

Decision nr.3, dated 02.02.2009

(V – 3/09)

The Constitutional Court of the Republic of Albania, consisting of: Vladimir Kristo, President, Gjergji Sauli, Fehmi Abdiu, Kujtim Puto, Xhezair Zaganjori, Petrit Plloçi, Vitore Tusha, Sokol Berberi, Sokol Sadushi, members, with secretary Blerina Çinari, on 21.10.2008, took under examination in open judicial session the case with act no. 20/6, pertaining to:

APPELLANT: **A GROUP OF 31 DEPUTIES OF THE ASSEMBLY OF ALBANIA**, represented by Lawyer Artan Hajdari – with special power of attorney.

INTERESTED SUBJECTS:

ASSEMBLY OF THE REPUBLIC OF ALBANIA, represented by Mr. Lulzim Leçaj, with authorization.

COUNCIL OF MINISTERES, represented by Ms. Marsida Xhaferllari, with authorization.

AGENCY OF LEGALIZATION, URBANIZATION AND INTEGRATION OF INFORMAL AREAS/CONSTRUCTIONS (A.L.U.I.Z.N.I), represented by General Deputy-Director, Mr. Ferdinand Shehaj.

THE OBJECT:

- 1. The declaration as incompatible with the Constitution of the Republic of Albania and European Charter of Local Self- Government of articles 3, point 8; 4; 5, point 2; 6; 7; 8; 10; 13; 14, point 3; 16; 17; 20, point 2; 23; 24; 26 and 28, point 2, of the law nr.9895, dated 09.06.2008 “*On some amendments and additions to law nr.9482, dated 03.04.2006 “On legalization, urbanization and integration of unauthorized constructions”.*”**
- 2. Suspension of law nr.9895, dated 09.06.2008 2008 “*On some amendments and additions to law no. 9482 dated 03.04.2006 “On the legalisation, urbanisation and integration of unauthorized constructions.”*”**

LEGAL BASE: **Constitution of the Republic of Albania, articles 131, letter “a” and 134/1, letter “c”.**
European Charter of Local Self-Government ratified by the law nr.8548, dated 11.11.1999.
Law nr.8577, dated 10.02.2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania,” articles 45, 49, 50 and 51.

The Constitutional Court of the Republic of Albania, based on articles 131 letter “a” and 134, point 1, letter “c” of the Constitution, as well as article 72 of law no. 8577 dated 10.02.2000 “On the organisation and functioning of the Constitutional Court of the Republic of Albania,” by a majority of votes,

D E C I D E D:

- The repeal as incompatible with the Constitution of the Republic of Albania and the European Charter of Local Self-Governance of articles 3, point 8; 4, point 1, letters “a”, “ç”, and point 2, letter “b”; 5, point 2; 6; 7; 8; 10; 14, point 3; 16, point 2, 5; 17; 20, point 2; and 26 of law no. 9895 dated 09.06.2008 “On some amendments and additions to law no. 9482 dated 03.04.2006 “On the legalisation, urbanisation and integration of unauthorized constructions.”

- The rejection of the complaint for the repeal as unconstitutional of article 4, point 1, letter “b”, “c”, “d”; point 2, letter “a”, “c”, “ç”; point 3, as well as articles 16, point 1, 3, 4; 23; 24 and 28 of law no. 9895 dated 09.06.2008 “On some amendments and additions to law no. 9482 dated 03.04.2006 “On the legalisation, urbanisation and integration of unauthorized constructions.”

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