

Decision no. 60, dated 16.10.2025

(V-60/25)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, members, with court secretary Anjeza Puka, on 16.10.2025, took under examination in plenary session on the basis of submitted documents, the case no. 1 (P) 2025 of the Basic Court Register, pertaining to:

APPLICANT: PRESIDENT OF THE REPUBLIC OF ALBANIA

INTERESTED ENTITIES

ASSEMBLY OF THE REPUBLIC OF ALBANIA,
represented by the Secretary General Genci Gjonçaj.

HIGH COURT, represented by the president Sokol Sadushi.

SUBJECT MATTER: Declaration of the end of mandate of the Constitutional judge.

LEGAL BASIS: Article 131, letter “ç”, of the Constitution of the Republic of Albania (*the Constitution*); Article 54, point 3, of Law No. 8577, dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, (*Court’s Organic Law*), as amended.

Constitutional Court, pursuant to Articles 124, 131, point 1, letter “ç” and 134, points 1, letter “a” and 2, of the Constitution, as well as Articles 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, unanimously and by majority vote,

DECIDED:

1. The competence to declare the end of a Constitutional judge's mandate lies exclusively with the Constitutional Court itself and only thereafter may the appointing body exercise its competence to appoint/elect the Constitutional judge.
2. To examine separately the request of the President of the Republic of Albania seeking the declaration of the end of the Constitutional judge's mandate.
3. To interpret Article 179, point 3 of the Constitution as follows:

The aim of the constitutional provision is to guarantee the regular renewal of the composition of the Constitutional Court, a principle enshrined in Article 125, point 6 of the Constitution. For this reason, Article 179, point 3 of the Constitution established a reduction to less than nine years of the mandate of two Constitutional judges, one mandate ending in 2025 and the other in 2028. Regarding the "*duration of the mandate, in accordance with the law*" of the other judges, this constitutional provision refers to Article 86, point 4 of the Court's Organic Law, which stipulates the timeline for the renewal of the Constitutional Court's composition, providing for the first renewal of one-third in 2025, the second renewal of one-third in 2028, and the third renewal of one-third in 2031.

The beginning of a Constitutional judge's mandate under this transitional regime coincides with the date declared by the Constitutional Court as the date of the end of mandate of the judge whom he or she succeeds.

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