



**REPUBLIC OF ALBANIA**  
**CONSTITUTIONAL COURT**

**Register No. 55/2**

**Decision no. 7**

**DECISION**

**“IN THE NAME OF THE REPUBLIC OF ALBANIA”**

The Constitutional Court of the Republic of Albania consisting of:

Bashkim Dedja,	President of Constitutional Court
Vitore Tusha,	member of “ “
Altina Xhoxhaj,	member of “ “
Fatmir Hoxha,	member of “ “
Gani Dizdari,	member of “ “
Fatos Lulo,	member of “ “
Besnik Imeraj,	member of “ “,

and Blerina Basha - secretary, on 19.12.2017 examined in an open door judicial session, the case no. 55/2 Act pertaining to:

**APPELLANT:**        **UNION OF PROSECUTORS OF THE REPUBLIC OF ALBANIA**, represented at trial by Mr. Armand Gurakuqi and Mr. Ylli Pjetërnikaj, with authorization.

**INTERESTED SUBJECTS:**

**ASSEMBLY OF THE REPUBLIC OF ALBANIA**, represented at trial by Mr. Ulsi Manja, Mr. Artan Hoxha and Ms. Mimoza Arbi, with authorization.

**MINISTRY OF JUSTICE**, represented at trial by Ms. Edlira Bako and Mr. Periant Teta, with authorization.

**OBJECT:**

**The declaration as unconstitutional and the repeal of articles 8, point 2, letter “b”, the phrase “for the criminal contraventions”; letters “c” and “ç”; 11, point 2, the phrase “or in a preliminary session”, paragraph 2; 24, point 2, the phrase “require the court to suspend the charge or the case, and request the referral of the case to trial as provided in this Code”; 40, point 1, letter “f”, the phrase “or the judge of the preliminary session”, letter “h”, the phrase “in preliminary session and”; 72, point 3, first paragraph, the phrase “in preliminary session or”; 139, point 4, the phrase “during the preliminary session”; 152, point 1, the phrase “within 15 days from the recording of the denunciation”; 171, point 1, the phrase “or at the beginning of the preliminary session”; 180, point 3, the phrase “of the preliminary session”; 181, point 6, letter “a”, the phrase “or require to the court to suspend the charge or the case, as provided in article 329/a of the Code”, letter “b”; 182, point 1, the phrase “while proceeding for criminal contraventions”; 183, point 1, the phrase “before the judge of the preliminary session”, paragraph 2, point 3, letter “c”, point 4, point 5, the phrase “and c”, point 6, the phrase “of the preliminary session”, “and c”; 184; 185; 186; 187; 188; 224, point 1, the phrase “in the preliminary session or”, 226, point 1, the phrase “in the preliminary session”; 228, point 1, second sentence of the article 406/dh and 242, point 4 of the law no.35/2017, dated 30.03.2017 “On some addenda and amendments in the law no.7905, dated 21.03.1995 “Code of the Criminal Procedure of the Republic of Albania”, amended.”.**

**LEGAL BASIS:** Articles 4, 5, 7, 116, 131/1/a, 134/1/h, 140, 148 and 149 of the Constitution of the Republic of Albania, amended; articles 27, 31, 49, 50, 51, 51/a, 72 and seq. of the Law no. 8577 dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, amended.

The Constitutional Court of the Republic of Albania, in reliance on articles 131/1/a, 133/2 and 134/1/h, as well as on articles 72/2 and 73/4 of the Law no. 8577 dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, amended,

**DECIDED:**

- The rejection of the application.

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