

Decision no. 31, dated 02.05.2025

(V-31/25)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Sandër Beci, Genti Ibrahimimi, Marjana Semini, Sonila Bejtja, members, with court secretary Belma Lleshi, on 22.04.2025 took under examination in plenary session on the basis of submitted documents, the case no. 18 (F) 2024 of the Basic Court Register, pertaining to:

APPLICANTS:

FESTIM ELEZAJ, EGLANTINA ELEZAJ, FABIOLA BEGAJ (ELEZAJ), represented with power of attorney, by lawyer Anila Veliaj.

INTERESTED ENTITIES:

ALBANIAN INSURANCE BUREAU, represented by Executive Director, Anila Hoxha.

FINANCIAL SUPERVISORY AUTHORITY, represented by Executive Director, Mimoza Kaçi.

SUBJECT MATTER:

Repeal of the Financial Supervisory Authority's Regulation "On the Treatment of Damages Covered by Compulsory Insurance Contracts in the Transport Sector", chapters III, IV, V, VI "Methodology for Calculating Health Damages," "Evaluation of Damages" and Article 14, point 1, letter "e", enacted by Decision No. 53 of the Financial Supervisory Authority Board, dated 25.06.2009, as amended by its Decisions No. 168, dated 13.12.2011, No. 72, dated 04.04.2018, and No. 91, dated 31.05.2019, as incompatible with the Constitution of the Republic of Albania.

Repeal of Decisions No. 7522, dated 30.06.2014 of the Tirana District Court; No. 970, dated 25.04.2016 of the Tirana Court of Appeal; No. 00-2024-2568, dated 05.06.2024 of the Civil College of the High Court, as incompatible with the Constitution of the Republic of Albania.

LEGAL BASIS:

Articles 17, 18, 118, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania (*the Constitution*); Articles 27, 49, point 3, letter “e”, 71 and 71/a of Law No. 8577, dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, (*Law No. 8577/2000*), as amended.

Constitutional Court, pursuant to Articles 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution, as well as Articles 71 and 72 et seq. of Law No. 8577, dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, as amended, by majority vote,

DECIDED:

1. Admission of the application in part.
2. Repeal of decision no. 00-2024-2568, dated 05.06.2024 of the Civil College of the High Court, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to the High Court for further proceedings.

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