

Translation by K. Imholz
September 19, 2000

LAW Nr. 8577
dated February 10, 2000

ON THE ORGANIZATION AND FUNCTIONING OF
THE CONSTITUTIONAL COURT OF THE REPUBLIC OF ALBANIA

In reliance on articles 6, 81, 83 point 1 of the Constitution, on the
proposal of a group of deputies,

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I
GENERAL PRINCIPLES

Article 1

Purpose of the Law

1. This law sets out the rules of organization and functioning of the Constitutional Court, the status of a judge, the submission of complaints and their examination, the principles and rules of constitutional adjudication, the taking of decisions and their execution.

2. For questions related to procedures that are not regulated by this law, the Constitutional Court also takes into account the legal provisions that regulate other procedures, taking into consideration the legal nature of the question.

Article 2

Function of the Constitutional Court

The Constitutional Court is the highest authority that guarantees respect for the Constitution and makes final interpretations of it.

Article 3

Independence of the Constitutional Court

1. The Constitutional Court is subject only to the Constitution.

2. The Constitutional Court enjoys full organizational, administrative and financial independence for the realization of the duties set in the Constitution and in this law.

Article 4
Seat of the Constitutional Court

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

Article 5
Symbols that are Established in the Constitutional Court

1. In the hall of the Constitutional Court, the Emblem of the Republic of Albania, the National Flag and a picture of the Constitution of the Republic of Albania are put.

2. A judge of the Constitutional Court during the holding of a plenary session wears special clothing; the description and form of which is specified by the Constitutional Court.

Article 6
Financial Means

1. The Constitutional Court administers its own budget, which as a part of the budget of the state, is drawn up by the Constitutional Court and submitted for approval to the Assembly of the Republic of Albania.

2. Every other item of income not prohibited by law is also included in the financial means.

3. The financial accounts of the Constitutional Court are audited by High State Control.

CHAPTER II
ORGANIZATION OF THE CONSTITUTIONAL COURT

Article 7
Composition of the Constitutional Court

1. The Constitutional Court consists of 9 members, who are appointed by the President of the Republic with the consent of the Assembly.

2. The judges are named for 9 years, without the right of reappointment, from the ranks of jurists with high qualification and with work experience of no less than 15 years in the profession.

3. The composition of the Constitutional Court is renewed every 3 years by one third, according to the procedure set in this law.

4. The Chairman of the Constitutional Court is appointed from the ranks of its members by the President of the Republic, with the consent of

the Assembly, for a period of 3 years, with the right of reappointment within the judge's mandate.

Article 8 **Beginning of Duty**

1. A judge of the Constitutional Court begins duty after taking the oath before the President of the Republic of Albania.
2. The formula of the oath is: "I swear that during the performance of my duties I will always remain faithful to the Constitution of the Republic of Albania."
3. The mandate of a judge of the Constitutional Court begins from the date of the oath and ends on the same date of that month, except for the cases where the Constitution provides otherwise.
4. A judge of the Constitutional Court continues in office until the appointment of his successor.

Article 9 **End of the Mandate**

1. The mandate of a judge of the Constitutional Court ends when:
 - a) he is punished by final decision for commission of a crime;
 - b) he does not present himself at work without reason for more than 6 months;
 - c) he completes the age of 70;
 - ç) he resigns;
 - d) he is declared incompetent to act by a final court decision.
2. The end of the mandate of a judge is declared by decision of the Constitutional Court. A request for the declaration of the end of the mandate of a judge is made by the Chairman of the Constitutional Court.
3. If the seat of a judge is vacant, the President of the Republic with the consent of the Assembly appoints a new judge within 1 month, who stays in office until the end of the mandate of the judge who has left.

Article 10 **Discharge of a Judge of the Constitutional Court**

1. A judge of the Constitutional Court may be discharged by the Assembly with two thirds of all its members for violations of the Constitution, for the commission of a crime, for mental or physical incapacity, for acts and conduct that seriously discredit the position and character of a judge. The decision of the Assembly is examined by the Constitutional Court, which, when it determines that one of the above causes exists, declares the discharge from duty of the member of the Constitutional Court.

2. The procedure of examination of the Assembly for the discharge of a judge of the Constitutional Court for one of the causes contemplated in point 1 of this article begins with the reasoned request of not less than half of all the members of the Assembly.

Article 11

Management of the Constitutional Court

The activity of the Constitutional Court is managed and organized by its Chairman and, in his absence, by one of the judges designated by him, except when it is specified in this law to be in the competency of the Meeting of the Judges.

Article 12

Competencies of the Chairman

The Chairman of the Constitutional Court has these competencies:

- a) He prepares, calls and chairs the plenary sessions of the Constitutional Court.
- b) He represents the Constitutional Court in relations with third parties.
- c) He coordinates the work among the judges.
- ç) He signs the acts of the Constitutional Court, except for decisions that are signed by all the judges.
- d) He appoints and discharges from duty the administrative personnel and takes disciplinary measures against them.

Article 13

Competencies of the Judges' Meeting

A Meeting of the Judges of the Constitutional Court has these competencies:

- a) It sets the principal directions of expenditures of budgetary assets.
- b) It is informed every 6 months with reports about budgetary expenditures.
- c) It decides on the organizational structure of the Constitutional Court.
- ç) It decides on the number of personnel and their pay.
- d) It approves the internal rules for the activity of the administration of the Constitutional Court.

Article 14

Civil Servants

1. The highest civil servant in the Constitutional Court is the General Secretary.

2. Other necessary services for the functioning of the Constitutional Court are performed by other clerks and employees.

3. The General Secretary is appointed by the meeting of the Judges of the Constitutional Court from the ranks of jurists with professional experience.

4. The General Secretary manages the administrative activity of the Constitutional Court, under the authority of its Chairman.

5. The rights and duties of the General Secretary and the other clerks and employees of services are set by this law and the Internal Rules.

6. Employees of the administration of the Constitutional Court are subject to the rules of the civil service and are treated financially the same as employees of the administration of the Assembly of the Republic of Albania.

Article 15

Guaranteeing Order

1. For establishing and keeping order, the Constitutional Court has the right to deploy police forces put into its service.

2. The number and duties of these police force are approved by the Minister of Public Order on the proposal of the Chairman of the Constitutional Court.

CHAPTER III

STATUS OF A JUDGE OF THE CONSTITUTIONAL COURT

Article 16

Immunity

1. Judges of the Constitutional Court enjoy inviolability during the exercise of their activity. Judges of the Constitutional Court do not hold legal responsibility for their opinions or the vote expressed on the questions under examination.

2. A judge of the Constitutional Court may not be criminally prosecuted without the consent of the Constitutional Court. A judge of the Constitutional Court may be detained or arrested only if he is caught while committing a crime or immediately after its commission. The competent organ notifies the Constitutional Court immediately. When the Constitutional Court does not give its consent within 24 hours to send the arrested judge to court, the competent organ is obligated to release him.

3. The decision of the Constitutional Court, which is taken by a majority of votes, shall be reasoned. The judge for whom the consent is sought, after he is heard, does not take part in the voting.

Article 17
Pay

1. The pay of a judge of the Constitutional Court is equal with the pay of the Chairman of the High Court.
2. The pay of the Chairman of the Constitutional Court is 20 per cent higher than the pay of a judge of the Constitutional Court.
3. The pay and other benefits of a judge of the Constitutional Court may not be lowered or affected.

Article 18
Other Rights of a Judge of the Constitutional Court

1. Judges of the Constitutional Court shall:
 - a) have a special protection for themselves, their family and property, when they ask for it themselves for serious circumstances or it is considered to be essential. The respective organs charged with the safe-keeping of high personages are obligated to respond to every request made in this connection;
 - b) enjoy annual paid leave of 40 days. Annual leave is taken during the month August-September;
 - c) enjoy the Official Journal, newspapers and juridical magazines for free;
 - ç) enjoy in an equal manner the same rights that deputy enjoy according to articles 16 point 1, 19, 20, 23, 25 and 26 of law nr. 8550 dated November 18, 1999 "The status of the deputy."
2. The time a judge of the Constitutional Court stays in office may not be limited, except in the cases mentioned in the Constitution and in this law.
3. At the end of the mandate, except when he is discharged from duty according to the procedures specified in law, a judge of the Constitutional Court is assigned to another duty equal or similar, and he also enjoys transitional pay and/or a supplementary pension, according to the legislation in force.

Article 19
Protocol Relations

1. The Chairman of the Constitutional Court and its judges have a special protocol status.
2. In protocol relations the Chairman of the Constitutional Court comes immediately after the Prime Minister, while its judges are equal in protocol treatment with a minister.

3. The judges of the Constitutional Court are invited to take part in official delegations, ceremonies, receptions and various activities of a cultural, social and sporting nature, according to the protocol set out in this article.

CHAPTER IV PRINCIPLES OF CONSTITUTIONAL ADJUDICATION

Article 20 **Collegial Examination**

The examination of questions by the Constitutional Court is done collegially. A decision is taken only by those judges who have taken part in the examination of the question.

Article 21 **Public Process**

1. The examination of questions in plenary session by the Constitutional Court is done openly.

2. The Constitutional Court may exclude the public from plenary sessions or a part of it, on the reasoning of protection of public morals, public order, national security, the right to private life or personal rights.

Article 22 **Use of the Albanian Language**

1. The Albanian language is used in the examination of questions.

2. The participants in an adjudication who do not know Albanian use their own language. They receive knowledge about the entire conduct of the process through an interpreter, who as a rule is secured by the Constitutional Court.

Article 23 **Oral Process**

The examination of a question in plenary session is done orally or on the basis of documents, according to the nature of the question.

Article 24 **Defense in the Constitutional Court**

The participants in a constitutional adjudication defend themselves or are defended through a representative, in the manner prescribed in this law.

Article 25

Impartiality in a Constitutional Adjudication

1. A judge of the Constitutional Court is impartial in the examination of questions and is based only in the Constitution and law in the performance of his duties.

2. In his activity, a judge of the Constitutional Court takes part in his personal capacity and does not represent any state organ, social organization, party or political association, or a social or ethnic group.

Article 26

Publication of the Final Decision

1. Decisions of the Constitutional Court are final. They are published in the Official Journal and enter into force on the day of their publication. When a decision has to do with the protection of the constitutional rights of an individual, the Court may decide that it enter into force upon its promulgation.

2. The organ that publishes the Official Journal is obligated to publish the decisions of the Constitutional Court no later than 15 days from their coming to this organ for publication.

3. The Constitutional Court prepares a summary of its decisions each year.

CHAPTER V

SUBMISSION AND PRELIMINARY EXAMINATION OF A COMPLAINT

Article 27

Recordation of the Complaint

1. A complaint that is directed to the Constitutional Court is immediately registered in the special register that the chief secretary of the Constitutional Court maintains.

2. The complaint is delivered to the Chairman of the Constitutional Court, who designates a *rapporteur* who prepares the question for its preliminary examination.

Article 28

Content of the Complaint

1. A complaint to the Constitutional Court is submitted in written form in the Albanian language, clear and understandable, in as many copies as there are participants, and should contain:

- a) the name of the court before which it is submitted;

- b) the name, surname (designation), domicile or residence of the complainant;
 - c) the name, surname (designation), domicile or resident of the interested subjects;
 - ç) the object of the complaint;
 - d) the content of the complaint and a summary statement of the reasons for it;
 - dh) an index of the documents and other evidentiary materials that accompany the complaint;
 - e) the signature of the complainant or his representative.
2. The complaint is made known to the parties to the adjudication.

Article 29

Documents Attached to the Complaint

1. As appropriate to the case, these documents are attached to the complaint:
- a) The representation document, when the complaint is submitted by a representative.
 - b) A copy of the act that is the object of the complaint.
 - c) Original or notarized documents, or written evidence that is related to the question under examination.
2. As many copies of the act, the document or the written evidence are submitted as there are participants in the adjudication, so that they are made known to them.

Article 30

Time Period for Submitting a Complaint

1. The time periods specified in this law are applicable for the submission of a complaint to the Constitutional Court.
2. The complaints of an individual for the violation of constitutional rights is submitted no later than 2 years from the determination of the violation. When on the basis of the law the individual may direct himself to another organ, he may present his request to the Constitutional Court after have exhausted all other legal remedies for the protection of these rights. In this case, the time period for submission of the complaint is 2 years from the date of notification of the decision of the respective state organ.

Article 31

Preliminary Examination of the Complaint

1. A complaint is examined preliminarily by a college consisting of 3 judges of the Constitutional Court, in which the *rapporteur* takes part.
2. When the complaint, although in the competency of the Constitutional Court and submitted by a subject who is entitled to bring it, is

not complete, the college returns it to the complainant for completion, indicating the reasons for returning it and the time period for completing it. After this, when the complaint is submitted complete, it passes again for preliminary examination to the college. A complaint that is not complete is not taken under examination.

3. When the complaint is submitted by a subject who is entitled to bring it and the question is in the competency of the Constitutional Court, the college decides to pass the question on to plenary session, while when it is not submitted by a subject who is entitled or the question is not in the competency of the Constitutional Court, the college decides not to pass the question on to plenary session. In all cases, when one of the judges of the college is not of the same opinion as the others, the complaint passes for preliminary examination to a Meeting of the Judges, which decides by a majority of votes whether to pass the question on to the plenary session or not.

4. In all the above cases, the college or Meeting of the Judges does not examine the merits of the question.

5. For appeals, pleas and all other correspondence that does not contain the elements of a complaint, within the meaning of article 28 of this law, it is handled administratively.

CHAPTER VI FUNCTIONING OF THE CONSTITUTIONAL COURT

Article 32

Examination in Plenary Session

1. The Constitutional Court examines a question in plenary session.
2. All the judges of the Constitutional Court participate in the plenary session, but in no case less than $\frac{2}{3}$ of them.

Article 33

Call and Chairing of a Plenary Session

1. The Chairman of the Constitutional Court calls and chairs a plenary session of the Constitutional Court.
2. With the approval of the Chairman of the Constitutional Court, one of its judges may also call and chair a plenary session.

Article 34

The Rights of a Judge in a Constitutional Adjudication

A judge of the Constitutional Court has the right:

- a) to take part in the examination of every question, except when prohibited by law;

- b) to become familiar with the content and all the materials of the question under examination;
- c) during the examination, to direct questions and request explanations from the participants in the adjudication, as well as by persons called as witnesses or experts;
- ç) to take part in the final discussions and to express his opinion freely on the manner of conclusion of the question that is being examined.

Article 35

The Duties of a Judge in a Constitutional Adjudication

A judge of the Constitutional Court should:

- a) prepare a question for adjudication, and take the appropriate measures for the conduct of a plenary session;
- b) vote on the manner of resolution of a question;
- c) keep secret the discussions and the voting.

Article 36

Withdrawing from Examination of a Question

1. A judge of the Constitutional Court is obligated to resign from examination of a concrete question when:
 - a) he has taken part in the preparation of the act that is the object of examination;
 - b) because of relationship ties or other ties with the participants in the adjudication his objectivity is put in doubt;
 - c) in any other case when serious reasons of one-sidedness are ascertained.

2. The withdrawal is approved by the Chairman of the Constitutional Court, so long as the question has not gone to plenary session. After that, the withdrawal is decided on by the majority of votes of the judges participating in the process.

Article 37

Exclusion of a Judge

1. The participants in an adjudication have the right to seek the exclusion of a judge in any phase of the conduct of the adjudication when one of the cases contemplated in article 36 of this law exists and the judge does not withdraw from the examination of the question.

2. For the exclusion of a judge, the majority of the judges taking part in the examination of the question decide. The judge whose exclusion is requested, after being heard, does not take part in the voting. When the votes are divided equally, the judge is considered excluded.

Article 38

Notification and Participation in Plenary Session

1. The complainant, the interested subject or their representatives shall be notified of the time and date of holding the plenary session.
2. The notification is made by the chief secretary of the Constitutional Court at least 10 days before the date set for holding the plenary session.
3. The notification is made in an official writing, which may be made by mail and in urgent cases by telegram or facsimile, which are delivered to the parties or adult members of their family. When the residence of one of the parties to a constitutional adjudication is not known, or when he is located permanently outside the state, the notification is made by promulgation in the seat of the Constitutional Court at least one month before the date set for holding the plenary session.
4. The complainant, the interest subject, their representatives and witnesses or experts, when there are such, take part in the plenary session.
5. The absence of notification causes the postponement of the plenary session, setting another date for holding it, and making the respective notifications.
6. When the complainant, an interested subject or their representatives, although notified, do not come to the plenary session and have not submitted justified causes for this, the plenary session is held in their absence.

Article 39

Participation in a Constitutional Adjudication

1. The participants in a constitutional adjudication are:
 - a) The subject who has submitted the complaint or his representative.
 - b) The subjects against whom the complaint has been made or who have a direct interest in the question that is being examined.
 - c) The organ that issued the act.
 - ç) The state organs that are in a disagreement about competency.
2. In cases when the participants in a constitutional adjudication are state organs, they are represented by their directors and in their absence by persons authorized in writing.
3. Lawyers furnished with powers of attorney or designated as such by declaration in plenary session may be representatives of the participants in a constitutional adjudication.

4. The National Chamber of Advocacy designates the list of lawyers who may take part in the examination of questions in the Constitutional Court.

Article 40 **Calling an Expert**

1. At the request of the participants in the adjudication or on its own initiative, the Constitutional Court may call as experts persons who have special knowledge in the field of science, technology or art for stating and explaining facts that are connected with the question under examination.

2. An expert gives his opinion in writing, but may also be heard in the plenary session.

Article 41 **Calling a Witness**

When it is seen to be essential for clarifying facts related to the question under examination, at the request of the participants in the adjudication or on its own initiative, the Constitutional Court may call and question in plenary session persons in the nature of a witness.

Article 42 **Asking for Documents**

1. When it is seen to be essential, at the request of the participants in the adjudication or on its own initiative, the Constitutional Court may ask for documents that are related to the question under examination.

2. The documents requested are administered in plenary session.

Article 43 **Conduct of the Plenary Session**

The examination of a question in plenary session follows these rules:

- a) The opening of the plenary session is declared by its chair.
- b) The presentation of the participants is verified.
- c) The legitimacy of the participants or their representatives is verified.
- ç) The participants are questioned as to whether they have preliminary requests and they are decided on.
- d) The complaint is read by the *rapporteur* judge.
- dh) The participants are invited to set out their complaints and objections, beginning with the subject who has brought the complaint.
- e) The participants in the process give explanations or make clarifications to the questions of the judges.
- ë) The evidence is processed and the participants are invited to give their opinions about its content.
- f) The participants are invited to make their final requests.

g) The closing of the plenary session and the withdrawal for a decision is declared by the chair.

Article 44

Reopening a Plenary Session

1. If after the closing of the plenary session an explanation of supplemental circumstances that have special importance for the question under examination is considered necessary, a decision is taken to re-open it.

2. A decision for the reopening of the plenary session is taken by a majority of votes of the judges who have been present in the plenary session.

3. A decision for the reopening of the plenary session is made known to the participation in the constitutional adjudication, who have the right to participate in it and to be given the floor if they request it, to make explanations that they consider in their interest.

Article 45

The Right of Suspension

1. The Constitutional Court, on its own initiative or at the request of a party, when it judges that the implementation of the law or the act may entail consequences that affect state, social or individual interests, as the case may be, by decision of the Meeting of the Judges or in plenary session, orders the suspension of the law or act. The suspension continues until the final decision of the Constitutional Court shall enter into force.

2. A decision for the measure of suspension is made known to the respective organ that issued the law or act, and it is also published.

3. The Constitutional Court may withdraw the measure of suspension at any phase of the examination of the question, by a decision in plenary session.

4. The Constitutional Court shall say in the final decision whether the measure of suspension shall continue or not.

Article 46

Minutes of a Plenary Session

Minutes are kept at a plenary session of the Constitutional Court, which, at its conclusion, are signed by the chair of the plenary session and the secretary who keeps it.

Article 47

Time Period for Initiating the Examination of a Question

The examination of questions in the Constitutional Court shall begin no later than 2 months after submission of the complaint.

Article 48

Limits of Examination of a Question

1. The limits of examination of a question are within the object of the complaint and the reasons set out in it.
2. Exceptionally, when there is a connection between the object of the complaint and other normative acts, the Constitutional Court decides for each instance.

CHAPTER VII

SPECIAL PROCEDURES

Procedures for Examining the Compatibility of Laws or Other Normative Acts with the Constitution and with International Agreements

Article 49

1. For the examination of the compatibility of a law or other normative acts with the Constitution or with international agreements, the Constitutional Court is put into motion on the request of the president of the Republic, the Prime Minister, no less than one fifth of the deputy and the Chairman of High State Control.
2. The People's Advocate, the organs of local government, the organs of religious communities, political parties, and other organizations also have this right, but only when they argue that the question is related to their interests.

Article 50

Complaints to the Constitutional Court for the examination of the compatibility of a law or other normative acts with the Constitution or with international agreements may be submitted within 3 years from their entry into force.

Article 51

During the examination of the complaints contemplated by articles 49 and 50 of this law, the Constitution Court evaluates:

- a) the content of the laws and normative acts;
- b) the form of the laws and normative acts;
- c) the procedure for their approval, promulgation and entry into force.

Procedures on the Incompatibility of International Agreements with the Constitution

Article 52

1. The Constitutional Court examines the compatibility with the Constitution of international agreements before ratification.
2. The Constitutional Court is put into motion for the examination of these questions only after a request is made by the subjects contemplated in article 134, letters “a,” “b,” “c,” and “ç” of the Constitution, as well as by the subjects contemplated in letters “dh,” “e,” “ë” and “f” of the Constitution, for questions related to their interests.
3. If the question has passed to plenary session, the procedures for ratification of the agreement are suspended. The examination of the request concludes within one month from the date it is submitted.
4. If the Constitutional Court decides on the incompatibility of the international agreement with the Constitution, it may not be ratified.

Article 53

1. International agreements that were ratified before the entry of the Constitution into force and which are incompatible with it may be submitted to the Constitutional Court only by the Council of Ministers.
2. If the Constitutional Court finds that the international agreement ratified by law contains provisions that are in conflict with the Constitution, it decides on the repeal of the act of ratification.

Procedures Related to Disagreements about Competencies

Article 54

1. In reliance on article 131 letter “ç” of the Constitution, the Constitutional Court examines conflicts of competency between the powers, as well as between the local government and the central government, when the disagreement is directly connected with the exercise of their activity.
2. The Constitutional Court takes under examination these conflicts when the respective subjects have considered themselves competent to decide concrete questions and as the case may be have issued acts for its regulation or when subjects have not considered themselves competent to decide in particular cases.
3. A complaint before the Constitutional Court is raised by the subject in conflict or by the subjects directly injured by the conflict.

4. Every kind of act of a legal and substatutory nature, every action or failure to act of the organs of the powers [i.e., the legislative, executive and judicial powers of the central government – translator’s note] or the organs of local government that has led to a disagreement of competencies among them constitute the bases for initiation of examination of these questions.

Article 55

A complaint for the examination of these disagreements is submitted within 6 months from the time the conflict arose.

Article 56

1. The Constitutional Court decides which organ of government has in its competency the resolution of the concrete question about which the disagreement arose.

2. When the resolution of the disagreement of competency is related to legal or substatutory acts issued by the organs that are parties to the conflict, the Constitutional Court also examines the constitutionality or legality of the act for the resolution of the disagreement.

Procedures for the Examination of the Constitutionality of Parties and Other Political Organizations

Article 57

1. For the examination of the constitutionality of parties and other political organizations, as well as their activity, the Constitutional Court is put into motion on the complaint of the President of the Republic, the Prime Minister and no less than one fifth of the deputies.

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

Article 58

The Constitutional Court examines and decides:

- a) whether the party or political organization was created in accordance with the constitutional provisions;
- b) whether the activity of the party or political organization accords with the Constitution.

Article 59

When the Constitutional Court considers that there are data that the further activity of a party or political organization violates the constitutional order or state or public interests, as the case may be, by special decision of the Meeting of Judges or in plenary session, it may order the suspension of activity of the party or political organization until the rendering of the final decision.

Article 60

1. When the Constitutional Court reaches the conclusion that the creation of a party or political organization comes into conflict with the Constitution, it repeals the act of creation.

2. When the Constitutional Court reaches the conclusion that the activity of a party or political organization comes into conflict with the Constitution, as the case may be it orders the prohibition of this activity or orders its de-registration.

Procedures for the Discharge of the President of the Republic from Office and the Verification of Inability to Exercise his Functions

Article 61

1. The Constitutional Court is put into motion for a declaration of the discharge of the President of the Republic by a decision of the Assembly that has decided on his discharge from office.

2. A decision of the Assembly shall contain an argued description of the serious violation of the Constitution or the serious crime, and shall be accompanied with the respective evidence.

3. The Constitutional Court sends a copy of the decision of the Assembly and the respective evidence to the President of the Republic, who has the right to give written explanations that he considers necessary.

Article 62

1. The Constitutional Court decides on the passage of a question to plenary session by a majority of its members.

2. The President of the Republic or a representative of his has the right to be present in plenary session.

Article 63

1. When the Constitutional Court reaches the conclusion that the President of the Republic has seriously violated the Constitution or has committed a serious crime, it declares his discharge from office. Otherwise, the Constitutional Court repeals the decision of the Assembly of the Republic of Albania.

2. The rules specified in article 61 points 1, 2 and 3 are also applicable in the case of the final verification of the fact of inability of the President of the Republic to exercise his duty. In this case, the Constitutional Court verifies the fact of inability to exercise duty or rejects the complaint of the Assembly of the Republic of Albania, when it is not found to be grounded.

Ability of the President of the Republic to be Elected and Incompatibility in the Exercise of his Functions

Article 64

1. For questions that are related to the ability of the President of the Republic to be elected and incompatibilities in the exercise of his functions, the Constitutional Court is put into motion on the complaint of no less than one fifth of the deputies or of the political parties.

2. In the case of ability to be elected, the Constitutional Court decides to repeal the decision of the Assembly of the Republic of Albania or to reject the complaint.

3. In the case of incompatibility in the exercise of duty, the Constitutional Court decides to declare the incompatibility in exercise of functions of the President of the Republic or to reject the complaint.

Article 65

When the President of the Republic resigns while the question of his discharge is being examined in the Constitutional Court, or his mandate ends, the Constitutional Court stops further proceedings. The Constitutional Court begins the procedure again when this is requested by the Assembly or by him himself.

The Procedure for Examining the Ability to be Elected and Incompatibility in the Exercise of Function of the Deputy

Article 66

1. For examining the ability of deputies to be elected, the Constitutional Court is put into motion on the complaint of the President of the Republic or the Assembly of the Republic of Albania.

2. The Constitutional Court verifies the election of deputies on the complaint of the political party or independent candidate for deputy, also applying in this case the legal provisions for the general elections.

3. A complaint about incompatibility may be submitted to the Constitutional Court by the Assembly, so long as the mandate of the deputy is continuing, while a complaint for the examination of the ability of the

deputies to be elected may be presented within 6 months from the determination of the fact of inability to be elected.

Article 67

1. In cases when the Constitutional Court verifies the ability of the deputies to be elected, it decides, as the case may be, to reject the complaint or repeal the act of the Central Election Commission.

2. At the end of the examination of the complaint about ability to be elected or incompatibility of a deputy, the Constitution Court sends its decision to the Assembly.

Procedures for Examining the Constitutionality of Laws Requested by the Courts

Article 68

1. When during a judicial proceeding and at any time, a court or judge, on his own initiative or on the application of the parties, considers a law to be unconstitutional, and when there is a direct connection between the law and the resolution of the concrete question, he does not apply it, ordering the suspension of further examination of the question, and sending its materials to the Constitutional Court for an expression about the constitutionality of the law.

2. In its decision the court or judge shall set out the provisions of the law that they consider to be incompatible with concrete norms or other principles of the Constitution, which the law has not respected or has violated, as well as the reasons why its repeal is sought.

Article 69

1. When it finds that the question is not complete and in accordance with article 68 of this law, the Constitutional Court returns it to the court that sent it. The latter is obligated to complete the materials within one months from the date it arrives.

2. When the materials in the file are complete and in accordance with article 68, the Constitutional Court sets a date for the session to examine the question, notifying the court and calling interested subjects.

Article 70

1. During the examination of the questions contemplated in articles 68 and 69 of this law for reasons that have to do with the constitutionality of a specific law, the Constitutional Court publishes the fact that it is examining the question.

2. At the conclusion of examination of the question, the materials are sent to the specific court together with the decision of the Constitutional Court.

3. In cases when the Constitutional Court repeals the law as unconstitutional, it notifies the Assembly and the Council of Ministers of its decision.

Interpretation of the Constitution

Article 71

1. The Constitutional Court, in reliance on paragraph 1 of article 124 of the Constitution, makes final interpretations of it.

2. The subjects mentioned in letters “a,” “b,” “c” and “ç” of paragraph 1 of article 134 of the Constitution have the right to bring a complaint for an interpretation of the Constitution, while the other subjects mentioned in letters “dh,” “e,” “ë” and “f,” only for questions related to their interests.

3. It shall be specified in the complaint presented which provision or part of it is requested to be interpreted.

4. The subject who it is claimed has interpreted the Constitution wrongly is also a party to the adjudication.

5. The examination of such complaints may be done also in plenary session upon the examination of documents.

CHAPTER VIII DECISIONS OF THE CONSTITUTIONAL COURT

Article 72

Taking a Decision and Announcing It

1. The deliberations and voting on a decision are done without the presence of other persons.

2. The decisions of the Constitutional Court are taken by a majority of the votes of all of its judges. Abstention is not permitted.

3. A decision is signed by all judges present at the examination of the question.

4. The participants in the process are notified of the announcement of the decision. Their absence does not hinder the announcement of it.

5. A decision is given “In the Name of the Republic of Albania.”

6. A decision of the Constitutional Court is announced with reasoning and is read by the chair of the session or by a judge designated by him.

7. A decision of the Constitutional Court has binding general force and is final.

8. A judge who is in the minority has the right to reason his opinion, which is joined to the decision and published together with it.

9. Copies of the decision may be given to the participants in the process at their request, against a set tariff.

Article 73

Postponement of Discussion and Voting

1. When one of the judges who has taken part in the examination of the question is absent in the discussions or in the voting, the Meeting of the Judges is not held and it is postponed to another date.

2. If even after this, the participation of the judge cannot be secured within a reasonable time, the Court decides finally on the question, when an absolute majority of its members is formed.

3. If this majority is not formed and the possibility exists for including other judges in this adjudication who previously have not taken part in it, the session is re-opened and the examination of the question starts from the beginning.

Article 74

Refusal of the Complaint

When during the voting the votes are divided equally or in such a manner that a conclusion of the question is not voted on by the required majority, the Constitutional Court turns down the request. A refusal does not constitute a bar for the complainant to bring the complaint again if conditions for forming the required majority are created.

Article 75

Non-Changing of a Decision

A decision of the Constitutional Court, after the voting, is considered given and may not be changed.

Article 76

Juridical Effects of Decisions of the Constitutional Court

1. A decision of the Constitutional Court that has repealed a law or normative act as incompatible with the Constitution or with international

agreements as a rule entails juridical effects from the date it enters into force.

2. A decision has retroactive force only:

- a) against a criminal punishment even while it is being executed, if it is directly connected with the implementation of the repealed law or normative act;
- b) against questions that are being examined by the courts, so long as their decisions have not taken final form;
- c) against the consequences not yet exhausted of the repealed law or normative act.

Article 77

Juridical Effects of Court Decisions

The decisions of courts at each level which are repealed by the Constitutional Court do not have juridical effect from the moment they are taken. The question is sent for examination to the court whose decision was repealed.

Article 78

Notification of the Decision

When the repeal of a law or act is decided and the relations that have arisen require juridical regulation, the decision of the Constitutional Court is made known to the respective organs for them to take the measures contemplated in its decision.

Article 79

Interpretative Decision

A decision of the Constitutional Court that makes an interpretation of the Constitution has retroactive effect.

Article 80

Interpretation and Completion of the Decision

1. The Constitutional Court may not annul or amend its decision, but it has the right:

- a) to interpret the decision in a case of doubt or disagreement about its meaning, without changing the content in any case;
- b) to supplement the decision or correct written errors, in computation or any obvious inaccuracy permitted in it, within 2 months from the announcement of the decision.

2. The examination of the above questions is done in plenary session, with the participation of the parties.

Article 81
Execution of Decisions

1. Decisions of the Constitutional Court are obligatory for execution.
2. The execution of decisions of the Constitutional Court is secured by the Council of Minister via the respective organs of the state administration.
3. The Constitutional Court may itself designate another organ that is charged with the implementation of its decision and, when necessary, also the manner of its execution.
4. Persons who do not implement decisions of the Constitutional Court or hinder their implementation, when the action does not constitute a criminal offense, are punished by a fine of up to 100,000 lek by the chairman of the Constitutional Court, whose decision is final and immediately executable.

CHAPTER IX
TRANSITIONAL AND FINAL PROVISIONS

Article 82
End of the Mandate and Renewal

1. The mandate of the judges of the Constitutional Court elected in 1992 ends in the year 2001.
2. The other replacement judges elected according to law nr. 7491 dated April 29, 1991 "On the major Constitutional provisions," with its later amendments and additions, will stay in office for 12 years from the date of their election.
3. The renewal of the Constitutional Court after the year 2001 will be done according to the end of the mandate of each judge.

Article 83
Exemption from Fees and Regulation of Services and Expenses

1. The procedures in the Constitutional Court are exempt from fees.
2. The Constitutional Court decides on the services that are performed as well as the expenses incurred during the adjudication of a question.

Article 84
Obligation to Give Documents

Every state organ, natural person or juridical person is obligated to give the Constitutional Court documents, data and announcements when requested and considered necessary for the examination of a question.

Article 85

Obligation to Publish Announcements

The state media are obligated to make public announcements sent from the Constitutional Court about questions related to its activity.

Article 86

Implementation of the New Law

For complaints and questions that are under examination on the date of the entry of this law into force, the provisions of this law will be applied.

Article 87

Repeal of the Law

With the entry of this law into force, law nr. 8373 dated July 15, 1998 “On the organization and functioning of the Constitutional Court of the Republic of Albania” is repealed.

Article 88

This law is effective 15 days after publication in the Official Journal.¹

Promulgated with decree no. 2561 dated February 22, 2000 of the President of the Republic of Albania, Rexhep Meidani.

**CHAIRMAN
SKËNDER GJINUSHI**

¹ Translator’s note: the Official Journal containing this law was published March 16, 2000, so it became effective on March 31, 2000.