**Decision no. 1 dated 16 January 2017**

**(V-1/17)**

The Constitutional Court of the Republic of Albania consisting of: Bashkim Dedja, President, Vladimir Kristo, Vitore Tusha, Altina Xhoxhaj, Fatmir Hoxha, Besnik Imeraj, Fatos Lulo, Gani Dizdari, members, and Edmira Babaj - secretary, on 21 April 2016, examined in open door judicial session the case no. 28/1 Act, pertaining to:

**APPLICANT: THE PRESIDENT OF THE REPUBLIC OF ALBANIA,** represented at trial by Ms. Ledina Mandia.

**ONE FIFTH OF THE DEPUTIES OF THE ASSEMBLY OF ALBANIA,** represented at trial by Mr. Oerd Bylykbashi and Mr. Gazmend Bardhi

**THE PEOPLE’S ADVOCATE,** represented at trial by Mr. Arben Gjoleka.

**THE ALBANIAN REPUBLICAN PARTY,** represented at trial by Lawyer Agim Bega.

**THE ASSOCIATION OF LEGITIMATE OWNERS “THE ALBANIANS”,** represented at trial by Mr. Ferdinat Sulaj.

**THE ASSOCIATION “OUR REGION”,** represented at trial by Mr. Axhem Imeraj.

**THE ASSOCIATION “SEASHORE”** represented at trial by Mr. Jorgo Dhrami.

**THE NATIONAL ASSOCIATION “OWNERSHIP WITH JUSTICE”** represented at trial by Lawyer Suela Mëneri.

**INTERESTED SUBJECTS:**

**THE ASSEMBLY OF THE REPUBLIC OF ALBANIA**

**THE COUNCIL OF MINISTERS,** represented at trial by Mr. Artur Metani and Ms. Alma Hicka.

**THE AGENCY OF HANDLING PROPERTY** represented at trial by Ms. Sonila Qato and Mr. Olsi Rraklli.

**THE OBJECT: 1. The repeal as incompatible with the Constitution of the Republic of Albania and the European Convention on Human Rights of law no. 133/2015 dated 05.12.2015 “On the treatment of property and finalisation of the process of compensation of property”.**

 **2. The suspension of implementation of law no. 133/2015 dated 05.12.2015 “On the treatment of property and finalisation of the process of compensation of property”.**

**LEGAL BASIS:** Articles 4/1, 17, 18, 41, 42/1, 131/a, 134/d of the Constitution of the Republic of Albania; Articles 6/1, 14 of the ECHR, Article 1, Protocol 1 of the ECHR, as well as Articles 45 and 49/1 of law no. 8577 dated 10.02.2000 “On the organisation and functioning of the Constitutional Court of the Republic of Albania”.

The Constitutional Court of the Republic of Albania, in reliance on articles 131 and 134 of the Constitution, as well as articles 72 et seq. 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 partial acceptance of the application.
* The repeal as unconstitutional of article 6, points 3 and 5 of law no. 133/2015 “On the treatment of the property and finalization of the process of compensation of property”.
* The refusal of the application for the repeal of article 6, point 1, letter “b”, as well as article 7, point 2, letter “a” and “b” of the above law.
* The rejection of the application for the other part.

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