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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

DRAFT LAW

**ON THE ORGANISATION AND FUNCTIONING
OF THE CONSTITUTIONAL COURT
OF THE REPUBLIC OF ALBANIA**

Based on Article 6 and 81, paragraph 1 and 2, Article 83, paragraph 1 of the Constitution of Albania and 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 organisation 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. Regarding the cases which procedures are not provided by this law, the Constitutional Court respects legal provisions, which regulate other procedures, taking into consideration the legal nature of the case.

Article 2

Functioning of the Constitutional Court

The Constitutional Court is the highest authority, which guarantees the respecting of the Constitution and provides its final interpretation.

Article 3

Independence of the Constitutional Court

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

Article 4

Location of the Constitutional Court

The Constitutional court is located in Tirana, the capital city of the Republic of Albania.

Article 5

Symbols used at the Constitutional Court

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

Article 6

Financial means

1. The Constitutional court administers its own budget, which as part of the state budget is drafted by the Court and presented for approval to the Assembly of the Republic of Albania.
2. Any other income not prohibited by law is included at the financial means.
3. The High State Audit does the audit of the Constitutional Court.

Chapter II

Organisation of the Constitutional Court

Article 7

Composition of the Constitutional Court

1. The Constitutional Court is composed of 9 (nine) members, who are appointed by the President of the Republic upon the consent of the Assembly.
2. The judges are appointed for a tenure of 9 (nine) years, without the right of Reappointment and are selected from the ranks of high qualified jurists with professional experience of no less than 15 years.
3. The composition of the Constitutional Court is renewed to its 1\3 every threeyears respecting the procedure provided in this Law.
4. The President of the Constitutional Court is nominated from the ranks of its members by the President of the Republic upon the consent of the Assembly for tenure of 3 (three) years enjoying the right of reappointment within the tenure of the judge.

Article 8

Start of tenure

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

Article 9

Termination of tenure

1. The tenure of the judge of the Constitutional court terminates when:
 - a. sentenced by a final decision for a committed crime,
 - b. is absent for more than 6 (six) months without any justification,
 - c. reaches the age of 70 years old,
 - d. offers his\her resignation,
 - e. a final judicial decision declares him\her incapable to act.
3. Termination of tenure of the judge is declared by decision of the Constitutional Court. The application to declare the termination of tenure of a judge is presented by the President of the Constitutional Court.
4. In case of vacancy seats, the President of the Republic appoints a new judge upon the consent of the Assembly within one month. The newly appointed judge seats until the termination of the tenure of the judge he\she sits instead.

Article 10

Conduct of Constitutional Court

The activity of the Constitutional Court is organised and lead by the President of the court and in his\her absence by any judge He\She assigns to, unless when this Law provides it to the power of the meeting of the judges.

Article 11

Powers of the President of the Court

1. Prepares, convenes and leads the plenary sessions of the Constitutional Court,
2. Represents the Court to the relations with third parties,
2. Coordinates the work among the judges,
4. Signs the acts of the Constitutional Court, except the decisions of the court, which are signed by all judges,
5. Nominates and dismisses the administrative staff and issues disciplinary

measures to it.

Article 12

Powers of the meeting of judges

1. Specifies the main directions of the expenses of budgetary means,
2. Convenes on hearing sessions every 6 (six) months on the budgetary expenses reports,
3. Decides on the organisational structure of the Constitutional Court,
4. Decides on the number of staff and respectively their salaries,
5. Approves the Internal rules on the activity of the administration of the Constitutional Court.

Article 13

Civil servant

1. The General Secretary is most senior civil servant at the Constitutional Court.
2. Other respective necessary services in the functioning of the Constitutional Court are under the care of other staff and employees.
3. General Secretary is appointed by the meeting of the judges of the Constitutional Court and is selected from the ranks of professionally experienced jurists.
4. General Secretary manages the administrative activity of the Constitutional Court, under the authority of its President.

5. The rights and duties of the General Secretary and other employees of the services under the Court are provided by this Law and the Internal Rules.

6. The administration staff of the Constitutional Court is subject to regulations of civil service and are financially treated the same as the administrative staff of the Assembly of the Republic of Albania.

Article 14

Order guarantee

1. The Constitutional Court enjoys the right of police forces under its service to keep order and secure protection of the Court.
2. Number and duties of these police forces are approved by the Ministry of Public Order upon the proposal of the President of the Constitutional Court.

Chapter III

Status of the judge of the Constitutional Court

Article 15

Immunity

1. Judges of the Constitutional Court enjoy immunity due to their seat. Judges of the Constitutional Court are not legally responsible for their opinions or voting provided for the case under review.
2. The judge of the Constitutional Court cannot be investigated without the consent of the Constitutional Court. The judge of the Constitutional Court may be detained or arrested only if caught in the act of committing the crime or immediately after it. The respective organ provides immediate notification to the Constitutional Court. The respective organ releases the judge unless the Constitutional Court provides its consent to present the case to an ordinary court within 24 hours.
3. The decision of the Constitutional Court, which is taken on the majority of votes should be reasoned. The said judge, after being heard of, does not participate in the voting.

Article 16

Remuneration

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

2. The remuneration of the President of the Constitutional Court is 20% higher than the remuneration of the judge of the Constitutional Court.
3. The remuneration and other benefits of the judge of the Constitutional Court may not be decreased or touched upon.

Article 17

Other rights of the judge of the Constitutional Court

1. Judges of the Constitutional Court should:
 - a. have special individual, family and property protection, when thus requested under serious circumstances or so is considered necessary. Respective organs in charge of protection of senior personalities are obliged to respond to such a request.
 - b. enjoy the right of annual paid holidays of 40 days. The annual holidays are during August - September.
 - c. enjoy equal rights with members of the Assembly of Albania as provided in Article 16, point 1, 19, 20, 23, 25 and 26 of Law Nr. 8550, date 18\11\1999 "On the Status of the deputy".
3. The tenure of the judge of the Constitutional Court may not be limited, unless thus provided in the constitution and this Law.
4. After normal termination of the tenure, unless dismissed through the procedures provided in the Law, the judge of the Constitutional Court is appointed to another job equal or similar and providing the remuneration of the judge of the Constitutional Court until his\her retirement.

Article 18

Protocol relations

1. The President of the Constitutional Court and the other judges enjoy special protocol status.
2. In regard to protocol relations, the President of the Constitutional Court comes right after the Prime Minister and the judges of this Court are equal with the minister in protocol treatment.
3. Judges of this Court may be members of official delegations, ceremonies, receptions and different activities of cultural, social and sport character in conformity with the protocol provided in this Article.

Chapter IV

Principles of constitutional adjudication

Article 19

Discussion in Panel

Cases at the Constitutional Court are collegially discussed. The decision is taken by the judges present at the session the said case has been discussed.

Article 20

Public hearing

1. Cases are heard at the Constitutional Court at open plenary sessions.
2. The Constitutional Court may void from the public session the whole or part of the public, when public moral, public order, national security and the right of private life or personal right is in discussion.

Article 21

The use of Albanian language

1. Albanian language is used in presenting and hearing the case.
2. Parties in the dispute, who do not speak Albanian may use their mother tongue. The entire hearing is translated through an interpreter provided by the Court.

Article 22

Oral Hearing

The case is orally presented at the plenary session, or through the respective documents according to the nature of the case.

Article 23

Defense at the Constitutional adjudication

Parties at the constitutional adjudication may be self defended or through the representative as is the case provided by this Law.

Article 24

Impartiality at the constitution adjudication

1. Judges of the Constitutional Court are impartial in discussing the cases and are subject only to the Constitution and laws while exercising their duty.
2. The judge of the Constitutional Court acts under his\her own person and does not represent any state organ or social organisation, political party or association, ethnic or social grouping.

Article 25

Publication of final decision

1. Decisions of the Constitutional Court are final. They are published at the Official Gazette and enter into force on the day of their publication. The Court may decide to have its decision enforced on the day of its proclamation when decision concerns the protection of constitutional rights of the person.
2. The organ, which publishes the Official Gazette is obliged to publish the decisions of the Constitutional Court no later than 15 days after the decision is presented at said organ.
3. The Constitutional Court prepares annual summary of its decisions.

Chapter V

Presentation and preliminary discussion of the application

Article 26

Registration of the application

1. The application addressed to the Constitutional Court is registered at the special registrar found at the head Secretary of the Constitutional Court.
2. The application is presented to the President of the Constitutional Court, who assigns one of the judges to relate the application for preliminary review.

Article 27

The content of the application

1. The application is presented to the Constitutional Court in written form, in Albanian language, in clear and understanding language, in as many copies as there are parties involved and should include:

- a. the court to which the application is presented,
 - b. name, surname (denomination), residence or place of living of the applicant,
 - c. name, surname (denomination), residence or place of living of the entities interested in the case,
 - d. object of the application
 - e. the content of the application and presentation of reasons,
 - f. evidence of documents and other facts, which accompany the application,
 - g. signature of the applicant or his\her representative.
2. The application is notified to the involved parties.

Article 28

Documents attached to the application

1. Depending on the case, the following documents should be attached to the application:
 - a. act of representation, in case the application is presented through the representative,
 - b. copies of the act, which is the subject of the application,
 - c. original documents or their notarised copies and other written evidence related to the case in discussion,
3. Copies of the act, document and written evidence are presented in as man copies as there are parties interested in the case, so that they are notified upon.

Article 29

Term of presentation of application

1. The legal provisions provide the terms of presenting the application to the Constitutional Court.
2. The application of persons regarding the violation of constitutional right are to be presented no later than 6 (six) months from the evidence of the violation. If the law provides that the applicant may be addressed to another organ, he\she may present the application to the Constitutional Court after using all the other juridical means in protection of such rights. Under such a case, the term of presentation of the application is 6 (six) months from the date of announcing the decision of the respective state organ.

Article 30

Preliminary discussion of the application

1. The application is preliminary discussed at a panel composed of 3 (three) judges of the Constitutional Court, including the one who relates the case.
2. In case the application, although within the competences of the Constitutional Court and submitted by a legitimate entity is not complete, the panel delivers it back to the applicant for completion notifying the reasons. When the application is presented for a second time and complete, it is preliminary discussed at the panel. The incomplete application is not taken into consideration.
3. When the application is presented by a legitimate entity and it is within the powers of the Constitutional Court, the panel decides to present it to the hearing session. If the application is not under the powers of the Constitutional Court, the panel decides to reject the application from the hearing session. In any case, if either of the judges of the panel presents a descending opinion, the application is to be presented to the preliminary meeting of all the judges, which then, on majority of votes decides to accept or reject the application from the hearing session.
4. Regarding all the above mentioned cases, the panel or meeting of the judges does not review the core solution of the case.
5. Complains, requests or any other correspondence, which does not include elements of the application as provided by Article 25 of this Law are treated through the administrative way.

Chapter VI

Functioning of the Constitutional Court

Article 31

Review at the Plenary Session

1. The Constitutional Court reviews the applications at plenary session.
2. The plenary session is attended by all the judges of the Constitutional Court, but in no case by less than $\frac{2}{3}$ of the members.

Article 32

Summoning & Conduct of the Plenary Session

1. The plenary session of the Constitutional Court is summoned and conduct by the President of the Constitutional Court.

2. The plenary session may be summoned and conducted by one judge upon the consent of the President of the Constitutional Court.

Article 33

The rights of the judge during the constitutional adjudication

1. The judge of the Constitutional Court enjoys the right to:
 - a. participate at the discussion of every application, unless otherwise prohibited by the law,
 - b. be get introduced with the content of the application and all the relevant materials of the case,
 - c. ask questions and receive explanations by the parties involved in the case and the experts or witnesses during the hearing session,
 - d. participate at the final discussion and express his opinion freely on the final solution of the case at hand.

Article 34

Duties of the judge during the constitutional adjudication

The judge of the Constitutional Court should:

1. prepare the case for adjudication and take the respective measures for the proceedings of the plenary session,
2. cast his/her vote for the solution of the case,
3. keep the confidentiality of the discussions and voting process.

Article 35

Withdrawal from the process

1. The judge of the Constitutional Court is obliged to withdraw from adjudication of a concrete case when:
 - a. has participated in drafting the act subject to adjudication,
 - b. the impartiality of the judge is suspicious due to family or other relations with either of the parties involved,
 - c. there is evidence for serious impartiality.
2. The withdrawal is approved by the President of the Constitutional Court, unless

the case is at the hearing session. The case being at hearing session, the withdrawal is decided upon through the majority of votes of the judges present.

Article 36

Discard of the judge

2. In case when under the provisions of Article 34, the judge does not withdraw from reviewing the case, the involved parties enjoy the right to request his/her discard at any stage of the hearing session.
3. The discard of the judge is decided by the majority vote of the judges present at the hearing session. The judge, whose discard is requested, after being heard, does not participate at the voting. In case of mean vote, the judge is considered discard.

Article 37

Announcement and participation at the plenary session

1. Time and date of the plenary session should be announced to the applicant and the interested parties or their representatives.
2. The chief-secretary delivers the announcement at least 10 (ten) days ahead of the date of the opening of the plenary hearing session.
3. The announcement is delivered through official notification, mail delivery or in urgent cases through telegram or Fax handed to the involved parties or adult members of the family. If the residence of either parties at the constitutional process is not known or he/she is temporarily abroad, the notification is announced at the Constitutional Court and delivered at least 1 (one) month ahead of the date of the opening plenary hearing session.
4. The plenary hearing session is attended by the litigants or the respective representatives, the interested entity and witnesses, experts, when needed.
5. Lack of announcement of the date of the plenary hearing session is a justification to postpone the plenary session and announce it to another date and thus notifying the respective parties.
6. When the applicant, its representative or the interested entity, despite the announcement is not present at the plenary hearing session upon no legal reason, the plenary hearing session is convened in his/her absence.

Article 38

Participants at the constitutional adjudication

1. Participants of the constitutional adjudication are:
 - a. The entity presented the application or the respective representative,

- b. Entities against which the application is compiled or which have direct interest in the case under adjudication,
 - b. The entity, which has issued the act,
 - d. State organs in dispute on under whose powers the act is.
3. In case state organs are parties at the constitutional adjudication, they are represented by their respective leaders or, at their absence by formally authorised persons.
 4. The involved parties at the constitutional adjudication may be represented by defence lawyers, provided with the respective procure or thus assigned upon a declaration at the plenary hearing session.
 5. National Chamber of Defence Lawyers issued the respective list of names of the lawyers who may defend cases at the Constitutional Court.

Article 39

Summon of the expert

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

Article 40

Summon of the witness

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

Article 41

Request of documents

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

Article 42

Proceedings of the plenary session

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

1. The session is declared open by the president,
2. The presence of participants is verified,
2. The legitimacy of the parties, or their representatives is verified,
4. The parties are asked to present any preliminary requests if any and the court accordingly decides on them,
6. The judge in charge of the case reads the application,
5. The involved parties are invited to present their pros and against starting from the entity that has presented the application,
7. The involved parties provide their respective explanations or provide explanations to the questions asked by the judges,
8. The respective evidence is administered and the involved parties are invited to comment on their content,
8. The involved parties are invited to pose their final requests,
9. The president of the session declares the closing of the plenary hearing session and the court withdraws for decision taking.

Article 43

Reopening of the hearing session

1. The plenary hearing session, after being declared closed, may be reopened if its additional explanations are of particular importance to the case under review.
2. The decision to reopen the hearing session is taken upon the majority of votes of the judges present at the hearing session.
3. The decision to reopen the hearing session is announced to the involved parties, which enjoy the right to participate at the hearing session and take the floor to provide any explanations to their interest, if so they consider it.

Article 44

The right for suspension

1. The Constitutional Court, ex-officio or if requested by either of the parties, when it

considers that the implementation of the law or legal act may consequently effect the state, social or individual interests, upon the decision of the meeting of the judges or at the plenary hearing session decides upon the suspension of the respective law or legal act. The suspension lasts until the final decision of the Constitutional Court is enforced.

2. The decision of suspension is announced to the respective entity, which has issued the law\legal act and it is made public, as well.
3. The Constitutional Court may withdraw the suspension at any stage of the review upon a decision of the hearing plenary session.
4. The Constitutional Court should take a stand on the continuation or termination of the suspension at the final decision.

Article 45

Minutes of the plenary hearing session

Minutes are kept during the plenary hearing session of the Constitutional Court and the presider and secretary of the session sign accordingly.

Article 46

Terms of reviewing the case

1. The terms of reviewing the case are within the object of the application and the reasons provided through it.
2. Exclusively, the Constitutional Court decides in any case when there is a link between the object of the application and the 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 48

1. To review the compatibility of the law or other normative acts with the Constitution or the International Agreements, the Constitutional Court is put into motion through an application of the President of the Republic, the Prime-minister, no less than 1\5 of the deputies of the Assembly, Chairman of the High State Audit.
2. Such a right falls, when explained that the case concerns their interests on the People's Advocate, local authorities, religious institutions, political parties and other organization.

Article 49

The application to review the compatibility of the law or other normative acts with the Constitution or the International Agreements may be presented within 3 (three) years after they have been enforced.

Article 50

In reviewing the applications provided by Articles 48 and 49 of this Law, the Constitutional Court considers:

1. the content of the law and normative acts,
2. the form of the law and normative acts,
3. the procedure of their approval, proclamation and enforcement.

Procedures on the compatibility of the International Agreements with the Constitution

Article 51

1. The Constitutional Court considers the compatibility of the International Agreement with the Constitution before they are rectified.
2. The Constitutional Court is put into motion to consider such cases only after an application is presented on behalf of entities provided in Article 134, letter a, b, c, ç and entities provided by paragraph dh, e, ë, f of the Constitution and when the case concerns their interests.
3. The ratification procedures of the agreement are suspended when the case is at the plenary hearing session. The review should conclude within 1 (one) month from the presentation of the application.
4. When the Constitutional Court decides on the incompatibility of the International Agreement with the Constitution, the agreement cannot be ratified.

Article 52

1. The Council of Ministers is the only entity, which may represent an application on International Agreements, which are incompatibility with the Constitution and are ratified before the enforcement of the Constitution
2. In case the International Agreement ratified by law includes provisions which are incompatibility with the Constitution, the Constitutional Court decides on the abrogation of the act of its ratification.

Procedures related with the conflict on powers

Article 53

1. Regarding the conflicts on competences between the powers and between the central and local authorities and when the disputes directly concern the implementation of their activity, the Constitutional Court treats the case in virtue of Article 131, letter 'ç' of the Constitution.
2. The Constitutional Court reviews such conflicts when respective entities consider under their power to decide on a concrete case and, as the case may be have issued acts for its procedures, or when the entities have not considered under their power to decide on certain cases.
3. The application is presented to the Constitutional Court by the entity in conflict or the entities directly effected by the conflict.
4. Any kind of legal or normative act, action or passive stand of the power organs or local authorities when leading to disputes on competences between them compose the basis to commence the review of such cases.

Article 54

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

Article 55

1. The Constitutional Court decides which is the competent organ to solve the concrete case the dispute has resulted from.
2. When the solution of the constitutional dispute is related with legal or normative acts issued by the respective organs, parties in the conflict, the Constitutional Court reviews the constitutionality or legality of the act in order to solve the dispute.

*Procedures to review the constitutionality of political parties
and political organisations*

Article 56

1. To review the constitutionality of political parties and organisations, as well as their activity, the Constitutional Court is put into motion through the application of the President of the Republic, Prime Minister or no less than 1\5 of the deputies of the Assembly.
2. The applications may be presented to the Constitutional Court at any time.

Article 57

The Constitutional Court reviews and decides:

1. whether the political party or organisation is founded in accordance with the constitutional provisions,
2. whether the activity of the political party or organisation is in conformity with the Constitution.

Article 58

When the Constitutional Court considers that there is ample evidence that the further activity of a political party or organisation violates the constitutional order or state and public interests, as the case may be, the court upon a special decision of the meeting of the judges or through the plenary session may decide to suspend the activity of the political party or organisation until it will provide the final decision.

Article 59

1. When the Constitutional Court concludes that the founding of a political party or organisation violates the Constitution, it decides on the abrogation of the foundation act.
2. When the Constitutional Court concludes that the activity of a political party or organisation is in violation with the Constitution, the court decides as the case may be, either to cancel the activity or orders the writing off (deregistration).

Procedures of dismissal of the President of the Republic and confirmation of incapability of exercising his powers.

Article 60

1. The Assembly of Albania, which after deciding on the dismissal of the President of the Republic puts into motion the Constitutional Court, which declares the respective dismissal.
2. The decision of the Assembly of Albania should include an interpretation of the serious violation of the Constitution or of the serious crime accompanied by respective evidence.
3. The Constitutional Court forwards a copy of the decision of the Assembly and respective evidence to the President of the Republic, who enjoys the right to present in written his respective explanations, as He would consider necessary.

Article 61

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

Article 62

1. When the Constitutional Court concludes that the President of the Republic has seriously violated the Constitution or committed a serious crime, it proclaims His dismissal from all powers. Otherwise, the Constitutional Court abrogates the decision of the Assembly of Albania.
2. Regulations provided in Article 60, point 1, 2, 3 are implemented in the case of final confirmation of the incapability of exercising of the powers by the President of the Republic. Under such a situation, the Constitutional Court decides on the verification of the incapability in exercising the powers or abrogates the decision act of the Assembly of Albania when found unjustifiable.

Eligibility and incompatibility in exercising the powers of the President of the Republic

Article 63

1. On cases regarding the eligibility of the President of the Republic and the incompatibility in exercising His powers, the Constitutional Court is put into motion through the application of no less than 1\5 of the members of the Assembly of Albania or political parties.
2. Regarding the eligibility, the Constitutional Court decides to abrogate the decision of the Assembly of Albania or rejects the application.
3. Regarding the incompatibility in exercising the powers, the Constitutional Court either decides the proclamation of incompatibility in exercising the powers by the President of the Republic or rejects the application.

Article 64

When the President of the Republic presents His resignation while the case for his dismissal is under hearing session, or his tenure is terminated, the Constitutional Court cancels further procedures. The Constitutional Court commences the procedure if so requested by the Assembly of Albania or the President, himself.

Procedures to review the eligibility and incompatibility of the members of the Assembly

Article 65

1. To Review the eligibility of the members (deputies) of the Assembly of Albania, the Constitutional Court is put into motion through the respective application of the President of the Republic or the Assembly of Albania.
2. The Constitutional Court verifies the eligibility of the deputies upon the application of the political party, or independent candidate, thus respecting the legal provisions in power on election.

3. The application on incompatibility may be presented to the Constitutional Court by the Assembly at any time during the tenure of the deputy and the application of the eligibility of the deputy may be presented within 6 (six) months from the time the ineligibility is found.

Article 66

1. In case the constitutional verifies the eligibility of the deputies, it decides as the case provides, either it rejects the application or abrogates the act of the Central election Commission.

2. After reviewing the application on eligibility or incompatibility of the deputy, the Constitutional Court delivers the respective decision to the Assembly of Albania.

Procedures to review the constitutionality of the laws through the applications of the courts

Article 67

1. When a court of any instance or the respective judge, during the trial considers ex-officio or through the request of either party involved that a certain law is unconstitutional and if there is a direct link between the law and the solution of the case at hand, that particular law is not implemented and after cancelling the trial the judge delivers the file to the Constitutional Court, which on its side should express itself about the constitutionality of the said 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 that the law has not respected or violated, as well as the reasons they present the application for abrogation.

Article 68

1. When the Constitutional Court concludes that the presented file is not complete and conform the above-mentioned provision, it delivers it back to the original court. The latter should complete the file within 1 (one) month from the date it has received the file.

2. When the respective file is found complete and conform the above-mentioned provision, the Constitutional Court proclaims the date of the plenary hearing session and thus notifies to the said court and other interested entities.

Article 69

1. The Constitutional Court, when reviewing such cases and because they are related with the constitutionality of a said law, it makes public the fact that such an issue is under review at the constitutional Court.

2. The review being over, the respective file and decision of the Constitutional Court are delivered to the court of origin.

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.

Interpretation of the Constitution

Article 70

1. In virtue of paragraph 1 of Article 124 of the Constitution of the Republic of Albania, the Constitutional Court provides the final interpretation of the Constitution.
2. The application to interpret the Constitution may be represented by entities provided in letter a, b, c and ç of Article 134 of the Constitution of the Republic of Albania and other entities provided by letter dh, e, ë and f only for case under interest.
3. The presented application should specify which of the constitutional provision or part of the provision is to be interpreted.
4. The entity, which is pretended to have wrongly interpreted the Constitution is party at the hearing session.
5. The review of such application may be at hearing session or on reviewing the respective documents.

Chapter VIII

Decisions of the Constitutional Court

Article 71

Decision taking and its proclamation

1. Discussions on and voting for the decision are not public.
2. The decisions of the Constitutional Court are taken on the majority of votes the judges present at the plenary hearing session. Abstaining from is not allowed.
2. The decision is signed by all the judges present at the plenary hearing session.
3. Parties in the process are notified about the date of the proclamation of the decision.
4. Their absence makes no justification to postpone the proclamation of the decision.
5. The decision is proclaimed on the name of the Republic
5. The decision of the Constitutional Court should be reasoned and read by the president of the plenary hearing session or any other judge as decided by him.
6. The decision of the Constitutional Court is obligatory to all and final.
7. 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.

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

Article 72

Postpone of discussion and voting

1. If any of the judges participating at the plenary hearing session is absent during the discussion and voting session, then the meeting of the judges is adjourned to another date.
2. In case the participation of the judge can not be secured within a reasonable period, the Court provides the decision on the case at hand if there is the absolute majority of its members.
3. In case of lack of such majority and there is a possibility to include judges who have not been present at the plenary hearing session, then the plenary hearing session is reopened and the case is heard once again.

Article 73

Rejection of the application

In case there is a mean voting or no presented decision is voted by the needed majority, then the Constitutional Court decides to reject the application. Rejection presents no obstacle for the applicant to represent the application when there will be all the possibilities to have the needed majority.

Article 74

No - changing to the decision

After voting, the decision of the Constitutional Court is considered valid and can not be changed.

Article 75

1. The decision of the Constitutional Court, which has abrogated a law or normative act as incompatible with the Constitution or International Agreements, as a rule will have its juridical effects from the date of its enforcement.
2. The decision is retroactive only in case:
 - a. it concerns a criminal sentencing and such a decision is under execution, if directly related with the implementation of the abrogated law or normative act,
 - b. it concerns case under review by the courts, unless their decisions have is final,
 - c. of effects of unimplemented law or normative act.

Article 76

No juridical effect of the judicial decision

Decisions of courts of any instance, which are abrogated by the Constitutional Court have no juridical effect since their proclamation. The case is delivered to be reviewed to the court which decision has been abrogated.

Article 77

Announcement of the decision

When it is decided the abrogation of a law or normative act and the respective relations need juridical interpretation, then the decision of the Constitutional Court is announced to the respective organs, so that they take the relevant measure provided in the decision.

Article 78

Interpreting decision

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

Article 79

Interpretation and completion of the decision

1. The Constitutional Court cannot annul or change its own decisions, but it can:
 - a. interpret the decision in case of doubts or disputes concerning its understanding, but never changing its content,
 - b. complete the decision or correct any possible mistake in calculating or any other evident inaccuracy in it within 2 (two) months from the date of its proclamation.
2. The review of the above-mentioned cases is made at plenary hearing session with the participation of involved parties.

Article 80

Execution of the decisions

1. The execution of the decisions of the Constitutional Court is obligatory.
2. The execution of the decisions of the Constitutional Court is secured by the Council of Ministers of the Republic of Albania through the respective state administration.
2. The Constitutional Court may assign another organ to execute its decision and the means of execution, if thus necessary.

3. Persons, who do not implement or hinder the execution of the decisions of the Constitutional Court, unless the case provides a criminal offence, are fined with 100 (one hundred) thousand Lek by the President of the Constitutional Court and this decision is final and comprise an executive title.

Chapter IX

Temporary and final provisions

Article 81

1. The tenure of the judges of the Constitutional Court appointed in 1992 terminates in 2001.
2. Other replacing judges, elected after Law Nr. 7491, date 29\04\1991 "On main Constitutional Provisions", including the respective amendments will be seated judges for 12 (twelve) years from the day of their appointment.
3. The renewal of the Constitutional Court, after 2001 will take place after the termination of the tenure of each judge.

Article 82

Exemption form taxes and regulation of expenses for services

1. The procedures of the Constitutional Court are exempted from taxes.
2. For other services provided, as well as expenses met during the adjudication of a case will be decided by the Constitutional Court.

Article 83

Obligation to provide documents

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

Article 84

Obligation to public the announcements

State organs of information are obliged to announce the Press Releases provided by the Constitutional Court for issues related with its activity.

Article 85

Implementation of the new law

The provisions of the new Law will be implemented for the applications and cases under hearing on the date this Law is enforced.

Article 86

Abrogation of the Law

Law Nr. 8373, date 15\07\1998 "On the organisation and functioning of the Constitutional Court of the Republic of Albania" is abrogated on the day of enforcement of this Law.

Article 87

This Law is enforced 15 (fifteen) days after its publication at the Official Gazette.

SPEAKER

Skender GJINUSHI