

## **RULES OF PROCEDURE OF THE ASSEMBLY OF THE REPUBLIC OF ALBANIA\***

### **PART ONE ORGANISATION AND PROCEEDINGS OF THE ASSEMBLY**

#### **CHAPTER I PRELIMINARY PROVISIONS**

##### **Article 1 First sitting of the Legislature**

1. The first sitting of the Legislature of the Assembly, until the election of the Speaker of Assembly, is opened and presided over by the oldest MP. In case of his decline or absence, the sitting is presided over by the MP immediately following him in age.
2. Three MPs, among the MPs with younger age, are selected by the chairperson of the sitting to carry out temporarily the tasks of the secretary of the Assembly until the election of the Bureau of Assembly. The composition of the secretary must reflect, as much as possible, the political constitution of the Assembly according to the election results.
3. No debates shall be held until the election of the Speaker of Assembly.

##### **Article 2 Verification of mandates**

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\* The Assembly's Rules of Procedure have been approved with decision no. 166, on 16.12.2004

- Amended with decision no. 15, on 27.12.2005
- Amended with decision no. 193, on 7.7.2008
- Amended with decision no. 21, on 4. 3. 2010
- Amended with decision no. 41, on 24. 6. 2010
- Amended with decision no. 88, on 24 .2. 2011

With the opening of the first meeting of the Legislature, the chairperson of the sitting makes known to the Assembly the names of the persons elected and asks for the verification of their mandates.

### **Article 3**

#### **Temporary committee on the verification of mandates**

1. The Assembly in its first sitting, elects a temporary committee on the verification of mandates composed of 9 MPs, that must reflect, as much as possible, the political constitution of the Assembly according to the election results. The proposals for the composition and presidium of the committee are made by the representatives of the political groups and are approved by the Assembly with the majority of votes in the presence of more than half of all its members.
2. The temporary committee on the mandates verification examines the respective documentation of election and within two days submits to the Assembly in a plenary sitting a report on the validity of mandates of the MPs. If the committee notices illegitimacy in the election, it proposes to the Assembly to submit the case to the Constitutional Court. The request to the Constitutional Court, drafted by the committee, should be signed by no less than one-fifth of the MPs within three days from the hearing of the report. If by the end of this period, the request is not signed and sent to the Constitutional Court, the MP is invited to take the oath.

### **Article 4**

#### **The taking of the oath**

1. Immediately after the mandates verification, the MPs are invited to take the oath.
2. The text of the oath is: **“I swear upon my honour that I will perform conscientiously the duty as people’s MP in the Assembly. I will represent with dignity my people, I will uphold the Constitution and laws, I will defend the freedom and independence of Albania, I will respect and protect the rights and freedoms of the citizens and I will try with all my energies for the prosperity of my country and the well-being of my people.”**
3. The chairperson of the sitting reads the text of the oath and the MPs are invited, one by one, to stand up and declare: **“I swear”**.
4. The MPs, who are absent in the sitting of the swearing of the oath, shall take the oath in the very next session they will participate.
5. The chairperson of the sitting, consulting with the temporary secretary, declares the termination of the mandate of an MP when he rejects or avoids swearing the oath and notifies immediately the Central Election Commission. The declaration on mandate’s termination is published in the very next number of the Official Gazette.

## **CHAPTER II**

### **SPEAKER OF ASSEMBLY, BUREAU OF ASSEMBLY AND CONFERENCE OF GROUP CHAIRPERSONS**

### **Article 5**

#### **Leading structures**

Immediately after swearing the MPs' oath, it is pursued with the election of the Speaker and the Bureau of Assembly.

### **Article 6 Election of the Speaker**

1. The candidate for Speaker of Assembly must be proposed by at least 15 MPs. One MP cannot support more than one candidate. The proposal must be made in a written form, signed with respective signatures and submitted to the temporary secretary of the Assembly.
2. The Speaker of the Assembly is elected **without debate** by secret ballot, with the majority of votes in the presence of more than the half of all the members of the Assembly. In the case when no one of the candidates has won the necessary number of votes, it is proceeded to the second round where is voted for two candidatures that received the highest number of votes.
3. The voting is organized publicly and is directed by a voting commission composed of 5 MPs that represent, as much as possible, the political composition of the Assembly. The oldest member in age accomplishes the duty of the Head of the Voting Commission and announces the voting results.
4. After the announcement of the voting results, the chairperson invites the Speaker of Assembly to take the chair.

### **Article 7 Speaker of Assembly**

1. The Speaker of Assembly represents the Assembly, secures the respect of rights of the Assembly and its members; secures that the parliamentary activity is carried out in compliance with the Constitution and Rules of Procedure and assures the necessary conditions to the Assembly and its structures.
2. In compliance with the Rules of Procedure of the Assembly, the Speaker gives the floor, directs and moderates the debates, maintains the order, establishes the order of the voting and announces their results.
3. The Speaker of Assembly, in consultation with the group chairpersons, set the list of members of the Assembly permanent delegations and their presidiums near the international organizations. Their composition should represent, as much as possible, the political content of the Assembly. This list and any subsequent changes in it is made known to the Assembly by the Speaker in the nearest plenary sitting and in cases of disagreements it is decided with an open voting.
4. The Speaker of Assembly in consultation with the Foreign Affairs Secretariat sets the temporary delegations that represent the Assembly in the international relations.

### **Article 8<sup>1</sup> Bureau of the Assembly**

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<sup>1</sup> Point 2 amended with decision No. 21, dated 04 March 2010

1. The Assembly bureau pursues and decides the administrative issues and the interior functioning of the Assembly and of its bodies.
2. The Assembly bureau shall be composed of the Speaker of the Assembly, Deputy speakers, 2 secretaries for the budget, and 4 secretaries, and it shall be chaired by the Speaker of the Assembly. The composition of the Assembly bureau shall reflect, to the possible extent, the political composition of the assembly. No more than one secretary from each parliamentary group may be selected. One Deputy Speaker must belong to the major opposition party in the parliament.
3. The Speaker of Assembly consults with the chairpersons of the parliamentary groups about the composition of the Bureau of Assembly.
4. The composition of the Assembly Bureau is agreed upon with consensus in the meeting of the Speaker with the parliamentary groups heads. The Speaker proposes to vote it at the plenary sitting, which takes the decision with open voting.

### **Article 9 Deputy Speakers of the Assembly**

The Speaker of Assembly cooperates with the Deputy Speakers of Assembly for the accomplishment of his tasks; they are called to consult with the Speaker, as often as he considers it necessary. The Deputy Speakers of Assembly substitute the Speaker when he is absent or is unable to discharge his tasks. In case when the Speaker is absent or unable to discharge his duties, he authorizes one of the Deputy Speakers. In case of absence of such authorization the Deputy Speaker belonging to the same political grouping with the Speaker substitutes him.

### **Article 10 Secretariats of the Bureau of the Assembly**

1. The following secretariats function close to the Bureau of the Assembly: the secretariat on the Assembly budget; the secretariat on procedures and voting, the secretariat on the MP status, the secretariat on the scientific research, library and the parliamentary publications, and the secretariat on foreign affairs.
2. Each secretariat is composed of 3 members, with the exception of the secretariat on the Assembly budget that consists of 5 members. The Assembly approves their composition with open voting, based on the proposal made by the Speaker after consultations with the group chairpersons.
3. The secretaries of the Bureau of the Assembly, in compliance with the tasks defined by the Bureau, direct the parliamentary secretariats. They regularly inform the Speaker and the Bureau of Parliament on the activity of their secretariat.
4. Two secretaries on the budget represent the political groups of the parliamentary majority and opposition. They jointly preside over the secretariat on the Assembly budget and, together with the Secretary General, take care of the administration of the Assembly activity in compliance with budget of the Assembly.

### **Article 11 The convening and competencies of the Bureau**

1. The Speaker of Assembly **summons** the Bureau of Assembly according to the agenda set by him.
2. The Bureau decides on the budget of the Assembly based on the proposals of the secretaries on the budget; decides on the complaints in the cases of the constitution of the parliamentary groups or the complaints of the parliamentary groups on the composition of the standing committees of the Assembly.
3. The Bureau of Assembly, with the proposal of the Secretary General, approves the internal regulation on organization and functioning of Assembly services.
4. The Bureau of Assembly issues the orders and regulations regarding:
  - a. the organization of the services in the Assembly and the assigned tasks to all its sections in compliance with the functioning of the Assembly.
  - b. the legal status, the economic treatment and conditions of services to all the Assembly employees.
5. The Bureau examines and decides on the disciplinary measures proposed by the Speaker of Assembly according to the Article 65, item 2 of these Rules.
6. The Bureau of Assembly, upon proposal of the Speaker of Assembly, appoints the Secretary General of Assembly on the basis of three candidatures from the competition procedures according to the law on civil service.
7. The Bureau of Assembly approves the publication of the annual report of the Assembly drafted by the Secretary General, and decides on its publication.

## **Article 12**

### **Conference of the Group Chairpersons**

1. The conference of group chairpersons discusses about and decides on the programme of business and order of business of the Assembly and its committees and issues related to the proceedings of the Assembly in plenary sittings.
2. The Conference of the Chairpersons is composed of the Speaker and the heads of the parliamentary groups and is headed by the Speaker. The Conference is called by the Speaker, or at the request of the Council of Ministers, or of a chairman of a parliamentary group. Attending the Conference of the Chairpersons is also a member of the Council of Ministers, who is assigned with maintaining relations with the Assembly.
3. The Deputy Speakers of Assembly and the chairpersons of the standing committees can be invited to participate in the Conference.
4. The Conference of Group Chairpersons discusses the program of business and the order of business of the Assembly based on the proposal of the Speaker of the Assembly. As a rule, the program of business and the order of business must be approved with consensus by the Conference and whenever this does not happen, the Speaker presents them to the Assembly in a plenary sitting in compliance with articles 26 and 27 of the Rules.
5. Summarized minutes, which are made public and are distributed to the media or other people are kept in the meetings of the Conference of the Chairpersons.

## **Article 13**

### **Council on the Rules of Procedure, Mandates and Immunities**

1. The Council on the Rules of Procedure, Mandates and Immunities consists of 10 MPs, appointed by the Speaker of Assembly, in such a way as to guarantee the equal representation between the majority and the parliamentary opposition. The Speaker of Parliament presides over the Council.
2. The Council studies the proposals on amending the Rules of Procedure, gives its opinion about the interpretation of the Rules of Procedure, according to Article 116 of these Rules, and conflicts of the jurisdiction among the committees of the Assembly.
3. On the request of the Speaker of Assembly, the Council considers the request for the waiver of the immunity and the giving of the permission from the Assembly to begin the penal prosecution or the arrest of the MP according to the Article 118, and whether it is the case to prosecute a detained or arrested MP in pursuance of Article 119.
4. The Council considers and decides on all the issues related to the MP's mandate and presents the respective report in the plenary sitting.  
The Council verifies the mandate of the new MP who is elected during the legislature and submits the respective report to the plenary sitting.
5. The Council functions according to the provisions of the Rules of Procedure on the standing committees.

#### **Article 14 Council on Legislation**

1. The Council on Legislation consists of 10 MPs, appointed by the Speaker of Assembly, in such a way as to guarantee the equal representation between the majority and the parliamentary opposition. The appointed MPs must be lawyers or must have a considerable legislative experience.
2. Its members shall chair the Council on Legislation in turn, with each turn lasting five months, based on the alphabetic order of the family names of the Council members.
3. The Council shall express its opinion on the bills at the request of the responsible Committee that is considering the bill or the Speaker of Assembly, in compliance with Item 4 of this Article.
4. The responsible Committee, with the majority of votes of all its members, or the Speaker of Assembly may ask the opinion of the Council on Legislation about the quality of the drafting of a bill, its explicitness and simplicity, the constitutional or legal issues in its text and other issues, considered reasonable by the Committee. The request must be submitted, giving to the committee time to consider it and must be in compliance with the order of business of the responsible committee and to be harmonized with the order of business of the Assembly. The rapporteur of the responsible Committee and the representative of the Council of Ministers participate into the meeting of the Council.
5. The report of the Council on Legislation is submitted to the responsible Committee for the consideration of the bill. In case when the responsible committee refuses to take into consideration the opinion of the Council, it must express the respective reasoning in the report presented in the plenary sitting.
6. The Council functions according to the way predicted by the Rules of Procedure for the standing committees.

### CHAPTER III

## PARLIAMENTARY GROUPS

### **Article 15** **Formation of the parliamentary groups**

1. The MPs may form parliamentary groups according to the party affiliation or political orientation.
2. At least 7 MPs are needed to establish a parliamentary group. Each MP can be a member of only one parliamentary group. An MP that leaves his/her parliamentary group can join another parliamentary group only after six months after the departure date.
3. When the number of the MPs of a parliamentary group is less than the number predicted by item 2 of this article, the group does no longer exist.
4. Within 3 days from the election date of the Speaker of Parliament, each MP must declare in a written form which parliamentary group he belongs to. Only the MPs that do not make the above mentioned declaration or that do not belong to any parliamentary group, can form mixed group.
5. Each MP has the right to leave the parliamentary group. To do this, he must submit a written statement to his group chairperson and should inform in a written form the Bureau of Assembly.
6. MPs elected during the Legislature period of time, within three days of swearing the oath, must declare in a written form which parliamentary group they belong to.

### **Article 16** **Presidium of the parliamentary groups**

1. Each parliamentary group elects its presidium at its first meeting.
2. Concerning their election and any kind of subsequent change in the composition of the parliamentary group or their presidium, the Speaker of Assembly is informed.
3. The Speaker of Assembly holds a meeting with their chairpersons of parliamentary groups to decide about the seat of the parliamentary groups in the Assembly hall. The chairperson of each group decides the seat of the MPs of each parliamentary group.

### **Article 17** **Work conditions of parliamentary groups**

The Parliamentary groups are provided with the necessary work premises and equipment.

## CHAPTER IV STANDING COMMITTEES OF THE ASSEMBLY

### **Article 18** **Competencies of the Standing Committees**

The standing committees of the Assembly examine, according to the field of responsibility, bills, draft decisions and other issues represented in the Assembly, carry out studies on the efficiency of the applicable laws, control implementation of laws and audit the activity of the ministries and other central bodies, proposing concrete measures to the Assembly or the Council of Ministers; they also propose the Assembly to approve bills, draft declarations or draft resolution

## **Article 19**

### **Standing committees and sub-committees of the Assembly**

1. The Assembly of Albania appoints in plenary sitting, 8 standing committees with these names and fields of responsibilities:

The Committee on Legal Issues, Public Administration and Human Rights;  
*(Codes and organization of judicial power, the administration of judicial power and management of its budget, organization and functioning of local government, decentralization reform, territorial division, independent services in the system of justice and human rights).*

The Committee on European Integration

*(Integration in the European Union)*

The Committee on Foreign Policy

*(Foreign Policy, international cooperation and relations, as well as the implementation of international agreements).*

The Committee on Economy and Finances

*(Economic policies, state budget and oversight of its implementation, public finances, privatization and bank system)*

The Committee on National Security

*(Public order, Armed forces and organization of national defence, military cooperation and cooperation in the field of State Police, civil and military service and intelligence services).*

Committee on Productive Activities, Trade and Environment

*(Agriculture, industry and telecommunications, tourism, territorial regulation, trade and environment protection);*

Committee on Labour, Social Issues and Health

*(Work relations, protection and special treatment of different categories of population, social issues and social insurance, family and health)*

Committee on Education and Means of Public Information

*(Education in every level, culture, youth, sports, and written and visual media)*

2. Within the standing committees, upon proposal of the Conference of the Group Chairpersons, sub-committees may be established on special issues.

## **Article 20<sup>2</sup>**

### **Membership of standing committees**

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<sup>2</sup> Point 2 amended with decision No.21, dated 04 March 2010



1. In standing committees participate all the MPs and their constitution must reflect the parliamentary groups according to the proportions in the Assembly. The Speaker of Assembly and the members of the Council of Ministers cannot be members of the standing committees.
2. As a rule, the MP may enjoy membership of only one standing committee. For the purpose of respecting the majority-opposition ratio, certain MPs may be members of no more than two standing committees. The MP may participate in meetings of other committees, but without having the right to vote.

### **Article 21**

#### **Constitution of standing committees and sub-committees**

1. The Standing Committees and the sub-committees, together with their presidium, are elected with open voting upon the proposal of the Speaker of Assembly, according to the lists of candidates drawn in agreement with the presidiums of the parliamentary groups.
2. The Assembly may change partially the composition of the standing committees, by keeping the proportions of the parliamentary groups in the Assembly. The consensus of the parliamentary groups is necessary for changing the numbers and the composition of the Committees.
3. The Assembly, in a plenary sitting, with an open voting, upon the proposal of the Speaker after consultations with parliamentary group chairpersons, appoints substitute members of the standing committees and sub-committees for each parliamentary group. A member of a standing committee or sub-committee, in case of absence or inability to attend the meeting, may be substituted by one of the MPs mentioned in the decision of the Assembly. The substitution must be authorized in a written form by the chairperson of the parliamentary group determining as well, the dates of substitution and be submitted to the chairperson of the standing committee. The substitution of a member of the standing committee or sub-committee may not occur for more than four times during a session.

### **Article 22**

#### **Presidium of standing committees and sub-committees**

The Presidium of the standing committee is made of the Chairperson, the Vice-Chairperson, and Secretary of the Committee and that of the sub-committee from the chairperson and vice-chairperson. The compositions of the presidiums of the committees and sub-committees are determined in keeping with the representation in them of the Parliamentary groups according to the proportions in the Assembly.

### **Article 23**

#### **Duties of Chairperson, Vice-chairperson and Secretary of the standing committee**

1. The chairperson of the standing committee represents the committee, **summons**, organizes and directs meetings of the committee and keeps relations with other organs to maintain the respect of the procedures according to the Rules of Procedure of the Assembly.

2. The Vice-Chairperson substitutes the chairperson in cases of his absence or **inability** to discharge his duties.
3. The Secretary verifies the voting result in the committee and oversees the minutes of the meetings.

#### **Article 24** **Ad - Hoc Committees**

1. Concerning the study and preparation of the legislative initiatives and the issues of particular importance, the Assembly can decide on the establishment of an ad-hoc committee.
2. The Speaker of the Assembly, standing committees or at least 7 MPs may propose the establishment of an ad hoc committee. No later than 10 days from the submission of the request, the Speaker calls the Conference of the Chairpersons to discuss about the request for the establishment of the ad-hoc committee.
3. The Assembly, no later than two weeks from the discussion in the Conference of the Chairpersons, sets the tasks, the number, the composition and the time duration of the activity of the ad-hoc committee.
4. The procedural regulations, set in articles, 32-41 are applicable to the ad-hoc committees, as well, unless otherwise specified in the decision of their establishment.

#### **Article 25** **Committees of inquiry**

1. The Assembly has the right, and, upon the request of one-fourth of all its members is obliged, to designate committees of inquiry to review a particular issue.
2. Committees of inquiry operate according to the procedure set by law.

### **CHAPTER V** **ORGANIZATION OF PROCEEDINGS OF THE ASSEMBLY AND ITS** **COMMITTEES**

#### **Article 26** **Program of business of the Assembly**

1. The Assembly holds its proceedings in plenary sittings and committees according to a certain program.
2. The program of business of the Assembly is approved by the Conference of Group Chairpersons for a 4-12 week - period of time, with the proposal of the Speaker of Assembly, after he has asked the opinion of the member of the Council of Ministers charged to maintain the relations with the Assembly, the opinion of the chairpersons of the standing committees and the legal services of the Assembly. The member of the Council of Ministers also participates in the Conference. The draft-program of business is given to the group chairpersons and to the representative of the Council of Ministers at least 4 days before the conference meeting.
3. The program of business contains the list of issues that the Assembly intends to consider. It specifies the institution that took the initiative, the date of the presentation and the responsible

committee assigned to consider it. As a responsible committee, the Speaker appoints a standing committee, and if he considers it necessary, he proposes a joint meeting of two standing committees or the establishment of an ad hoc committee.

4. The bills on the ratification of the international agreements are considered by the Committee on Legal Issues, Public Administration and Human Rights, the Committee on Foreign Policy, the committee that covers the field of the agreement and the Committee on Economy and Finances, if the agreement produces economic effects.

5. The program of business is approved by consensus at the Conference of Group Chairpersons and is made known to the Assembly. Each MP, for no more than three minutes, can express his proposals, on which the Assembly decides by open voting.

6. In case no consensus is reached on the program of business by the Conference of Group Chairpersons, the Speaker compiles a program for a 3-week period, and presents it to the Assembly for approval in a plenary sitting. In this program, the Speaker must take into consideration the proposals of the Council of Ministers and the group chairpersons. For the examination of the proposals on the change of the program, proposed in a written form by a group of 7 MPs or the Council of Ministers, it is voted without a debate in the plenary sitting after one speaker *in favour* and one *against* are heard for 5 minutes each.

7. The decrees of the President of the Republic on the reconsideration of laws, appointments that require the consent of the Assembly, financial bills or amendments on the state budget, the review of the normative acts having the force of law, the proposals for the appointment or dismissal of the office-holders of institutions elected by the Assembly, required motions, bills or draft decisions not considered in the previous program and the issues on extraordinary situation are automatically included in the program of business of the Assembly.

## **Article 27**

### **Order of business of the Assembly**

1. For the implementation of the program of business of the Assembly, the Speaker of the Assembly proposes to the Conference of Chairpersons a three-week order of business. The member of the Council of Ministers charged to maintain the relations with the Assembly also participates in the conference. The draft order of business is given to the group chairpersons and the member representative of the Council of Ministers at least 4 days before the conference meeting.

2. The order of business, for every issue, contains the responsible committee, which will consider the issue, the standing committees that can give their opinion for particular articles or issues and the name of the rapporteur/rapporteurs.

3. The order of business approved by consensus at the conference of Group Chairpersons becomes obligatory for execution after notifying the Assembly.

4. In case no consensus is reached on the order of business by the Conference of Group Chairpersons, the Speaker compiles it and presents it for approval to the Assembly in a plenary sitting. The Assembly approves the final order of business after 10 minutes discussions per each parliamentary group. The Council of Ministers, a chairperson of a parliamentary group or 7 MPs, can present in a written form changes in the order of business. The Assembly decides with open voting after hearing one speaker *in favour* and one *against* for no more than 5 minutes **each**.

5. The order of business of the Assembly contains in details the time when the Assembly holds its proceedings in a plenary sitting and committees. The order of business is published and distributed to the MPs and is put at the disposal of the representatives of media. In any case, the

order of business must become public at least **2** days before the set date for the meeting of the committee or the plenary sitting.

### **Article 28**

#### **The accelerated procedure for examination of bills**

1. Upon the request of the Council of Ministers or **1/5** of all the MPs, the Assembly may decide to consider a bill with an accelerated procedure.
2. The accelerated procedure is not allowed for examining the bills provided in the Article 81, item 2, of the Constitution, except for the letter “dh”.
3. The request for the examination of a bill with an accelerated procedure is submitted in written to the Speaker, who announces it to the first plenary sitting. A speaker *in favour* and one *against* are heard for not more than 10 minutes each after the announcement of the Speaker. The Speaker submits the respective draft-decision for approval to the Assembly, noting the date of examination of the bill in the responsible committee, terms within which amendments should be proposed and the date of consideration by the plenary. The Conference can determine the debate time in the plenary sitting, respecting the rule provided in Article 48, item 3 of these Rules.
4. The term within which the issue should be examined in the committee and in the plenary sitting cannot be less than one week from the date of submission of the request to the plenary sitting by the Speaker.
5. The Assembly cannot apply the accelerated procedure for more than three bills over a 12-week work programme, and more than one bill over its 3-week work programme.

### **Article 29**

#### **Program and order of business of the standing committees**

1. Every standing committee determines the program and the order of business of its proceedings. They are compiled taking into consideration the program of business and the order of business of the Assembly and in such a way that the report of the committee is presented not later than 3 days before the proceedings of the plenary sitting.
2. The Chairperson of the Committee, in the consultations with the vice-chairperson and the secretary of the committee, according to the importance of the issue that will be considered, assign one or more rapporteurs for the issue and makes them known to the committee. In cases of objection, the committee determines on the appointment of the rapporteur/rapporteurs with the majority of votes of all of its members.

### **Article 30**

#### **Announcement of the agenda and the following meeting**

1. At the beginning of every sitting, its chairperson makes known the agenda in accordance with the order of business.
2. The chairperson of the sitting or the chairperson of the committee, before closing the sitting or the meeting, announces the time of the next sitting or meeting.

### **Article 31**

#### **Items not included in the agenda**

1. The Assembly or the committee cannot discuss and decide on items not included in the agenda.
2. To discuss or decide in the plenary sitting on the items not included in the agenda the decision must be taken with not less than three-fifth of the present MPs. The proposals to include other items in the agenda must be presented in a written form by at least 10 MPs, one group chairperson or the Council of Ministers only at the opening of the sitting, before the beginning of the discussion on one point of the agenda or when the discussion is suspended. In the cases when the parliamentary group does not submit the request, one MP presents the request and the supporting group of MPs stands up.
3. The Assembly can decide at any time to enter one or more subjects in the agenda of a standing committee in accordance with the program and order of business of the Assembly.

## **CHAPTER VI**

### **THE MEETINGS OF STANDING COMMITTEES**

#### **Article 32**

##### **Standing committee meetings**

1. The standing committees are convened during the time when the Assembly is assembled in a session or out of it.
2. The chairperson convenes the meetings of the standing committees. They can be convened also at the request of not less than one-fourth of the members of the committee or at the request of the Speaker of the Assembly, stating at the request the issues that will be discussed during the meeting.
3. The standing committees may not sit during the time when the Assembly is conducting its proceedings in a plenary sitting, except for the cases when the Speaker has approved to do so. To ensure the required number for the voting, the chairperson of the sitting has the right to suspend or interrupt the meeting of the committee at any time.
4. Standing Committee meetings may be attended by non-member MPs, members of the Council of Ministers and as well as other persons invited by the Committee. These persons shall not have the right of vote.

#### **Article 33**

##### **Organization of the proceedings**

1. The chairperson of the committee, in consultation with the vice-chairperson and the secretary, proposes for approval to the committee the program and order of business of the committee. The chairperson of the committee presides over committee meetings; prepares the agenda and organizes the proceedings of the committee meetings; represents the committee in relations with the other bodies of the Assembly and outside it; signs and presents for plenary sitting together with the rapporteur the report on the consideration of the issue at the committee; makes evident the process of the participation in the committee; opens the voting and announces the result of voting and attends the correspondence of the committee. With the consent of the

presidium of the committee or upon the request of the majority of the members of the committee it asks the office holders of state or public institutions to report or inform the committee.

2. The committee chair informs the committee for any activity he realizes on behalf of the committee.

#### **Article 34**

##### **The quorum and decision making in the committees**

1. Meetings of the committee are valid when more than half of all the members of the committee participate in them.

2. The committee decides with open voting on the approval of its program and order of business, report that will be introduced at the plenary sitting and on the draft-resolution of draft-declaration that will be introduced to the Assembly for approval and other issues related to the functioning of the committee. The decisions are taken with the majority of votes in the presence of more than half of all the members of the committee.

3. The opinion of members of the committee who are in minority, in any case is presented in the minutes of committee meetings and is attached to the majority opinion.

#### **Article 35**

##### **Publicity of the meetings**

1. Committee meetings, as a rule, are open. The meetings are referred to as being open when the media, interest groups or visitors are allowed to attend them.

2. The committee, with the majority of votes of all its members can decide that committee meetings or parts of it to be closed.

#### **Article 36**

##### **Public hearings**

1. The committee may organize public hearings with the members of the Council of Ministers, high representatives of the state or public institutions, experts, representatives of the civil society, representatives of groups of interest or other interested groupings. The committee is obliged to hold such hearings, according to the provisions of this article, if one-third of the members of the committee so demand in a motivated written form.

2. In preparation for the public hearing, the chairperson, in cooperation with the vice-chairperson and the secretary of the committee introduces to the invited people the issues on which the information is required.

#### **Article 37**

##### **Joint meetings of the standing committees**

1. The committees, when it is determined in the program of business of the Assembly or when it is considered necessary, may hold joint meetings. The joint meeting is presided over by one of the chairpersons of the committees that is chosen with an agreement among them and when the agreement is not reached, the meeting is headed by the chairperson of that committee

that has a greater connection with the issue under discussion, designated by the Speaker of Assembly.

2. At the joint meetings of the committees the predicted rules in articles 34, 35, and 36 are applied and the decisions are taken with the majority of votes of the present members.
3. The joint meetings of the committees come up with only one report. When the attitudes of the committees are different they are presented separately in the final report of the meeting.

### **Article 38** **Issue's consideration**

1. Within 2 days from the setting of the program of business and order of business in the plenary sitting of the Assembly, the committee sits to approve its program and order of business of its proceedings. The program and order of business of the committee must guarantee the implementation on time of the issues decided to be considered in the plenary sitting.
2. The responsible committee, in accordance with the article 29, item 2 of these Rules , for the discussion of every issue appoints the rapporteur/rapporteurs. The rapporteurs are appointed at the meeting where it is approved the program of business of the committee and for every issue included in the program. The opinion of the rapporteur regarding the issue must be submitted in the written form and at least 3 days before the set date for the discussion of the issue in the committee. The rapporteur, for the compilation of the report, may ask the help of the specialists of the Council of Ministers related to the issue and the legal services of the Assembly as well as the assistance of other experts.
3. Initially, the responsible committee holds the discussion of the issue or the bill in principle. The rapporteur introduces the overall evaluation on the bill or the issue that is discussed, and if he considers necessary proposes to the committee to ask for the opinion of the Council on Legislation according to article 14 of these Rules. The chairperson of the committee after the listening to the rapporteur invites the committee members to put questions to the initiators of the bill and to the rapporteur and after this, he declares open the debate in principle on the bill. The discussion in principle is always done in the presence of the representative of the Council of Ministers. In the end of the discussion in principle, the committee decides for the approval or rejection of the bill in principle.
4. Every MP has the right to be heard for his opinion that has to do with the bill under consideration in the committee meeting
5. If the responsible committee approves the bill in principle, it starts the article-by-article consideration and voting, and for the proposed issues that require the opinion of the Council on Legislation or other committees, it decides with an open voting if the opinion will be required or not. The examination of these points is done after it is taken the opinion of the Council on Legislation or the standing committee.
6. When the responsible committee decides the rejection of the bill in principle, or when the opinion of the Council on Legislation is for the rejection of the bill in principle, the issue is set for discussion in the plenary sitting. When the Assembly in plenary sitting decides the approval of the bill in principle, the responsible committee starts the article-by-article consideration of the bill in the very next meeting.

### **Article 39** **Minutes of committee meetings**

1. Summarized minutes are kept in the meetings of the committees.
2. The minutes include the date of the meeting, the issue that is being considered, the participation of the MPs and the invited persons, a summary of the discussions that are being held, the attitudes of the MPs and the result of the voting. The summarized minutes are submitted to very next meeting of the committee. When in the committee meeting no objection is made to the minutes of the previous meeting, it shall be taken as approved and if a vote is requested it shall be by show of hands. Only members of the committee who propose corrections or want to clarify their previously expressed opinion shall be allowed to speak on the minutes.
3. If the case is of a particular importance, with the decision of the committee, the meeting may be completely recorded and made public.
4. In any case, the minutes of committee meetings, except those which contain classified material as a state secret, are made public and distributed to the representatives of the media or other interested persons.
5. Summarized minutes of committee meetings are parliamentary documents and are stored in the Assembly's Documents Archives.

#### **Article 40** **Parliamentary activity**

1. The MPs are considered in parliamentary activity when they participate in the plenary sitting and in the committee meetings; when they participate in parliamentary activities in and abroad notifying first the secretary of the Assembly; in the meetings of the parliamentary groups or of different work-groups established by the Assembly or the committee of the Assembly. The Bureau of the Assembly determines the procedures and the criteria on the evaluation of participation of the MPs in the parliamentary activity.
2. The members of the committee must regularly participate in the committee meetings. When a member is absent without reason in more than three meetings in succession, the committee can decide that the chairmanship, in a plenary sitting asks the respective parliamentary group to substitute that member of the committee.
3. During their activity, the MPs should respect the Code of Conduct.

#### **Article 41** **Engagement part-time experts**

The committee or the councils, in compliance with the decision of the Bureau of the Assembly, for the accomplishment of their duties can engage part-time experts of various fields.

### **CHAPTER VII** **CONDUCT OF PLENARY SITTINGS**

#### **Article 42** **Sessions of the Assembly**



1. The Assembly conducts its annual proceedings in two sessions. The first session of the proceedings of the Assembly begins on the third Monday of January and the second session on the first Monday of September. The Speaker of Assembly announces the end of the session and the time of the beginning of the new session.
2. Extraordinary session of the Assembly may be convened with a motivated written request of the President of the Republic, the Prime Minister or at least one-fifth of all the MPs. The Speaker convenes the Assembly, no later than 3 days from the submission of the request, based on an agenda of the committees and plenary sitting determined by him.

#### **Article 43**

##### **Publicity of plenary sittings**

1. The plenary sittings of the Assembly shall be public, except for the cases when the Assembly decides differently.
2. The request to proceed the plenary sitting with closed doors can be done by the President of the Republic, the Prime Minister or at least one-fifth of all the MPs, motivating it. After the hearing of the request and the discussion on it, it is decided with open voting, with the majority of all the members of the Assembly. When it is decided that the plenary sitting will be held with closed doors, the chairperson of the sitting asks the invited persons and the persons from the public and media to leave the hall.
3. Plenary sittings with closed doors cannot be held during the discussion of budget or financial bills directly related to it.

#### **Article 44**

##### **Beginning of the plenary sittings**

1. The Speaker of Parliament or the Deputy Speaker authorized by him opens or closes the plenary sitting of the Assembly.
2. The plenary sitting begins with the approval of the minutes of the previous sitting. If no objections are made to the minutes, they shall be taken as approved and if a vote is requested it shall be made by showing of hands. As regards the minutes, the floor is given only to them who propose the correction or who want to correct or explain their thoughts, expressed in the previous sitting, for no more than 2 minutes. After the minutes are approved, the Speaker of the Assembly and the Secretary that directs the secretariat on the procedures and voting sign them, make public and they are kept in the archive of the Assembly.
3. At the beginning of the sitting, the chairperson or one of the members of the Secretariat for Procedures and Voting assigned by him, announces the bills introduced in the Assembly, the messages and petitions to the Assembly and the orders and instructions of the Speaker or the decisions of the Bureau of the Assembly. Anonymous petitions and those with illicit content are not read out.

#### **Article 45<sup>3</sup>**

##### **Issues not included in the agenda**

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<sup>3</sup> Amended with decision No. 88, dated 24 February 2011

At the end of the agenda every MP can discuss about different issues that he thinks must become public in the plenary sitting. In such a case the MP cannot speak for more than 5 minutes and if he discusses on behalf of the parliamentary group, for no more than 8 minutes. The chairperson of the sitting takes care to harmonize the discussion of every MP according to the belonging in the parliamentary group. The total time for the discussion of all these issues cannot be more than 60 minutes. In case this limit is exceeded, the Speaker of the Assembly interrupts the discussions of the MPs and those who have not started discussing take the floor at the end of the coming plenary sitting.

#### **Article 46**

##### **Discussions in the plenary sitting**

1. Every MP who intends to discuss about an issue included or not in the agenda, must be registered at the secretary at least one hour before the beginning of the plenary session.
2. The discussions begin after the chairperson of the sitting announces their opening. No MP can discuss without the permission of the chairperson of the sitting.
3. The permission is asked by raising the hand, according to the initial registration, or through the electronic system in compliance with the item 1 of this Article.
4. The MPs may switch turns in agreement with each other.
5. If an MP, called by the chairperson to speak in the sitting is not present, it shall be considered that he has withdrawn from the discussion.
6. The chairperson of the sitting gives the floor to the speakers in the order of their registration harmonizing the participation for each parliamentary group. When the list of the speakers has ended or when no more MPs ask to discuss, the Speaker gives the floor to the chairpersons or representatives of the parliamentary groups beginning from the smaller group in number.

#### **Article 47**

##### **The right of speaking for Ministers**

1. The members of the Council of Ministers have the right and if asked they are obliged to take part in the plenary sitting or in the meetings of the Committees or their sub-committees. They are given the floor every time they so request. In case of debates having a limited time, the duration of their speech shall be calculated in the overall time granted to the parliamentary group the minister belongs to.
2. When the ministers request the floor after the end of the discussions, the discussion of the issue in question is re-opened.

#### **Article 48**

##### **Time of discussions**

1. Every speaker, except the cases when in the Rules of Procedure is predicted differently, has the right to speak for no more than 10 minutes. The speaker cannot speak more than once on the content of the same issue and cannot take from the time of the next speaker.
2. The time limit laid down in paragraph 1 of this article is doubled when it is being discussed the content and political program of the Council of Ministers, the motions of

confidence or no confidence, the bills that require a qualified majority for this approval according to the Constitution, election, appointment or dismissal of the office-holders of institutions elected by the Assembly or the ratification of the international agreements.

3. When it is considered necessary, the time of the discussions on concrete issues can be determined initially at the Conference of the Chairpersons in such a proportional way among the groups according to their representation in the Assembly, but in any case no less than 10 minutes per parliamentary group.

#### **Article 49** **Points of order**

1. The floor is given immediately for points of order. Points of order are considered the requests that have to do with the implementation of Rules, those that contain variant proposals on the changes or completion of the approved agenda, requests about the adjourning or postponing of the sitting or discussions or the manner of taking decisions or carrying out the voting.

2. The interventions on the points of order are made shortly and without touching the essence of the main issue.

3. In such cases, except the promoter that discusses for 3 minutes, one speaker in favour and one against have the right to speak for no more than 2 minutes each, the Assembly takes a decision with a voting by show of hands.

#### **Article 50** **Reply**

The MP has the right to reply, when there have been undeserved and indecent words spoken to his address or there have been discussions held distorting the essence of his speech. The reply is done immediately after the discussion and cannot last for more than 2 minutes. There cannot be more than one reply for the same discussion. The MP and other MPs are not allowed to reply to the reply.

#### **Article 51** **Explanation of voting against**

The MP has the right of explaining the reasons for voting against for 2 minutes. When an explanation of voting against is sought, the floor is given immediately after the voting.

#### **Article 52** **Adjourn of the plenary sitting**

When it is contemplated by the chairperson of the sitting, or at the request of any parliamentary group or standing committee, the chairperson of the sitting may adjourn the meeting for no longer than 60 minutes and only once for the same issue.

#### **Article 53** **Maintenance of order by public**

1. The invited persons and the public that attends the proceedings of the plenary sittings of the Assembly must refrain from any sign of approval or disapproval and are obliged to respect the rules on order determined by the Bureau of Assembly. In case of violating these rules, the chairperson of the sitting orders ousting them from the hall.
2. In case it is not possible to identify those who violate the rules, the chairperson of the sitting orders the clearing the gallery section where the violation occurred.

#### **Article 54**

##### **Recording and publication of the discussions**

1. At the plenary sittings are kept stenographic minutes and it is done their full record. The summarized minutes contain the date of the plenary sitting, the order of business, the participating MPs, summaries of the discussions, stances kept by the MPs as well as the voting results. Everyone has the right to be informed on the content of minutes prior to their publication. The minutes are published in the Assembly web page.
2. The discussions in the plenary sittings are published in full.
3. The minutes, the discussions and the audio-visual recording done during the proceedings of the plenary sittings with closed doors are archived according to the determined rules on state secret.

### **CHAPTER VIII**

#### **VERIFICATION OF THE NUMBER OF THE MP's AND VOTING**

#### **Article 55**

##### **The Quorum and decision-making in the plenary sitting**

1. The laws, decisions, declarations and resolutions are considered approved by the Assembly when the majority of the MPs have voted in favour, in presence of more than half of all members of the Assembly, except for the cases where the Constitution provides of a qualified majority.
2. For certain issues that are related to the well functioning of the Assembly, it is decided with the majority specified in the Rules.
3. The chairperson of the sitting, during the reading of the agenda, announces to the Assembly the majority needed for the approval of the bill or draft-decision.

#### **Article 56**

##### **Verification of the quorum**

1. The chairperson of the sitting, before every voting, must verify the number of the present MPs.
2. The chairperson of the sitting at any time and when it is asked by at least 5 MPs verifies if there is present the necessary number of MPs in the hall. The request for the verification of the number of the MPs present is expressed by the standing up of the MPs. The chairperson of the sitting, to ascertain the number of the MPs, calls the roll in the electronic or nominal way.

3. When the required number of the MPs is lacking, the chairperson of the sitting adjourn the meeting for 60 minutes and in cases when even during this time the required number is not reached, he cancels it. In case of cancelling, the chairperson of the sitting determines the following day, unless it is not a holiday, as the day in which the Assembly will be resumed with the same agenda, announcing the time of the voting for that agenda.

#### **Article 57** **Voting**

1. Voting is personal.
2. The right of vote cannot be delegated.
3. The voting can be open or secret.
4. When the voting begins, no further discussions may take place and none is given the floor until the announcement of the result of the voting. The interruption of the voting is not allowed for any reason.

#### **Article 58<sup>4</sup>** **Open voting**

1. The open voting is done by show of hands or the electronic equipment.
2. Only open voting shall be used in the event of the adoption of the Council of Minister's political program and composition, examination of the decree of the President of the Republic, voting of the State Budget or financial subordinate legal acts directly linked to it.

#### **Article 59** **Voting by name**

1. The voting by name can be asked by at least 7 MPs and it is decided with voting by the assembly. The request for voting by name must be formulated at the time when the chairperson of the sitting closes the discussions, declares that the voting is about to take place and before he has invited the MPs to vote by show of hands or use of electronic equipment.
2. In the event of voting by name the chairperson of the sitting or the secretary assigned by him, calls the MPs according to the alphabetic order of their surnames and they answer with a loud voice *in favour, against or abstention*.
3. In cases of motion of confidence or no confidence, the voting in the Assembly will always be by name.
4. In cases of voting by name the list of MPs voting with the vote *in favour, against or abstention* of every MP is published together with the materials of the plenary sitting.

#### **Article 60<sup>5</sup>** **Secret ballot**

1/1. In the event of the Assembly's consent for the decrees of the President of the Republic, regarding the appointment in the Constitutional Court or High Court, voting shall be nominal.

1. The secret ballot is done for the issues that have to do with persons.

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<sup>4</sup> Point 2 amended with decision No.41, dated 24 June 2010

<sup>5</sup> Point 1/1 added with decision No. 41, dated 24 June 2010

2. The secret ballot, except the cases when it is not permitted according to the constitution, law or the Rules, can be asked by at least 7 MPs and it is decided with voting by the assembly. The request for secret voting must be formulated at the time when the chairperson of the sitting closes the discussions, declares that the voting is about to take place and before he has invited the MPs to vote by show of hands or use of electronic equipment.
3. The secret voting is done by dropping in the ballot box the ballot paper or in electronic way.
4. The paper of the secret ballot must contain at least the object of the ballot and the option of voting *in favour*, *against* and *abstention*. On the voting paper the MP marks with a distinguishable and clear mark on the choice made on the option that he agrees. If on the voting paper is written more than one candidate next to their names is put a box in which the MP must put the mark for his choice.

#### **Article 61**

##### **Repetition and announcement of voting results**

1. Every voting made contrary to the Constitution, law or the Rules of Procedures is not valid. The Speaker, after asking the opinion of the secretary on the procedures and voting, orders the annulment of the voting and has it repeated immediately.
2. The result of the voting in the plenary sitting is announced by the Speaker of the Assembly using the phrase: "The Assembly approves" or "The Assembly rejects".

### **CHAPTER IX**

#### **ETHICS AND THE MAINTENANCE OF THE ORDER IN THE SITTING**

##### **Article 62**

##### **The order and ethics in the plenary sitting**

The Members of the Assembly should not interrupt the chair of the plenary sitting or other discussants when they are speaking, should not use unseemly or non-parliamentary words in the Assembly, should not undertake personal assaults or other actions against another MP, should not spread information that harms the private life of anyone, and should not misbehave or cause a mess in the Assembly venues.

##### **Article 63<sup>6</sup>**

##### **Disciplinary measures**

The disciplinary measures that are applied against the MPs are:

- a) calling of the order;
- b) reprimands;
- c) exclusion from the plenary sittings;
- ç) exclusion from the participation from the committees and the plenary sitting up to 21 days.

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<sup>6</sup> Point 4 (Letter ç in the Albanian version) amended with decision No. 88, dated 24 February 2011

### **Article 64<sup>7</sup>**

#### **The disciplinary measure of calling of the order and reprimands**

1. The MP who uses unseemly words, impedes with his behaviour the free conduct of the discussions or the orderly conduct of the proceedings of the plenary sitting, is called to order by the chairperson of the sitting.
2. In case the MP who is called to order wishes to give his explanations on his actions or language used, he may do so at the end of the plenary sitting of that day for not longer than 2 minutes.
3. When the MP repeats the violation in the same sitting after he is called to order, or the MP seriously violates the order of the plenary sitting, the chair of the plenary gives him a reprimand. The disciplinary measure of reprimand is imposed by the chair of the plenary sitting in case an MP uses the voting card of another MP during the voting. The reprimand is to be recorded in the summarised meeting of the plenary sitting and is made public.
4. In case the MP withdraws the offending and the foul language used by him in the same plenary sitting and apologises on his behaviour, the disciplinary measure issued pursuant to item 3 of this article shall be cancelled by the chair of the plenary sitting.
5. In the event the MP obstructs the normal proceeding of the session, by occupation of the podium and prohibition of the next MP to take the floor, for over 2 minutes, the Speaker of the Assembly shall reprimand the MP and warn to expel him/her if the above mentioned behaviour continues. In the event the MP continues to occupy the podium even following the reprimand, for over 1 minute, he/she shall be expelled from the plenary sitting and punished at the maximal extent stipulated in Article 65 of the Rules of Proceedings.

### **Article 65<sup>8</sup>**

#### **More serious disciplinary measures**

1. An MP using offending language or harming the figure of the chair of the plenary sitting or continuing to commit the same violation on which he received a disciplinary measure contemplated in article 64 of the Rules, by order of the chair of the plenary sitting shall be expelled from the plenary sitting for the day. If the MP refuses to leave the room, the chair of the plenary sitting shall interrupt the session and ask the Assembly's Security Service to execute the order.  
The expelling from the plenary sitting shall be accompanied with a financial sanction equal to one day pay of the MP.
2. When an MP calls for use of violence, provokes disorder in the sitting hindering its normal proceeding, or insults and threatens others MPs or member of the Council of Ministers or when he uses insulting words towards the President of the Republic or state institutions, he shall be banned from participation in the plenary sittings of the Assembly and committee work for a period of 7-21 days.  
The ban on attendance is imposed by the Assembly's bureau on the written proposal of at least 7 MPs.

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<sup>7</sup> Point 5 added with decision No.88, dated 24 February 2011

<sup>8</sup> Point 2 amended with decision No. 88, dated 24 February 2011

The ban on attendance to plenary sitting and committees shall be accompanied with a financial sanction equal to the pay of the MP of as many days as the disciplinary measure shall apply.

If the MP tries to access the plenary sitting's room or the committee room prior to the expiration of the disciplinary measure, the duration of the disciplinary measure shall double.

3. In case of very serious incidents happening outside the plenary room, yet within the Assembly's premises, the Speaker of the Assembly shall take the disciplinary measure contemplated in item 2 of this article.

#### Article 66

#### **The suspense or the closing of the sitting**

If there is disorder in the hall and is not paid attention to the request of the chairperson of the sitting to keep order, the chairperson of the sitting leaves the chair and the plenary sitting is considered closed. If the disorder continues the chairperson of the sitting suspends the sitting for a certain period of time or closes it. If it is closed, the Assembly shall assemble with the same agenda the next day, if it is not a holiday.

#### Article 67

#### **Participation in the plenary sitting and in the committee meetings**

During the plenary sittings and the committee meetings the MPs should be dressed formally and should not use mobile telephones.

## **SECOND PART**

### **LEGISLATIVE PROCEDURE**

#### **CHAPTER I LEGAL INITIATIVE**

#### **Article 68 Proposal of Bills**

1. The right to propose laws belongs to the Council of Ministers, every MP and 20.000 electors.
2. The bills must be drafted as a normative act and accompanied by a report that contains the objectives that its approval aims to fulfil, the arguments that these objectives cannot be fulfilled with the existing legal instruments, its conformity with the Constitution and the harmonization with the legislation in power and the EU legislation, its social and economic effects.. For the bills of financial character, the report must contain the financial, consequent effects of its implementation.
3. No non-governmental bill that increases the expenses of the state budget or diminishes its incomes can be approved without taking the opinion of the Council of Ministers that must express it within 30 days from the date of receiving the bill. If the Council of Ministers does not



give an answer within this deadline, the bill passes for consideration according to the normal procedure.

4. The Speaker of Assembly can return the deposited bill to the initiator, in a motivated way, if the requests provided in item 2 of this article are not fulfilled.

#### **Article 69**

##### **Distribution of draft laws**

1. The bills are registered first in a special register according to their submission and are made known to the Speaker of Assembly.
2. The Speaker orders their immediate distribution to the MPs and copies of the bills are made available to the representatives of the media or other interested persons, at their request.
3. The bills cannot be included in the agenda of the proceedings of the Assembly, before at least two weeks from their submission, except the cases when the Rules define it differently. The bills presented on the initiative of the MPs must be included at their request in the order of business of the plenary sitting no later than 8 weeks from the submission of the bill.

#### **Article 70**

##### **The report of the responsible committee and the opinion of other committees**

1. In accordance with the program and order of business of the Assembly, the Speaker of Assembly refers the bills to the responsible committee or committees that according to the Rules must give their opinion.
2. The committees consider the bill according to the way provided in articles 32- 38 of the Rules.
3. After the consideration of the bill, the committee prepares a report making a proposal for its approval in the form it is submitted, the approval with the amendments or its rejection.
4. The report of the committee that has considered the bill and the other committees that have given their opinion on it or the report provided by the Council on Legislation shall be made available in several copies and distributed to the MPs and the Council of Ministers at least 2 days before the date of the consideration of the bill in a plenary sitting.

#### **Article 71**

##### **Proposal of amendments**

1. Every MP or the Council of Ministers have the right to present the motivated written amendments that are presented during the consideration of the bill in the responsible committee. The conclusions of the committee related to them are made known to the plenary sitting in the final report drawn by the committee.

#### **Article 72**

##### **Withdrawal of legislative initiative**

The initiator of the bill may draw his draft until the moment when it is not voted in principle in the plenary sitting.

## **CHAPTER II CONSIDERATION IN PRINCIPLE IN PLENARY SITTING**

### **Article 73 Consideration in the Plenary Sitting**

1. The consideration of the bill in plenary sitting includes the discussion in principle of the bill and the discussion of its articles.
2. Prior to the discussion in principle, the MPs are invited by the chair of the sitting to ask questions to the initiators or the Council of Ministers regarding the draft law. The draft law is reviewed in the plenary sitting in the presence of the signatory minister and the officials authorised in writing by the Secretary General of the Council of Ministers.
3. The discussion in principle of the bill is made when the responsible committee or the Council on Legislation are for the voting in principle and when they are against its approval. In the case when the responsible committee or the Council are against the approval in principle and the plenary sitting decides its approval, the bill is turned back to the responsible committee for the continuation of its consideration article by article.
4. The bill, not approved in principle in the plenary sitting cannot be presented again before 6 months have elapsed from the date of its rejection.

### **Article 74 Discussion in Principle**

1. The discussion in principle of the bill begins with the initiator's introduction of the reasons that led to the proposal of this bill and the presentation of the report of the responsible committee and as the case may be a report from the Council on Legislation. The chairperson of the committee reads the report and the rapporteur of the respective committee may be given the floor for no more than 10 minutes, at his request.
2. For the discussion in principle, the chairperson of the sitting gives the floor to the MPs who have asked to discuss, harmonizing the participation for every parliamentary group. Before the end of the discussions the floor shall be given to the rapporteur of the respective committee for not more than 5 minutes and to the chairpersons of the parliamentary groups, beginning from the group with the smallest number of MPs.
3. No amendments can be forwarded during the time of discussion in principle.
4. The chairperson of the sitting, after the answering of the MPs' questions and the discussion in principle, makes known the time when the Assembly will decide by voting. The proceedings of the Assembly pursue with the answering of the questions and the discussion in principle on other bills of the agenda.

### **Article 75 Consideration Article by Article**

1. After the approval in principle, it is pursued with the consideration of the bill article by article.

2. During the consideration article by article every MP has the right to discuss for no more than 5 minutes. This time is doubled in the cases of the discussion of the bills that need a qualified majority for their approval.
3. During the debate article by article, written amendments can be presented. The amendments must refer to the content of only one article. As a rule, the amendments must be presented and discussed first in the responsible committee. The author has the right to present the amendments in the plenary sitting for not more than 7 minutes.
4. Every MP or the Council of Ministers have the right to present in the plenary sitting the amendments regarding the bill or the proposed amendments by the responsible committee provided they are registered at the secretary at least 24 hours before the beginning of the plenary sitting and have been distributed to the other MPs.
5. In cases when the Speaker of Assembly contemplates or when the chairperson of a parliamentary group or a group of 10 MPs request, the amendments are presented for discussion in the responsible committee, cancelling, if it is necessary the plenary sitting. In this case, the author of the amendment and the representative of the Council of Ministers have the right to be heard in the meeting of the committee.

#### **Article 76** **Order of voting of the amendments**

1. The amendments are voted prior to the text of the draft law.
2. Before proceeding with the voting of each amendment, the chair of the plenary sitting reminds the MPs of the opinion of the responsible committee.
3. The voting on the amendments starts with those seeking the total or partial removal of the article or its replacement or amended wording. In case there have been two or more amendments submitted for the same article or part of it, the first amendment to be voted shall be the one less similar to the actual wording.  
When the responsible committee submits several amendments to one article of the draft law, the chair of the plenary sitting shall forward them to be voted jointly, unless 7 MPs or the head of a parliamentary group request separate voting.
4. The Assembly shall decide on separate voting for each amendment, other than when the approval of one amendment excludes the other ones.

#### **Article 77** **The voting in general**

1. At the end of the discussion article by article, it is passed to voting in entirety the bill.
2. If the text of the bill has undergone important changes during the consideration in the plenary sitting, the chairperson of the sitting shall *ex-officio* or on the request of the chair of a parliamentary group of 7 MPs postpone voting in general for the next sitting submitting the full revised text to the Assembly.

### CHAPTER II/1<sup>9</sup>

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<sup>9</sup> This chapter has been added following the Assembly decision no. 193 on 7.7.2008

## REVIEW OF LEGISLATIVE INITIATIVES ON THE REVIEW OF THE CONSTITUTION

### Article 77/a

1. The initiative for reviewing the Constitution may be taken by no less than one fifth of MPs. The Speaker of the Assembly notifies the Assembly in the very next plenary sitting and distributes to the MPs the text of the draft law. The draft law shall be immediately introduced in the agenda of the Assembly.
2. The draft law shall be reviewed in the joint meeting held between the Committee on Legal Issues, Public Administration and Human Rights and the Council on Legislation not earlier than two weeks from the date it was filed. The meeting shall be chaired by the Speaker of the Assembly.
3. There will be at least two rapporteurs appointed in the first meeting. This meeting shall decide on the way the draft law shall be made known to the electors and on summoning constitutionalist experts.
4. The meetings on the review of the Constitution and the hearing sessions shall be open to the media and the public.
5. In case there shall be new amendments proposed during the course of the proposed initiative, they should meet the criteria set in article 177 section 1 of the Constitution and the provisions of this article.
6. At the end of the review, the joint meeting between the Committee on Legal Issues, Public Administration and Human Rights and the Council on Legislation shall come up with a report which shall be presented to the Assembly in a plenary sitting by the rapporteurs. This report shall also contain the dissenting opinion, in case there is one.

### Article 77/b

1. The plenary sitting on the approval of the amendments to the constitution shall be called not earlier than two weeks and no later than three weeks from the submission of the report. The debate session shall be open and be broadcast live by the public television.
2. The review in a plenary sitting shall start with the discussion in principle, the article by article review and vote and finalized with the vote in general. Amendments proposed during the plenary sitting, may not be discussed during the sitting. They will have to be preliminarily reviewed pursuant to article 77/a of the Rules of Procedures.
3. The voting on the approval of the amendments shall be open.
4. The amendments shall be considered approved if voted in favour by at least 2/3 of all the MPs.

## CHAPTER III

### CONSIDERATION OF BUDGET BILL AND FINANCIAL LAWS

#### Article 78

#### **Submission of the state budget bill and of the other financial bills**

1. The Speaker of Assembly announces immediately to the Assembly the submission of the state budget bill and financial laws directly related to it.
2. If the state budget bill is not introduced before the determined legal deadline, the Speaker of the Assembly notifies the Assembly.
3. The consideration of the budget bill and the financial laws directly related to it, are included immediately in the program of business of the Assembly, which approves in this case a special order of business for its consideration.

#### **Article 79**

##### **Special Order of Consideration**

1. The committee on Economy and Finances is the responsible committee for the consideration of the budget bill and financial bills, directly related to it. For the consideration of the budget bill, the chairperson of the committee, according to the article 29, item 2 of these Rules, permanently appoints the main rapporteur, who as a rule is an MP who directs the entire work on the preparation of the budget report; for other issues are appointed separate rapporteurs.
2. The Chairperson of the standing committee on the Economy and Finances in cooperation with the main rapporteur, the deputy chairperson and the secretary of the committee, introduce to the Speaker of the Assembly the draft order of business of the consideration of the budget bill and financial bills directly related to it in the committees of the Assembly and plenary sitting. The Speaker of Assembly, within two days convenes the Conference of Chairpersons in which the Minister of Finances introduces the budget bill and the financial bills directly related to it and decides on the order of business in the committees and plenary sittings. If the order of business is approved with understanding, it is made known to the plenary sitting; on the contrary the Speaker introduces it for voting in the very next plenary sitting of the Assembly.

#### **Article 80**

##### **Review in the committees**

1. In accordance with the order of business according to the article 79, item 2 of these Rules, the standing committees, in pursuance of the fields they cover, organize the work on the consideration of the budget bill and financial bills directly related to it. In the meetings of the committees participate the ministers, the main rapporteur and in certain cases the separate rapporteurs who introduce and give the respective explanations.
2. The Assembly committees can organize public hearing sessions with the aim of taking the opinions and comments of the institutions, persons, or interested groups for the state budget draft-law and other financial draft-laws that have direct relations with them.
3. At the end of the consideration, the committees draw an evaluation report regarding the budget bill and the financial bills directly related to it. The report is sent immediately to the Committee on Economy and Finances.

#### **Article 81**

##### **Review in Principle at the Committee on Economy and Finances**

1. Immediately after the approval of the calendar, according to Article 79, item 2 of these Rules, with the submission of the respective reports from the standing committees of the Assembly, the Committee on Economy and Finances begins immediately the procedure of the consideration in principle of the budget bill and financial bills directly related to it.
2. The debate in principle at the Committee on Economy and Finances begins with the introduction of the budget bill and financial bills by the Minister of Finances, the hearing of the main rapporteurs, and the special rapporteurs and it is pursued with general discussions and voting in principle. The commission reviews the reports submitted by the other standing committees of the Assembly.
3. The meeting of the Committee is attended by the chairpersons of the standing committee who have introduced the reports, members of the other standing committees, as well as the respective ministers.
4. After the end of the discussions and voting in principle, the Committee on Economy and Finances must introduce to the plenary sitting the evaluation report in principle of the budget bill and financial bills directly related to it. The report must contain a complete evaluation of the entire structure of the bill like the macroeconomic indicators, the main indicators, the incomes and planned expenses, financing and their accomplishment according to the program of the Council of Ministers approved by the Assembly and the evaluations of the budget of constitutional and independent institutions.

#### **Article 82**

##### **Examination in principle by the plenary sitting**

The Assembly, after the introduction of the evaluation report in principle by the Committee on Economy and Finances, discusses and decides at a plenary sitting on the approval in principle of the budget bill and financial bills that are directly related to it according to the provisions of the articles 73 and 74 of these Rules.

#### **Article 83**

##### **Examination article by article by the Economy and Finance Committee**

1. With the approval in principle of the budget bill and financial bills, the Committee on Economy and Finances starts their discussion article by article taking into consideration the problems treated by the standing committees or by the Assembly in the plenary sitting.
2. During their consideration, after the speech of the main rapporteur and the special rapporteur the floor is given to the representatives of the standing committees or certain MPs that have introduced the amendments. The committee considers and decides on them according to the provided procedures in the article 32-38 of these Rules. The committee votes at the beginning the bills directly related to the budget and it pursues with the amendments on the incomes, amendments on the expenses and the bill article by article.

#### **Article 84**

##### **Examination article-by-article and in general by the plenary sitting**

1. After the introduction of the committee report on the consideration article by article and voting in entirety, the Assembly, in the plenary sitting begins the consideration article by article and voting in entirety of the budget bill and financial bills directly related to it.

2. During the consideration article by article, the main rapporteur and the separate rapporteur have the right to take the floor for no more than 10 minutes. The authors of the rejected amendments in the committee have the right to introduce their proposals for no more than 5 minutes.
3. The voting article by article and voting in entirety is accomplished according to the provided rules of the article 75-77 of these Rules.

#### **Article 85**

#### **Changes to the State Budget and to the financial laws**

The determined rules in this chapter are also implemented in the case of the changes of the state budget or financial laws directly related to it during the year.

### **CHAPTER IV**

### **SPECIAL PROCEDURES**

#### **Article 86**

#### **Decree of the President of the Republic for the Examination of Laws**

1. If the President of the Republic, according to the article 85 of the Constitution returns the law for reconsideration to the Assembly, the Speaker of Assembly transmits it for reconsideration immediately to the responsible committee that has initially dealt with it.
2. The responsible committee considers the decree only for the issues introduced by the President of the Republic and within 8 weeks from the initial date of the consideration, introduces the report. This report contains the opinion of the committee and as the case may be, the proposals on certain articles of the law, as well.
3. Only the re-formulations of the introduced articles by the Committee are voted in a plenary sitting. The decree loses its effect when the majority of all the members of the Assembly vote against it.

#### **Article 87**

#### **Implementation of the Constitutional Court Decisions**

1. The Council on Legislation takes into consideration the decisions of the Constitutional Court immediately after their publication in the Official Gazette.
2. The Council considers and discusses, according to the definitions in the Rules, the effects of the decision of the Constitutional Court regarding the legislation. If the Council decides that it is necessary the legal initiative for additions or amendments, it introduces to the Council of Ministers the necessary recommendations or submits at its own initiative the legal initiative. The opinion of the Council is transmitted to the Constitutional Court, the Council of Ministers and the President of the Republic.

#### **Article 88**

#### **Examination of Other Normative Acts**

The predicted procedures in this part are implemented, as long as it is possible, for the consideration of the normative draft decisions approved by the Assembly or the normative acts with the force of law issued by the Council of Ministers.

### **THIRD PART CONTROL OF ASSEMBLY**

#### **CHAPTER I QUESTIONS, INTERPELLATIONS AND MOTIONS**

##### **Article 89 Joint Provision**

1. The examination of questions, interpellations, and motions for debates are held separately from any other discussion.
2. The speaker, after advising the Conference of the Chairpersons, can decide that the questions, interpellations and motions that are related with same or similar issues be grouped together and examined at the same time. When the MP setting forth the question, interpellation or motion does not agree with the decision of the Speaker, the issue is sent to the Assembly in the first coming plenary sitting, which decides at an open voting with no debates.
3. The Speaker of Parliament has the right not to accept questions, interpellations or motions that are formulated with unseemly words, in which are introduced issues that are not under the responsibility of the Council of Ministers; that harm the honor, the private life or the personality of an individual or institution; that are in conflict with the Rules of Procedures of the Assembly; or questions and interpellations that have been exhausted or motions that are discussed and decided upon for the same motive. When the MP disagrees with the Speaker, the issue is submitted to the Assembly, which after listening for no more than 10 minutes to the Speaker and the proposing MP decides with open voting and without debate.

##### **Article 90 Questions**

1. Every MP has the right to ask questions to the Prime Minister or every other member of the Council of Ministers. The MPs submit the questions to the Speaker of Assembly, who notifies the member of the Council of Ministers who is asked the question.
2. The questions are asked to get information on one or some certain issues. The questions are made in writing, in a clear and concise form and must pertain to those issues that are included in the competencies of the persons that are asked the questions or the activity of the administration they are responsible for.

##### **Article 91 Responses to questions**



1. The Assembly is notified on the questions that have been asked.
2. The prime Minister, Deputy Prime Minister and every other member of the Council of Ministers is obliged to answer the questions in the plenary sitting, within three weeks from the date of their submission.
3. Not more than two questions, asked by the same MP may be included at the same plenary sitting.

#### **Article 92**

##### **The sitting of questions**

1. At least 45 minutes, after the issues that are not in the agenda, according to the article 45 of these Rules, in every plenary sitting must be allotted to the questions, except the cases when it is determined differently in the order of business.
2. If the time, according to item 1 of this article exceeds, the questions that are not answered are dealt with in the order of business of the next sitting.
3. After answering the questions, the MP has the right to take the floor to declare if he is satisfied or not with the answer for no more than 3 minutes for each question.

#### **Article 93**

##### **The answers of questions in the committee**

1. The MP can ask the question to be answered in the Committee. In this case the Speaker of Assembly transmits the question to the Chairperson of the respective committee according to the subject matter and notifies the Member of the Council of Ministers who is asked the question.
2. The answer of the questions makes the first point in the agenda of the committee within 15 days from the day of the submission and article 93, item 2 is applicable during its consideration.
3. The answers of the questions in the committee together with the speech of the person asking the questions are published.

#### **Article 94**

##### **Written answers of questions**

1. If the MP requests a written answer, the Speaker of Assembly transmits it immediately to the respective member of the Council of Ministers who must answer within three weeks from the day of the submission of the request.
2. If the answer is not given within the time limit envisaged in item 1 of this article, the Speaker of Parliament, at the request of the questioner, may include the answer of the question in the agenda of the respective standing committee related to the subject of the question.

#### **Article 95**

##### **Questions for immediate answers**

1. Questions for immediate answers shall be dealt with once a week, on Wednesdays for no more than 60 minutes.

2. Questions for immediate answers must be submitted in writing until Monday at 14.00 at the Secretary of Assembly. The questions are presented immediately to the Prime Minister and the member of the Council of Ministers, to whom they are asked.
3. In the sitting of questions for immediate answers, each MP has the right of one question, formulated in a clear and concise manner, on an urgent issue or of wide public or political interest.
4. Every MP that has submitted a question for immediate answers can speak to it for no more than 2 minutes. The Prime Minister or the Minister has the right to answer the question for no more than 5 minutes and after this the questioner has the right to take the floor again for 3 minutes. The Prime Minister or the Deputy Prime Minister is the first to answer the questions and later the Minister that is asked the greater number of questions.
5. In the cases of the questions for immediate answers, Article 89 of these Rules is implemented.
6. The questions submitted according to this article cannot be tabled again as ordinary questions in plenary sitting.

#### **Article 96 Interpellations**

1. The interpellation is a written request, to the Prime Minister, Deputy Prime Minister or every other member of the Council of Ministers to obtain information on the motives, aims and position of the Council of Ministers regarding the important aspects of their activity. The interpellation is submitted to the Speaker of Assembly who immediately notifies the member of the Council of Ministers, who is directed the request for interpellation.
2. Every MP, group of MPs or parliamentary group can submit the interpellation.
3. The interpellations, except the cases when it is envisaged differently by the Rules of Procedure, must be submitted to the Assembly every Tuesday until 14.00. They are predicted to take place in plenary sittings, usually on three coming Mondays from the date of their submission.
4. Not more than two interpellations submitted by the same MP or group of MPs may be included in the same plenary sitting.
5. The MP submitting the interpellation, has the right to speak about it for no more than 7 minutes and after the statement of the member of the Council of Ministers, to whom the interpellation is directed, can explain for no more than 15 minutes the reasons for which he is satisfied or not with the given answer.  
After the MP is through with his speech, the minister and then the MP submitting the interpellation are entitled to speak for not more than 3 minutes each.

#### **Article 97 Interpellations on urgent matters**

1. The chairperson of a Parliamentary Group or 7 MPs can ask interpellation on an urgent issue. Every Group Chairperson cannot ask more than one urgent interpellation per each month and every MP cannot sign more than one interpellation per month.

2. As a rule, the urgent interpellations must be submitted to the Assembly no later than Monday at 14.00 hours and they will be the first point in the agenda in one of the plenary sittings in the coming week.
3. Article 96, item 5 is implemented for the urgent interpellations.

### **Article 98**

#### **Motions**

1. A chairperson of the parliamentary group or at least 7 MPs can submit a motion to hold a debate in the Assembly on a specific issue and in the end can propose the approval of a resolution or declaration, the text of which is attached to the request to hold the motion.
2. The request to hold a motion is submitted to the Speaker of Assembly, who within 3 days convenes the Conference of the Chairpersons to decide on the date to hold the motion in a plenary sitting. If the date is set in consensus at the Conference of the Chairpersons, it is announced to the Assembly in the very next sitting. If there is not reached a consensus among the Chairpersons of the parliamentary groups at the Conference of the Chairpersons, the Speaker of the Assembly presents the request in the sitting, proposes a date to hold it, and asks the Assembly to decide with public voting after listening to an MP *in favour* and another one *against* for no more than 10 minutes. The debate cannot be held later than 30 days from the date of the submission of the motion.
3. When there are several motions on the same issues or related to one-another, the Assembly may hold a joint debate.

### **Article 99**

#### **The debate of motion in plenary sitting**

1. The debate of motion in a plenary sitting includes the general debate and the debate on amendments in the draft declaration or draft resolution if it is proposed for approval.
2. The time of the general debate is determined at the Conference of the Chairpersons in compliance with the article 48 item 3 of the Rules. The MPs who like to discuss at the general debate must register at the list of the speakers, at least two hours before the beginning of the debate.
3. The written amendments on the draft resolution or draft declaration that must be registered at the secretary for the voting and procedures at least 24 hours before the time for the debate and to be distributed to the MPs. At the end of the general debate the author of the amendment has the right to introduce his proposal for no more than 5 minutes and every MP is entitled to discuss up to 5 minutes on the introduced amendment.
4. The chairperson of the sitting asks to vote first the amendments that need to add or change words in the text of the draft declaration or draft resolution, starting with the amendment less similar to the text, and then those that need to remove words or parts of it and finally, the text introduced by the initiators of the motion.

## **CHAPTER II**

## **MOTION OF CONFIDENCE AND MOTIONS OF NO CONFIDENCE**

### **Article 100<sup>10</sup>**

#### **Motion of Confidence**

1. The Prime Minister, according to the article 104 of the Constitution, can submit to the Assembly the motion of confidence. The motion of confidence is presented by the Prime Minister on a case of political or national importance and may be related with the approval of a draft law or draft decision by the Assembly. If the Prime Minister presents the motion related to the approval of an article, part of it or a bill in entirety, they are voted after the presentation of all the amendments related to them. The proposed text by the Prime Minister is voted at the beginning.
2. The motion of confidence cannot be related to the proposals for inquiries of the Assembly, appointments or dismissals, waiver of immunity and in general on matters relating to the functioning of the Assembly.
3. The Conference of the Chairpersons decides the time of the debate about the motion of confidence allowing to discuss for no less than 3 minutes every MP that does not belong to any parliamentary group or those that would like to present different attitudes from the parliamentary group they belong to. The voting of the motion cannot be done until 3 days have elapsed from the date of its presentation in the plenary sitting.
4. In case the motion of confidence is voted by less than half of all the members of parliament, within 48 hours from the voting of the motion, the Prime Minister asks the President of the Republic to dismiss the Assembly. The President dismisses the Assembly within 10 days upon receipt of request. The request for motion of confidence cannot be submitted during the review of the motion of non-confidence, pursuant to article 105 of the Constitution.

### **Article 101<sup>11</sup>**

#### **Motion of no confidence**

1. No less than 1/5 of all the MPs have the right to present the motion of no confidence against the incumbent Prime Minister, proposing at the same time a new Prime Minister. The motions of no confidence must have the signatures of the MPs and must be reasoned.
2. After the submission of the motion of no confidence, the Speaker of Assembly notifies immediately the Prime Minister and convenes the Conference of Chairpersons to set the date of the motion. The presentation of the motion in a plenary sitting is done no later than 7 days from its submission and the voting cannot be done without 3 days have elapsed from its presentation in the plenary sitting according to the item 3 of this article.
3. The plenary sitting on the motion of no confidence begins with the presentation of the motion for no more than 5 minutes and the debate on it according to the time decided upon by the Conference of the Chairpersons. At the end of the debate the initiator of the motion has the right to speak for no more than 10 minutes.
4. The assembly may vote a motion of no confidence provided it elects a new Prime Minister with more than half of the votes of all of its members. The president of the Republic decrees the discharge of the incumbent Prime Minister and the appointment of the elected Prime

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<sup>10</sup> Item 4 amended with the Assembly's decision no. 193 on 7.7.2008.

<sup>11</sup> Items 1 and 4 amended with the Assembly's decision no. 193 on 7.7.2008.

Minister, no later than 10 days following the day the motion of no confidence was voted in Parliament.

5. When the motion of no confidence is not approved, its signatories cannot present or join another motion of no confidence within the same session.

### **CHAPTER III FINAL DISPOSITIONS FOR PARLIAMENTARY CONTROL**

#### **Article 102 Control from the committees of the Assembly**

1. The standing committees of the Assembly can present to the Assembly reports and proposals on such matters that are under their competence or when the Assembly asks such a thing.
2. The committees have the right to convene at any time the ministers to give the necessary explanations on the problems, in the fields they are individually responsible and on the implementation of laws, decisions or declarations or the approved resolutions by the Assembly. On request of the committees, the heads of the state institutions provide explanations and information on issues related to their activity.
3. The standing committees within their respective fields of responsibility can control or ask for the documentation that they consider necessary for certain matters. In this case the Speaker is informed by the committee chair in written. At the end of the control, the committees must draw a report, which is given to the Speaker of Assembly and is announced publicly, including the opinion of the minority, as well.

#### **Article 103 Reporting in the Assembly**

1. The Conference of the Chairpersons at the beginning of each year, with the proposal of the Speaker of Assembly, decides on the agenda of the presentation of the reports and information of the constitutional organs and those established by law in the Assembly. The agenda of the presentation of reports and information is distributed to the MPs in the nearest plenary sitting.
2. The Speaker of Assembly asks the written report or information of the institution to be sent to the Assembly at least two weeks before the date at the plenary sitting and after its submission gives it immediately for consideration to the respective parliamentary committee. The committee organizes a hearing session for the report or information and in the end of the discussions approves an evaluation report of the work of the institution and introduces it to the plenary session.
3. In a plenary sitting, the report or information is delivered by the person chairing the institution for no more than 60 minutes, the evaluation report of the standing committee together with the opinion of the minority is read and it is proceeded with the questions and answers and the opening of the debate by the chairperson of the sitting, in case there is a written request for debate by a standing committee, a chairperson of a parliamentary group or at least 10 MPs. The time of the debate is determined by the Conference of the Chairpersons in accordance with Article 48 item 3 of the Rules. The draft resolution introduced by the committees shall be voted in accordance with article 99 of the Rules.

4. A standing committee, a chairman of a parliamentary group or at least 10 MPs have the right of calling the heads of state institutions to a plenary sitting to give explanations or to inform the Assembly for issues of their activity. The request should be submitted in written, and the Assembly decides at an open voting with no debates, after having listened to a speaker *in favor* and one *against* for not more than three minutes.

#### **Article 104** **Petitions**

1. The petitions addressed to the Assembly shall be examined by the appropriate standing committees.
2. The petitions must be in writing, must have the name of the author and the appropriate signatures must be clearly expressed and show clearly their objective so as to be accepted for consideration.
3. The Speaker sends the petitions through the appropriate services of the Assembly to the committees connected with the object of the petition. The chairperson of the standing committee can turn back the petition to its authors to re-formulate it or to ask for more explanations.
4. No later than 45 days from the date of receiving the petition, the Chairperson of the committee presents the petition to the committee proposing meantime its legal solution or its refusal. If the committee considers appropriate for the solution of the case, it can authorize the chairperson to present the declaration in the plenary sitting. The solution of the issue in the petition and the undertaken steps are announced to the authors of the petition.

### **PART FOUR** **PUBLICITY OF THE ACTIVITY OF THE ASSEMBLY**

#### **Article 105** **Open Activity of the Assembly**

1. The activity of the Assembly is public, unless otherwise foreseen in Article 43 of these Rules.
2. The open activity of the Assembly is realized through:
  - a) Participation of the public in the law-making process;
  - b) Publicity of the activity of the Assembly and of its bodies in the press and visual media;
  - c) Publications of the parliamentary documentation;
  - d) Interior audio-visual network;
3. The specialized services of the parliamentary information and documentation are organized for achieving the open activity of the Assembly. The Bureau of the Assembly approves special rules for their functioning.
4. The media representatives that cover the activity of the Assembly are accredited to the Assembly, according to a special procedure approved by the Bureau of the Assembly.

#### **Article 106** **The parliamentary documentation**

1. The parliamentary documentation includes:
  - a) Laws, decisions, resolutions, declarations of the Assembly and their projects;
  - b) Documents that are related with the exertion of functions of the Assembly Speaker;
  - c) Documents related to the preparation and holding of the Assembly's plenary sittings.
  - ç) Documents related with the preparation and holding of meetings of the Assembly committees;
  - d) Documents that are related with the activity of the bodies of the Assembly;
  - dh) Parliamentary publications of the Assembly;
  - e) Audio-visual productions that are related with the activity of the Assembly
2. The parliamentary documentation is open for the public.
3. The parliamentary documentation and the historical fund of the Assembly are preserved in the Archive of the Parliamentary Documentation. Systematization, classification and the procedures for using the parliamentary documentation and the historical fund are defined at a special regulation approved by the Bureau of the Assembly.

#### **Article 107** **Parliamentary publications**

1. The parliamentary publications include:
  - a) Minutes of the plenary sitting of the Assembly;
  - b) Summarized minutes of the meetings of the Assembly committees and of the plenary sittings, respectively according to Articles 39 and 54 of these Rules;
  - c) Laws, decisions, resolutions and declarations approved by the Assembly;
  - ç) Presentation of the activity of the Assembly and of its bodies;
  - d) The annual report of the activity of the Assembly;
  - dh) The publications in the web page of the Assembly;
2. The Bureau of the Assembly has the decision-making authority for the parliamentary publications.

#### **Article 108** **Broadcasting by the Albanian Public Television**

1. Approval of the political program and of the composition of the Council of Ministers, question sessions, the weekly questioning time, interpellations, urgent interpellations, motions, confidence and no-confidence motions and the reports of the inquiry committees are broadcast in full by the Albanian Public Television.
2. Upon the request of the Conference of the Chairpersons, the Albanian Public Television broadcasts in the peek hours even other sittings, after the Conference has specified in the calendar of the Assembly that the full broadcasting of these sittings is of importance.

### **PART FIVE** **APPOINTMENT, ELECTION AND DISMISSAL OF THE ORGANS**

## **Article 109<sup>12</sup>**

### **The election of the President of the Republic**

1. The President of the Republic is elected according to the article 86, 87 and 88 of the Constitution, by secret vote and without debate. The Conference of the Chairpersons fixes the date of the voting for every voting round defined in the Constitution, if it is necessary. The secretariat on the procedures and voting is the voting committee, which in this case organizes and makes public the voting results.
2. The Committee on Legal Issues examines if the candidates fulfil the conditions, defined in the Constitution on candidacy and submits the report to the plenary sitting within the deadline determined by the Conference of the Chairpersons.
3. The President of the Republic is elected by a majority of no less than three-fifths of all MPs in the first voting, the second or the third voting. In the fourth and fifth voting, the candidate receiving more than half of the votes of all MPs shall be elected President.

The voting shall be considered to have taken place even if there are no candidates running.

The first voting shall take place no later than 7 days from the start of the procedure for the election of the President, pursuant to Article 88 of the Constitution. If a majority of 3/5 is not reached in the first voting, the Chairman's Conference immediately sets the date for the second voting which should take place no later than 7 days following the first voting. On the second voting, and in pursuance to item 2 of this article, there can be new candidates put forth with the proposal of no less than 20 MPs who have not been part of any proposing group in the first voting, or when the candidate they proposed in the first voting has withdrawn.

If a majority of 3/5 is not reached in the second voting, the Chairman's Conference immediately sets the date for the third voting which should take place no later than 7 days following the second voting. On the third voting, and in pursuance to item 2 of this article, there can be new candidates put forth with the proposal of no less than 20 MPs who have not been part of any proposing group in the first or second voting, or when the candidate they proposed in the first or the second voting has withdrawn.

If a majority of half of the MPs is not reached in the third voting, the Chairman's Conference immediately sets the date for the fourth voting which should take place no later than 7 days following the third voting. On the fourth voting, and in pursuance to item 2 of this article, there can be new candidates put forth with the proposal of no less than 20 MPs who have not been part of any other proposing group in the previous votings, or when the candidate they proposed in the previous votings has withdrawn.

If a majority of 3/5 is not reached in the fourth voting, the Chairman's Conference immediately sets the date for the fifth voting which should take place no later than 7 days following the fourth voting. The fifth voting is conducted between two candidates who have received most of the votes in the fourth voting. In case there are more than 2 candidates with the same number of votes, the candidate who shall take place in the fifth round of voting shall be determined by drawing a lot.

In case there are no candidates left after the fourth voting, there may new candidates introduced in this round pursuant to the criteria set in section 1 article 87 of the constitution and item 2 of this article. In case there are more than two candidates introduced, the fifth round of voting is held between two candidates having the biggest number of proposing MPs.

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<sup>12</sup> Items 3 and 4 amended with the Assembly's decision no. 193 on 7.7.2008.



4. In case even in the fifth voting none of the candidates obtains the required majority, or when after the fourth failed voting there are no new candidates introduced, the Speaker of the Assembly declares the dissolution of the Assembly. The successive Assembly elects the President of the Republic with the majority of all of its members.

#### **Article 110**

##### **Approval of the program and the composition of Council of Ministers**

1. The date of the plenary sitting for the approval of the program and composition of the Council of Ministers, according to the article 97 of the Constitution is fixed by the Speaker of Assembly in agreement with the Prime Minister.
2. The Prime Minister introduces the political program of the Council of Ministers and its composition to the Assembly.
3. After the presentation of the political program, every MP and parliamentary group has the right to ask questions to the Prime Minister.
4. After answering the questions, the Speaker declares open the debate on the composition and political program of the Council of Ministers. The Conference of the Chairpersons determines the time of the debate, according to the Article 48 of these Rules. At the end of the debate, after the remarks of the chairpersons of the parliamentary groups, the Prime Minister has the right to speak for no more than 10 minutes. Voting of the composition and of the political programme of the Council of Ministers by the Assembly is made according to Article 58 of these Rules.
5. If the Assembly does not approve the composition and the political program of the Council of Ministers, the Speaker of the Assembly notifies immediately the President of the Republic.
6. In the case provided by Article 96, item 3 of the Constitution, the Speaker invites the chair of the party or of the coalition of the parties that have the majority of the seats in the Assembly to propose the new Prime Minister within 3 days. The proposal for the election of the new Prime Minister is examined by the Assembly in a plenary sitting not later than 7 days from the proposal date.

#### **Article 111<sup>13</sup>**

##### **Election of the members of the constitutional organs or those established by law**

1. Except the cases when the Constitution or the law defines differently, the candidates for the constitutional organs or the organs established by law can be proposed by a group of no less than 28 MPs together with a curriculum vitae of the candidate and his consent on the candidacy.
2. The candidacies must be proposed 45 to 30 days before the end of the mandate of the member of the organ and no later than 10 days after the end of the mandate or the dismissal of the member of the constitutional organ or that established by law.
3. Upon submission of the candidacies, the Speaker of Assembly gives them immediately to the responsible committee that must decide if the candidacies fulfil the legal conditions for candidacy within three weeks from the submission of the request.

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<sup>13</sup> Items 3 -8 amended with the Assembly's decision no. 193 on 7.7.2008  
- Item 6 amended with decision No. 41, dated 24 June 2010

4. The Assembly votes the candidates no later than 30 days from the ending date of the mandate or the dismissal.
5. When the election to bodies established based on the Constitution or on the law is done by the Assembly on proposal of other institutions, the procedure shall be conducted pursuant to item 3 of this article. The Assembly reviews the request in a plenary sitting within one week following the submission of the report from the respective commission.
6. When the constitution anticipates the consent of the Assembly, the Speaker forwards the request to the Commission on Legal Issues, Public Administration and Human Rights, which reviews the request and the respective report within 8 weeks. The Assembly reviews the request for consent on a plenary sitting within one week following the submission of report by the Commission on Legal Issues, Public Administration and Human Rights, and if requested by at least one head of a parliamentary group, it shall be discussed.
7. The respective commission does in all cases checks on the fulfilment of eligibility criteria for each candidate as provided in the constitution and the law, within the deadlines set in this article. The commission holds public hearing sessions with each candidate. If the candidates do not meet the legal criteria set in the Constitution or the law, the commission, by means of its report, asks the Speaker of Parliament to inform the proposing institution on failure to meet the criteria. The review procedure in the Assembly may resume only after the said institution provides feedback on the issue.
8. In case none of the candidates obtains the required majority of votes, the procedure resumes with new candidates in compliance with the provisions of this article, unless otherwise provided.

#### **Article 112**

##### **The dismissal or inability of the President of the Republic to exert his tasks**

1. Not less than 1/4<sup>th</sup> of the MPs can propose the dismissal of the President of the Republic, under the reasons predicted in Article 90, item 2 of the Constitution. The request should be submitted in written to the Speaker of the Assembly and should contain in a motivated and concrete way the serious violation to the Constitution, or committing of a serious crime. After the proposal, the Speaker of the Assembly does immediately inform the Assembly and the President of the Republic.
2. The Speaker transmits the request and its relevant documentations to the Committee on Legal Issues, Public Administration and Human Rights, which, within 15 days submits to the Assembly a report and its proposal for the establishment or non-establishment of an inquiry committee. If the President requires to be expressed in the committee, the committee is obligated to listen to him, giving him a sufficient time to prepare for the defence and give explanations.
3. The Assembly holds a debate in the plenary sitting not later than 7 days from the day of presentation of the report by the Committee of Legal Issues, Public Administration and Human Rights, and in compliance with the time frame defined by the Conference of the Chairpersons, according to Article 48 of these Rules. If, by its voting the Assembly rejects the report and the submitted proposal, the procedure for dismissing the President of the Republic is suspended. The Assembly cannot decide again on the same motive even in case the request is submitted by another group of MPs. If the Assembly accepts the report and the proposal of the Committee on Legal Issues, Public Administration and Human Rights by the voting, it establishes an inquiry committee for this issue within two

days. The inquiry committee is obligated to call and to listen to the opinion of the President of the Republic regarding the submitted proposal.

At the end of the inquiry the investigative committee should submit a report to the Assembly saying if there are reasons to dismiss the President of the Republic.

4. The Assembly examines the report of the inquiry committee at a special sitting within 20 days from its submission. The Conference of the Chairpersons decides on the date of the voting in the Assembly and the time of the debate, according to Article 48 of these Rules. If the President of the Republic requires to be heard in a plenary sitting, the Assembly is obligated to listen to him. The Assembly decides on dismissing the President of the Republic by not less than 2/3 of all its members at a secret voting. The decision of the Assembly to dismiss the President of the Republic is sent to the Constitutional Court by the Speaker of the Assembly within five days from its reception.
5. In case the proclamation of the inability of the President to exert his tasks is required, the inquiry committee appoints not less than 5 medical doctors, specialists of the respective medical fields, to define the health status of the President of the Republic. The Assembly, at 2/3ds of all its members decides to send the case to the Constitutional Court, which finally verifies the status of the inability. In case the inability is verified the seat of the President remains vacant and the election of the new President starts 10 days after the date of verification of the inability.

### **Article 113 Dismissal of the Prime Minister**

The Prime Minister is dismissed by the Assembly, according to Article 104 and 105 of the Constitution and Article 100 and 101 of these Rules.

### **Article 114<sup>14</sup> Dismissal of the members of the constitutional organs or those established by law**

1. Except the cases when in the Constitution or by law is predicted differently, the request for dismissal of the members of the constitutional organs or those established by law may be submitted in writing and in a motivated way by at least 28 MPs. The Speaker does immediately inform the Assembly and the member of the constitutional body for whom the dismissal is required immediately after the request is submitted.
2. The Speaker of Assembly forwards the request with the complementary documents to the Committee on Legal Issues, Public Administration and Human Rights, which submits to the Assembly within 15 days the report about its proposal and recommendation for the establishment or not of an inquiry committee. The committee carries out the debate at the plenary sitting no later than 7 days from the date of the submission of the report of the Committee on Legal Issues Public Administration and Human Rights, and in compliance with the fixed time by the Conference of Chairpersons according to the article 48 of these Rules. If the person for whom the dismissal is required wants to be expressed in the committee, the committee is obligated to listen to him, giving him a sufficient time to prepare for the defence and give explanations. The Assembly has a debate in the plenary sitting not later than 7 days

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<sup>14</sup> Item 3 amended with the Assembly's decision no. 15 on 27.12.2005.

from the fate of the submission of the report by the Committee on Legal Issues, Public Administration and Human Rights, and in concordance with the time defined by the Conference of the Chairpersons, according to Article 48 of these Rules. If the Assembly by voting drops the submitted report the procedure for the dismissal of member of the constitutional organ is interrupted. The Assembly cannot decide again on the same proposal even if the request is submitted by another group of MPs. If the Assembly accepts by voting the report of the Committee on Legal Issues, Public Administration and Human Rights, it establishes within two days an investigating committee on this issue. The inquiry committee must summon and listen to the member of the constitutional body regarding the submitted proposal. In case the dismissal of the member of the constitutional body is request on grounds of physical or mental disability, the inquiry committee appoints not less than 5 doctors, specialists of the respective medical fields, to define the health status of the person in question. At the end of the inquiry, the inquiry committee should submit a report to the Assembly, giving arguments if there are or not reasons to dismiss the member of the constitutional body.

3. The Assembly holds a debate in the plenary sitting not later than 20 days from the day of presentation of the report. The Conference of the Chairpersons, according to Article 48 of these Rules, decides on the date of voting on the dismissal of the member of the constitutional body by the plenary and on the debate time. If the constitutional body member requires to be heard in a plenary sitting, the Assembly is obligated to listen to him. The report of the Inquiry Committee proposing the Assembly the dismissal of a member of a constitutional body is approved by the Assembly with the majority as required by the Constitution on a case by case basis. hen the report for the dismissal of a member of constitutional body is not approved, the report shall be considered overturned. For the cases foreseen in the constitution, the decisions of the Assembly to dismiss the member of the constitutional body is send within 5 days to the Constitutional Court or the President of the Republic, as the case may be.
4. The request for dismissing the Speaker of the Assembly is submitted according to item 1 of this Article and is examined by the Council for the Legislation, which submits the respective report to the plenary sitting. If required, the Council for the Legislation and the Assembly are obligated to hear the Speaker of the Assembly. In this case the plenary sitting is chaired by the deputy speaker that belongs to the parliamentary majority.

#### **Article 115**

##### **Dismissal of the Members of the Bodies Created by the Law**

1. The requirement for dismissing the members of the bodies established by law is submitted to the Speaker of the Assembly at a written form and in a motivated and concrete way.
2. The Speaker of the Assembly sends the request and the relevant documentation to the respective committee, which should prepare a report for the plenary sitting within 4 weeks from the date the request is received.
3. The examination of the issue in the committee is made through a procedure that guarantees to the person that is the target of dismissal the right to get informed in time, to get questioned, to get listed to, to make questions to the ones requiring his dismissal and to submit explanations.
4. The Conference of the Chairpersons decides on the date of voting of the request in the Assembly, and, if required by a chair of one parliamentary group, even the debate time,

according to Article 48 of these Rules, which at any case should be not less than 3 weeks from the submission of the committee report. The persons for whom the dismissal is sought is given the floor for not more than 15 minutes if it is required by him, by 7 MPs or by a parliamentary group head.

## **PART SIX THE INTERPRETATION OF THE RULES OF PROCEDURE AND THE WAIVE OF IMMUNITY**

### **Article 116 The interpretation of the Rules of Procedure**

1. When during the plenary sitting is claimed on the interpretation and the implementation of the Rules of Procedure it is the competence of the chairperson of the sitting to decide on the raised claim and this decision is no object for discussion.
2. When during the meeting of the committees, it is claimed on the interpretation and implementation of the Rules of Procedure, the Chairperson of the committee decides on the claim and his decision is not subject to debate. Upon request of the interested MP, the claim may be submitted to the Committee on Rules of Procedure, Immunity and Mandates that must make the final interpretation on the raised issue in the committee within 10 days from the submission of the request.
3. For other cases, it is the competence of the Committee on Rules of Procedure, Immunity and Mandates to make the interpretation of the articles of the Rules of Procedure. The request for interpretation by the Committee can be done by any MP.
4. The Speaker of Assembly, a chairperson of a parliamentary group, a standing committee or 10 MPs can ask for the case of interpretation of a special case to be presented to the Assembly in a plenary sitting to take a decision.

### **Article 117 Change of the Rules**

Every MP has the right of submitting proposals for changes to the Rules of the Assembly. The procedure foreseen in these Rules and for the examination of draft-laws is applied for the examination of these proposals. The changes in these Rules are approved with the majority of votes of all the members of the Assembly.

### **Article 118<sup>15</sup> Waive of MP immunity**

1/1. Immunity waive shall be carried out through restriction of immunity for criminal acts related to active and passive corruption in accordance with the Criminal Code, in compliance with the relevant decision of the Assembly, or through its lifting (authorisation to start criminal prosecution) in accordance with the conditions and procedures stipulated in this article for all criminal acts. The Assembly's decision on restriction of immunity shall be an integral part of the Rules of Procedure, as Annex 1.

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<sup>15</sup> Point 1/1 added and points 1 and 4 amended with decision No. 88, dated 24 February 2011

1. The request and the other complementary documents for the authorization of the initiation of the legal prosecution of the MP is submitted to the Speaker of Assembly by the General Prosecutor. The Speaker submits immediately this request and the other complementary documents to the Committee on Rules of Procedure, Immunity and Mandates and immediately notifies the MP.
2. The MP, whom the authorization is asked for, is notified for the request and the complementary documents and is made known the time when the Committee on Rules of Procedure, Mandates and Immunity will begin to examine the request. The MP has the right to submit to the Committee, in writing or orally, his explanations and remarks on the issue.
3. After the examination, the Council, within four weeks, submits a report for the plenary sitting in which it recommends the approval or the rejection of the authorization for the initiation of the legal prosecution of the MP. The report of the Committee is distributed to the MPs.
4. The examination of the request for the authorization for the initiation of the legal prosecution or the arrest of an MP is set as the first point in the order of business in the second coming sitting after the report of the Committee on the Rules of Procedure, Mandates and Immunity. At the plenary sitting, the floor is first given to the MP, who is asked to give explanations or to answer the questions of the MPs. The report of the Council is not subject to discussion. The Assembly decides with secret vote if it will be given or not the authorization for the legal prosecution of the MP.
5. The procedures anticipated in items 1, 2, 3, and 4 are implemented in the case when the arrest of the MP is asked, as well.
6. If the Assembly does not take a decision to give or not the authorization for the legal prosecution or the arrest of the MP within 3 months from the date of the submission of the respective request, then the request is considered as rejected by the Assembly.
7. The provisions of this article are also implemented in the cases of giving the authorization for the initiation of the legal prosecution or the authorization for the arrest of the member of the Council of Ministers.

#### **Article 119**

##### **The procedure for the cases the MP is detained or arrested**

1. If an MP is detained or arrested without authorization, accomplishing or immediately after the accomplishment of a serious crime, the General Prosecutor notifies immediately the Speaker of Assembly.
2. The Speaker of Assembly convenes immediately the Council on Rules of Procedure, Immunities and Mandates asks to examine the case and presents the documents given by the General Prosecutor.
3. Within 2 days after the announcement of the Speaker of Assembly, the Council examines if there can be prosecution against the arrested or the detained MP, listening to the General Prosecutor and to the arrested or the detained MP.
4. The Council submits the report to the plenary sitting which the Speaker of Assembly convenes within 2 days from the submission of the report. The Assembly, with secret vote, must decide to waive or not the arrest or the detention of the MP.

#### **PART SEVEN**

##### **SERVICES OF THE ASSEMBLY**

## **Article 120**

### **Services of the Assembly**

1. The services of the Assembly fulfil the advisory, informative, organizing and technical tasks, to the service of the MPs, Assembly and its organs. The services of the Assembly must offer the possibilities and the conditions to the MPs, the Assembly and its organs to accomplish their constitutional and legal duties.
2. The services of the Assembly include:
  - *a) the legislative services*, which include the service of the plenary sitting, the judicial service, the service on the examination and oversight of the State Budget Implementation and the service of the committees of the Assembly;
  - *b) the information and documentation services*, which include the service of the scientific research, the library and archive service, the service of the technology of information, the service of the parliamentary publications and the service of the public relations;
  - *c) the service of foreign relations*, which includes the service of the international relations, the service of the consular relations and the protocol treatment and the service of translation.
  - *ç) the administrative services*, which include the service of the treatment of the MPs, the service of the human services, the services of finance and budget, the service of transport and the service of maintenance.

## **Article 121**

### **Management of the Assembly services**

1. The services of the Assembly are supervised by and are accountable to the Secretary General of the Assembly who is the highest civil clerk in the Assembly. The Secretary General is appointed by the Assembly's Bureau pursuant to article 11 item 6 of the Rules.
2. The Secretary General assures and takes care of the welfare of the Assembly and is accountable to the Speaker of Assembly and the Bureau of the Assembly. The Secretary General is responsible for the drafting and implementation of the budget of the Assembly.
3. The parliamentary secretariats supervise the work of the services for the accomplishment of their duties to the benefit of the activity of the Assembly and its organs.
4. The detailed organizational structure and the limit number of the employees of the Assembly is decided by the Bureau of the Assembly with the proposal of the Secretary General.

## **Article 122**

### **Security Service in the Assembly**

1. To maintain the order and peace in all the area of the Assembly functions the security service in the Assembly. The security service in the area of the Assembly is armed and in the hall of the plenary sittings it is not armed. The service has special uniform and technical equipment for the accomplishment of their duties.
2. The Assembly's security guards shall take action in the plenary sittings' room only on the order of the Speaker or of the Chair of the plenary sitting and outside the plenary room they shall act in accordance with the rules determined by the Assembly's Bureau.

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3. The security service in Assembly, administratively, financially and concerning the professional training is part of the structure of the Guard of the Republic.



**REPUBLIC OF ALBANIA  
THE ASSEMBLY**

**DECISION<sup>17</sup>**

**Annex 1**

**No. 89, Dated 24 February 2011**

**ON THE MP'S IMMUNITY RESTRICTION AND THE CONDITIONS FOR THE  
CRIMINAL PROSECUTION AUTHORISATION**

Pursuant to Article 75, point 2 of the Constitution of the Republic of Albania, and Article 117 of the Rules of Procedure of the Assembly, following the proposal of a group of MPs,

THE ASSEMBLY  
OF THE REPUBLIC OF ALBANIA  
DECIDED:

**Article 1  
MPs' immunity restriction**

1. To adopt the MPs' immunity restriction, allowing the start of criminal prosecution for criminal acts related to active and passive corruption in accordance with the provisions of the Criminal Code.
2. For these criminal acts, the MP's immunity restriction shall be valid for the entire duration of the mandate for those MPs that state the consent for the immunity restriction in written. The written consent is submitted to the Speaker of the Assembly and shall be valid until the end of the legislature, except the event the MP withdraws the consent through a written statement.

**Article 2**

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<sup>17</sup> Added with decision No. 89, dated 24 February 2011



### **Procedural measures and actions which are not permitted**

In accordance with Article 1 of this decision, the immunity restriction shall serve as an authorisation to start criminal prosecution, but it shall not extend to the following measures and procedural actions:

- a) restriction measures which result in restriction of the freedom of movement;
- b) inspection of the person;
- c) inspection of the dwelling or office of the MP;
- d) searching of the person;
- e) arrest.

### **Article 3**

#### **Time limit and procedures for the start of criminal prosecution**

1. Following the entry into force of this decision, the criminal prosecution for the criminal acts regulated in Article 1 of this decision, for which the restriction of immunity has been decided, may start not earlier than 24 hours after the Speaker of the Assembly and the MP subject to criminal prosecution (in the event it is permitted by the purpose of the criminal prosecution) are notified in written by the General Prosecutor.

2. Within 48 hours from receiving the notification, the Speaker of the Assembly shall inform and send the notification along with the accompanying materials to the Council on the Rules of Procedure, Mandates, and Immunity as well as inform the Assembly in the consecutive plenary sitting.

### **Article 4**

#### **Lifting of immunity**

In the event the requirements for investigation and criminal prosecution cannot be met by the restriction of immunity in accordance with point 1 of this law, or in the event the MP does not submit a written consent or withdraws the consent, the Assembly shall decide the lifting of immunity in accordance with Article 118 of the Rules of Procedure of the Assembly.

### **Article 5**

#### **Status of the decision**

This decision shall be rendered part of the Rules of Procedure of the Assembly as Annex 1 and is opened to endorsement by MPs during the entire legislature.

### **Article 6**

#### **Implementation in the current legislature**

In the current legislature, MPs may submit the written consent at the Speaker of the Assembly on restriction of immunity in accordance with Article 1, within 10 days from the entry into force of this decision.

The list of MPs shall be made public and sent to the general Prosecutor along with a copy of the decision.

*Translated by OSCE.*

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Any further change in the list later on, through written consent of MPs who did not do it in the first place or through withdrawal of the statement, is submitted to the Speaker of the Assembly, made public, and immediately notified to the General Prosecutor.

**Article 7**  
**Entry into force**

This decision shall be rendered effective immediately.

**Speaker**  
**Jozefina Topalli**

**STATEMENT**

I, the undersigned MP \_\_\_\_\_, declare the restriction of my immunity for the criminal acts of active and passive corruption in accordance with the Criminal Code. This statement is made in accordance with the Rules of Procedure of the Parliament and its Annex 1.

**MP**

**Tirana, on \_\_\_\_\_**