall continue to stay in office, after successfully passing the process of temporary re-evaluation, under Article 179/b and Annex to the Constitution, as well as the Law no.84/2016 "On the temporary re-evaluation of judges and prosecutors in the Republic of Albania". Legal advisors who pursue the carrier of magistrates shall be subject to the rules provided in the law on the status of magistrates. The other legal advisors shall be subject to the rules provided for in this law, and the law on the status of magistrates, as far as applicable. Their number is defined in accordance with the structure of the Legal Service Unit.

3. Regarding the petitions and cases pending on the date of entry into force of this law, the provisions of this law shall apply, except for the cases provided for in Articles 50, paragraph 4, Article 71, 71/a, 71/b, 71/c and 71/ç of this law, for which the implementation shall start on 1 march 2017.

4. The replacement of judges of the Constitutional Court until 2022, shall take place under the following scheme:

a) The new judges to replace the judges whose mandate expires in 2016, shall be appointed as per sequence, respectively by the President of the Republic and Assembly.

b) The new judge to replace the judge whose mandate expires in 2017 shall be appointed by the High Court and shall stay in office until 2025.

c) The new judges to replace the judges whose mandate expires in 2019 shall be appointed as per the sequence, respectively by the President of the Republic and Assembly.

ç) The new judge to replace the judge whose mandate expires in 2020, shall be appointed by the High Court and shall stay in office until 2028.

d) The new judges to replace the judges whose mandate expires in 2022, shall be appointed as per the sequence, respectively by the President of the Republic, the Assembly, and the High Court.

Article 87
Repeal of Law

Law No. 8373, dated 15. 07. 1998 “On the Organisation and Functioning of the Constitutional Court of the Republic of Albania” shall be repealed upon the entry into force of this law.

Article 88

This law enters into force 15 days after its publication in the Official Journal.

SPEAKER
Skender Gjinushi

Promulgated by degree No. 2561, dated 22.02.2000 of the President of the Republic of Albania Rexhep Mejdani.