



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO
GJYKATA KUSHTETUESE
УСТАВНИ СУД
CONSTITUTIONAL COURT

Prishtina, on 8 May 2018
Ref.no.: RK 1230/18

RESOLUTION ON INADMISSIBILITY

in

Case No. KI70/17

Applicant

Rrahim Ramadani

**Constitutional review of Decision CPP. No. 2/2017 of the Supreme Court
of Kosovo, of 15 May 2017**

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

composed of

Arta Rama-Hajrizi, President
Ivan Čukalović, Deputy President
Altay Suroy, Judge
Almiro Rodrigues, Judge
Snezhana Botusharova, Judge
Bekim Sejdiu, Judge
Selvete Gërxhaliu-Krasniqi, Judge and
Gresa Caka-Nimani, Judge.

Applicant

1. The Referral was submitted by Rrahim Ramadani (hereinafter: the Applicant), residing in Prishtina.

Challenged decision

2. The Applicant challenges the Decision [CPP. No. 2/2017] of 15 May 2017 of the Supreme Court of Kosovo, which rejected as ungrounded the Applicant's request for repetition of the enforcement procedure.
3. The challenged decision was served on the Applicant on 12 June 2017.

Subject matter

4. The subject matter of the Referral is the constitutional review of the Decision [CPP. No. 2/2017] of 15 May 2017 of the Supreme Court, which according to Applicant's allegations violated his rights, as guaranteed by Article 49 [Right to Work and Exercise Profession] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution).

Legal basis

5. The Referral is based on paragraphs 1 and 7 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution, Articles 22 [Processing Referrals], 47 [Individual Requests], 48 [Accuracy of the Referral] and 49 [Deadlines] of the Law and Rule 29 [Filing of Referrals and Replies] of the Rules of Procedure.

Proceedings before the Constitutional Court

6. On 19 June 2017, the Applicant submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).
7. On 20 June 2017, the President of the Court appointed Judge Gresa Caka-Nimani as Judge Rapporteur and the Review Panel composed of Judges: Altay Suroy (Presiding), Bekim Sejdiu and Selvete Gërxhaliu-Krasniqi.
8. On 20 June 2017, the Court notified the Applicant about the registration of the Referral and sent a copy of the Referral to the Supreme Court.
9. On 22 June, 11 October and 6 November 2017, the Applicant submitted additional information, describing the same events and allegations.
10. On 12 March 2018, the Review Panel considered the report of the Judge Rapporteur and made a unanimous recommendation to the Court on the inadmissibility of the Referral.

Summary of facts

11. Until 31 September 2007, the Applicant worked as an Albanian language teacher in several Kosovo schools for 30 (thirty) years. From this date, as a result of reorganization and systematization in the education system, the Applicant remained unemployed.

Administrative procedure

12. As a result, on an unspecified date, the Applicant filed a complaint with the Ministry of Education, Science and Technology (hereinafter: MEST) and the Municipality of Prishtina.
13. On 24 September and 29 October 2007, MEST issued Decisions [275/02-5] and [381/02-5], which obliged the Municipality of Prishtina to include the Applicant in the new systematization plan and assign him another working place in accordance with his professional qualifications.
14. On 14 December 2007, the Chief Executive Officer of the Municipality of Prishtina, by the Decision [01.No.24385], terminated the Applicant's employment contract.
15. On 13 May 2008, the Applicant filed a complaint with the Independent Oversight Board of the Republic of Kosovo (hereinafter: IOBK), against the Decision [01. No. 24385] of the Chief Executive Officer of the Municipality of Prishtina, requesting, among others, the execution of MEST decisions.
16. On 20 June 2008, the IOBK, by the Decision [A. 02. 139. 2008], approved the Applicant's complaint, annulling the Decision [01. No. 24385] of 14 December 2007 of the Chief Executive Officer of the Municipality of Prishtina, with the justification that the latter was not authorized to issue a decision based on UNMIK Regulation 2001/36. In addition, the IOBK upheld Decisions [275/02-5] and [381/02-5] of 24 September and 29 October 2007, of the MEST, obliging the Municipality that within the deadline of 15 (fifteen) days, from the date of the receipt of the decision, to enable the Applicant to exercise all the employment rights in accordance with these decisions.
17. On 15 September 2008, the Municipality of Prishtina, based on the abovementioned decision of IOBK, rendered a Decision based on which the Applicant was temporarily assigned to the working place of librarian at the "Hasan Prishtina" primary school in Prishtina, according to the decision, until another more adequate systematization of the working place, in accordance with his professional qualifications.
18. On 14 October 2008, the Municipality of Prishtina and the Applicant entered into a temporary employment contract, through which the Applicant was appointed as a librarian at the library of the "Hasan Prishtina" primary school in Prishtina.
19. On 20 July 2012, the Applicant addressed another request to the IOBK, requesting the increase of his salary coefficient, namely, requesting to receive the monthly payment of a teacher's salary rather than the one of a librarian.
20. On 13 August 2012, the IOBK through Decision [No. 1455-02/227/2012], rejected the Applicant's request as inadmissible, reasoning that the question of his request had been the subject of review and was decided through the Decision [A.02.139/2008] of 20 June 2008 of the IOBK. Regarding the

realization of the rights of the result of the latter, the Applicant was advised to address his request to the competent court on the enforcement procedure.

21. On 24 September 2013, the Municipality of Prishtina and the Applicant signed the extension of the contract for the position of the librarian at the primary school "Hasan Prishtina" in Prishtina, for an additional one-year period.

Enforcement procedure

22. The Applicant, in the capacity of the creditor, filed a claim with the Basic Court in Prishtina, for the execution of the IOBK Decision [A.02.139/008] of 20 June 2008, through which he requested: a) the payment of 13 (thirteen) unpaid salaries by the Municipality of Prishtina, starting from 1 October 2007 until 14 October 2008, and b) the payment of the salary difference between the teacher and the librarian from 1 October 2007 and onwards, including legal interests, pension contribution, wage taxes, as well as the costs of the enforcement procedure.
23. On 20 March 2014, the Basic Court in Prishtina, through Decision [E. No.2433/2011], approved the Applicant's proposal for enforcement of the Decision [A. 02. 139/2008] of 20 June 2008 of the IOBK, therefore allowing the execution in respect of: a) the payment of 13 (thirteen) unpaid salaries from 1 October 2007 to 14 October 2008, and b) the payment of the salary difference, including legal interests, pension contribution, wage taxes, and the costs of the enforcement procedure, all within a period of 7 (seven) days from the day the decision becomes final.
24. Against the Decision [E. No. 2433/2011] of 20 March 2014, the Municipality of Prishtina, in the capacity of the debtor, filed an objection with the same court.
25. On 16 June 2014, the Basic Court in Prishtina, through the Decision [E. No. 2433/2011], rejected as ungrounded the allegations of the Municipality of Prishtina and upheld the Decision [E.no. 2433/2011] of 20 March 2014 of the Basic Court in Prishtina.
26. On 4 July 2014, the Municipality of Prishtina filed an appeal with the Court of Appeals against the Decision [E. No. 2433/2011] of 16 June 2014 of the Basic Court in Prishtina on the grounds of alleged procedural violations, erroneous and incomplete determination of the factual situation and erroneous application of substantive law.
27. On 26 August 2014, the Court of Appeals, through the Decision [CA. No. 2862/2014], approved the request of the Municipality of Prishtina; namely rejected the Applicant's request for enforcement of the Decision [A. 02. 139.2008] of 20 June 2008 of the IOBK, thus modifying on its entirety the Decision [E. No. 2433/2011] of 16 June 2014 of the Basic Court in Prishtina.
28. The reasoning of this Court, among others, was based on the fact that:

“...the proposal is not based on an appropriate execution document in the sense of the legal provisions of Articles 27 par. 1 and 29 par. 3 of the Law on Execution Procedure”.

Proceedings before the Court regarding the first Referral KI141/14 – Constitutional review of Decision no. 2862/2014 of the Court of Appeals of Kosovo, of 26 August 2014

29. On 18 September 2014, the Applicant submitted a Referral to the Court requesting constitutional review of the Decision [CA. No. 2862/2014] of 26 August 2014 of the Court of Appeals. The Applicant's Referral was registered as Case KI141/14. On 9 December 2014, the Referral was declared inadmissible as manifestly ill-founded on constitutional basis, because the Applicant did not sufficiently substantiate his claim.

The proceedings regarding the request for protection of legality

30. On 31 October 2014, the State Prosecutor filed the request [KMLC. No. 9814] for protection of legality with the Supreme Court against the Decision [CA. No. 2862/2014] of 26 August 2014 of the Court of Appeals, on the grounds of alleged essential violations of the procedural provisions and erroneous application of the substantive law.
31. On 24 February 2015, the Supreme Court, through the Judgment [CML. No. 6/2014], approved as partly grounded the request of the State Prosecutor for protection of legality, modified the Decision [CA. No. 2862/2014] of 26 August 2014 of the Court of Appeals, thus allowing the execution of the Decision [A. 02. 139. 2008] of 20 June 2008 of the IOBK, only in respect of 13 (thirteen) unpaid salaries for the period between 1 October 2007 and 14 October 2008.
32. The Supreme Court, through this Judgment, rejected as ungrounded the request of the State Prosecutor regarding the salary difference between the teacher and the librarian, reasoning that in this respect, there was no appropriate executive title for enforcement and that this payment (difference) was not foreseen in the Decision [A. 02. 139/2008] of 20 June 2008 of the IOBK.

The proceedings before the Court regarding the second Referral KI129/15 – Constitutional review of Judgment CML.no. 6/2014 of the Supreme Court of Kosovo, of 24 February 2015

33. On 28 October 2015, the Applicant submitted a Referral to the Court requesting the constitutional review of the Judgment [CML. No. 6/2014] of 24 February 2015 of the Supreme Court. The Applicant in this case alleged that the Supreme Court violated his rights guaranteed by Article 49 [Right to Work and Exercise Profession] of the Constitution. On 26 January 2016, the Referral was declared inadmissible because it was submitted out of the four month deadline set by the Law and the Rules of Procedure.

Request for repetition of the enforcement procedure

34. On an unspecified date, the Applicant filed a request with the Supreme Court requesting the repetition of the enforcement procedure against the Decision [CML. No. 6/2014] of 24 February 2015 of the Supreme Court, through which it decided on the request [KMLC. No. 9814] of the State Prosecutor for the protection of legality.
35. On 15 May 2017, the Supreme Court, through the Decision [CPP. No. 2/2017], rejected as ungrounded the Applicant's request for the repetition of the enforcement procedure.
36. In this regard, through its Decision, the Supreme Court, among others, reasoned:

“The Supreme Court of Kosovo assesses that the legal provisions of Article 232, of the LCP, stipulate that the procedure may be repeated pursuant to the proposal of the party for the reasons defined under Article 232, of the LCP. The Supreme Court of Kosovo assesses that the legal provisions of Article 232, of the LCP, stipulate that the procedure may be repeated pursuant to the proposal of the party for the reasons defined under Article 232, of the LCP.”

Applicant's allegations

37. The Applicant alleges that the Supreme Court, through the Decision [CPP. No. 2/2017] of 15 May 2017, violated his rights guaranteed by Article 49 of the Constitution, because of the rejection of the request for the repetition of the enforcement procedure, through which the Applicant requested the execution for compensation of the salary difference between the teacher and the librarian, maintaining that this right belongs to him by the Decision [A. 02. 139/2008] of 20 June 2008 of the IOBK.
38. The Applicant addresses the Court with the request: *“I also want to enjoy the salary of the professor from 1 October 2008 and onwards I will retire after 2 years. I request the difference of the salary from 1 October 2008 until now, namely for 105 months.”*

Admissibility of the Referral

39. The Court first examines whether the Applicant has fulfilled the admissibility requirements established in the Constitution, and further specified in the Law and the Rules of Procedure.
40. In this respect, the Court refers to paragraphs 1 and 7 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution, which establish that:

“1. The Constitutional Court decides only on matters referred to the court in a legal manner by authorized parties.

[...]

7. Individuals are authorized to refer violations by public authorities of their individual rights and freedoms guaranteed by the Constitution, but only after exhaustion of all legal remedies provided by law”.

41. The Court also examines whether the Applicant has met the admissibility criteria as further specified in the Law. In this regard, the Court refers to Articles 47 [Individual Requests], 48 [Accuracy of the Referral] and 49 [Deadlines] of the Law, which foresee:

Article 47
[Individual Requests]

“1. Every individual is entitled to request from the Constitutional Court legal protection when he considers that his/her individual rights and freedoms guaranteed by the Constitution are violated by a public authority.”

2. The individual may submit the referral in question only after he/she has exhausted all the legal remedies provided by the law.”

Article 48
[Accuracy of Referral]

“In his/her referral, the claimant should accurately clarify what rights and freedoms he/she claims to have been violated and what concrete act of public authority is subject to challenge.”

Article 49
[Deadlines]

“The referral should be submitted within a period of four (4) months. The deadline shall be counted from the day upon which the claimant has been served with a court decision...”

42. As it pertains to the fulfillment of these requirements, the Court finds that the Applicant filed the Referral in a capacity of the authorized party, challenging an act of a public authority, namely the Decision [CPP. No. 2/2017] of 15 May 2017 of the Supreme Court, after exhausting all legal remedies provided by law. The Applicant has also clarified the fundamental rights and freedoms which have allegedly been violated, in accordance with the requirements of Article 48 of the Law, and submitted the Referral within the deadlines foreseen in Article 49 of the Law.
43. In addition, the Court also examines whether the Applicant has met the admissibility requirements established in Rule 36 [Admissibility Criteria] of the Rules of Procedure. Rule 36 (1) of the Rules of Procedure defines the criteria based on which the Court may consider the Referral, including the requirement that the Referral is not manifestly ill-founded. Specifically, Rule 36 stipulates that:

“(1) The Court may consider a referral if:

[...]

(d) the referral is prima facie justified or not manifestly ill-founded.

(2) The Court shall declare a referral as being manifestly ill-founded when it is satisfied that:

[...]

(b) the presented facts do not in any way justify the allegation of a violation of the constitutional rights, or

[...]

(d) the Applicant does not sufficiently substantiate his claim”.

44. The Court initially recalls that the Applicant, following the Decision [A.02. 139/2008] of the IOBK, was systematized as a librarian and not as a teacher in the “Hasan Prishtina” primary school, for a temporary period. Since 2008, the Applicant first initiated the administrative and then judicial proceedings, seeking compensation for the salaries for the period between 1 October 2007 and 14 October 2008, a period during which he remained unemployed, and compensation for the salary difference between a teacher and a librarian, starting from 1 October 2007 until the completion of court proceedings.
45. The Court notes that, the Basic Court in Prishtina, through the Decision [E. No. 433/2011] on the enforcement procedure, approved on its entirety the Applicant's request. On the other hand, the Court of Appeals, through the Decision [CA. No. 286/2014], rejected on its entirety the Applicant's request, modifying the Decision of the Basic Court. The Decision of the latter was also subject to a review by the Court in Case KI141/14, where through a Resolution on Inadmissibility, the Court declared the Referral as manifestly ill-founded on constitutional basis. Subsequently, acting upon the request for protection of legality filed by the State Prosecutor, the Supreme Court modified the Decision of the Court of Appeals, approving the payment of 13 (thirteen) unpaid salaries to the Applicant, but not the salary difference. This Decision was also subject to review by the Court in Case KI129/15, where through a Resolution on Inadmissibility, the Court declared the Referral as out of time.
46. The Applicant continued to seek compensation for the salary difference, this time through a request for repetition of the enforcement procedure, which the Supreme Court, through the Decision [CPP. No. 2/2017] of 15 May 2017 rejected as ungrounded, with the reasoning that the legal requirements based on which the repetition of the procedure could have been allowed were not met, which as subject matter had the review of the request for compensation of the salary difference.
47. The Applicant alleges that this Decision of the Supreme Court violates his constitutional rights guaranteed by Article 49 of the Constitution.

48. In this regard, the Court notes that the meaning of Article 49 [Right to Work and Exercise Profession] of the Constitution, reflects a standard definition that specifies the guarantees and rights to work, the employment opportunities and the provision of equal conditions without discrimination, as well as the right to freely choose the working place and exercise profession, without forced obligations. These rights are regulated by the applicable laws in a specific manner. (See, among others: Resolution on Inadmissibility of the Constitutional Court, in Case KI46/15, Applicant: *Zejna Qosaj*, published on 20 October 2015, paragraph 26)
49. In this respect, the Court considers that the Applicant's allegation for a violation of the right to work, must be understood in the light of the abovementioned interpretation. The protection of the right to work is specifically regulated by the provisions of applicable law, the interpretation and implementation of which, is the duty of the regular courts.
50. In fact, the Court notes that the Applicant's allegation in the present case, does not relate to the denial of the right to work and to exercise the profession, within the meaning of Article 49 of the Constitution. The Applicant, in fact, was returned to work through the IOBK Decision, as confirmed by the regular courts, and has also been granted the salary compensation for the whole period of time during which he remained unemployed as a result of the reforms in education. The Applicant, according to the case file, signed a contract with the Municipality of Prishtina for the position of a librarian at the respective primary school on 14 October 2008 and 24 September 2013, respectively. The Applicant continues to be employed.
51. The Court considers that the challenged Decision of the Supreme Court does not in any way prevent the Applicant from working or exercising a profession. As such, there is nothing in the Applicant's Referral that would justify a conclusion that his constitutional rights, guaranteed by Article 49, have been violated. (See, *mutatis mutandis*, the Constitutional Court in case KI136/14, Applicant: *Abdullah Bajqinca*, Resolution on Inadmissibility of 10 February 2015, paragraph 34, and case KI42/17, Applicant: *Kushtrim Ibraj*, Resolution on Inadmissibility of 5 December 2017, paragraph 53).
52. In fact, the Applicant alleges that the regular courts violated his right to work because they did not approve his request for allowing the execution, regarding the compensation of the salary difference, according to the coefficient of a teacher for the period from 1 October 2007 and onward. Such a claim of the Applicant, as elaborated above, was addressed and reasoned by the regular courts.
53. In this regard, the Court initially notes that the Applicant has not clarified how and why the Decision of the Supreme Court could have violated his constitutional rights. The Applicant did not provide any *prima facie* evidence which would indicate a violation of his constitutional rights. (see, *Trofimchuk v. Ukraine*, ECtHR, Judgment No. 4241/03 of 28 October 2010, paragraphs 50-55).

54. The Court considers that the Applicant did not substantiate his allegations that the relevant proceedings before the Supreme Court regarding the request for the repetition of the enforcement procedure were in any way unfair or arbitrary and that the challenged Decision violated his rights and freedoms guaranteed by the Constitution and the European Convention on Human Rights (hereinafter: the ECHR). (See *mutatis mutandis*, *Shub v. Lithuania*, No. 17064/06, ECtHR, Decision of 30 June 2009).
55. The Court considers that the Supreme Court addressed in details the reasons based on which by the challenged Decision rejected the Applicant's request for repetition of the enforcement procedure as ungrounded.
56. The Court notes that the Supreme Court found that any of the legal grounds based on which the request for repetition of the procedure could have been approved, were not met. The Supreme Court, through its Decision, among others, reasoned:

“...the creditor (the Applicant) invokes the evidence that have been assessed by the court of the first instance, of the second instance and the State Prosecutor in his request for protection of legality, which have been assessed by the Supreme Court of Kosovo. According to the assessment of the Supreme Court, the claimant did not propose any circumstance which would meet the conditions stipulated under Article 232, of the LCP, for repeating the procedure; therefore, it was rejected as ungrounded.”

57. Accordingly, the Supreme Court had found no legal basis to allow the repetition of the enforcement procedure, which means that the merits of the Applicant's requests remains addressed by the Decision [CML. No. 6/2014] of 24 February 2015 of the Supreme Court, against which the Applicant requested the repetition of the enforcement procedure.
58. Furthermore, despite the fact that the Court through this Resolution limits itself to the review of the Applicant's allegations only as to the alleged violations as a result of the decision that the Applicant challenges, that is, the Decision [CPP. No. 2/2017] of 15 May 2017 of the Supreme Court. However, the Court notes that the Applicant's specific request for compensation of the salary difference was initially rejected by the Court of Appeals, through the Decision [CA. No. 2862/2014] of 26 August 2014, and subsequently, by the Supreme Court through the Judgment [CML. No. 6/2014] of 24 February 2015, after the request of the State Prosecutor for protection of legality.
59. The Court of Appeals, by the Decision [CA. No. 2862/2014] of 26 August 2014, among others, emphasized:

“The legal position of the first instance court, expressed in the appealed decision, the second instance court finds it ungrounded in the law, because in such a case, the first instance court must reject the proposal for execution as ungrounded, since it does not have grounds for allowing the execution because the proposal was not based on an adequate execution

document, within the meaning of the legal provisions of Articles 27 par. 1 and 29 par. 3 of the LEP.”

60. In addition, the Supreme Court, by the Judgment [CML. No. 6/2014] of 24 February 2015, among others, emphasized:

“As to the execution also at the other amount of 9,471.66 €, for the period from 01 October 2008 to 31 March 2014, the Supreme Court finds the request for protection of legality of the State Prosecutor as ungrounded for the fact that in this part the decision of the second instance court did not deal with essential violations of the provisions of the contested procedure, or erroneous application of the substantive law, because, in this wage difference there is no executive title. This payment is not provided in part II of the enacting clause of the abovementioned IOBK decision, which execution is required by the creditor.”

61. Therefore, the Court considers that the Applicant has had ample opportunity to present to the regular courts all allegations of violation of his rights. In this regard, the Court considers that his arguments have been heard on a regular basis and have been duly reviewed by the Court of Appeals and the Supreme Court; and the proceedings, viewed in their entirety, were fair and the decisions rendered were reasoned in detail. (See: Constitutional Court, case KI56/17, Applicant *Lumturije Murtezaj*, Resolution on Inadmissibility of 18 December 2017, paragraph 40).
62. The Court reiterates that it is not its role to deal with errors of facts or law allegedly committed by the regular courts when assessing the evidence or applying the law (legality), unless and in so far as they may have infringed the rights and freedoms protected by the Constitution (constitutionality). It cannot itself assess that law that leads a regular court to issue one decision instead of another. If it was different the Court would act as “fourth instance court”, which would result in exceeding the limitations provided for its jurisdiction. In fact, it is the role of regular courts to interpret and apply the relevant rules of procedural and substantive law. (See: case *Garcia Ruiz v. Spain*, ECtHR, No. 30544/96, of 21 January 1999, paragraph 28; see also, cases KI70/11, Applicants *Faik Hima, Magbule Hima dhe Bestar Hima*, Resolution on Inadmissibility of 16 December 2011; and KI56/17, Applicant *Lumturije Murtezaj*, Resolution on Inadmissibility, 18 December 2017, paragraph 41).
63. The role of the Court is solely to ensure the compliance with the rights guaranteed by the Constitution and other legal instruments. Therefore, the Court cannot act as “fourth instance court”. (See: ECtHR case *Akdivar v. Turkey*, No. 21893/93, Judgment of 16 September 1996, paragraph 65; see, also, *mutatis mutandis*, Constitutional Court: case KI86/11, Applicant: *Milaim Berisha*, Resolution on Inadmissibility of 5 April 2012, paragraph 33).
64. The Court further notes that the Applicant does not agree with the outcome of the proceedings before the regular courts, namely with the fact that his request for compensation of salary difference was rejected. However, the dissatisfaction of the Applicant with the outcome of the proceedings by the

regular courts cannot of itself raise an arguable claim of the violation of the constitutional rights. (see: *mutatis mutandis*, case *Mezotur - Tiszazugi Tarsulat v. Hungary*, , ECtHR, Judgment of 26 July 2005, paragraph 21; Resolution on Inadmissibility of the Constitutional Court in Case KI25/11, Applicant *Shaban Gojnovci*, 28 May 2012, paragraph 28; see also case KI56/17, Applicant *Lumturije Murtezaj*, Resolution of Inadmissibility of 18 December 2017, paragraph 42).

65. In sum, the Court finds that the Applicant's Referral does not meet the admissibility requirements established in the Rules of Procedure, because the Referral is manifestly ill-founded on constitutional basis, considering that the presented facts do not in any way justify the allegation of a violation of a constitutional rights and that the Applicant did not sufficiently substantiate his allegation of constitutional violation.
66. Therefore, the Court concludes that the Referral is manifestly ill-founded on constitutional basis and, in accordance with Rule 36 (1) (d) and (2) (b) and (d) of the Rules of Procedure, is to be declared inadmissible.

FOR THESE REASONS

The Constitutional Court, in accordance with Article 113.7 of the Constitution, Articles 20 and 48 of the Law, and Rules 36 (1) (d) and (2) (b) and (d), and 56 (2) of the Rules of Procedure, in its session held 12 March 2018, unanimously

DECIDES


- I. TO DECLARE the Referral inadmissible;
- II. TO NOTIFY this Decision to the parties;
- III. TO PUBLISH this Decision in the Official Gazette in accordance with Article 20.4 of the Law;
- IV. TO DECLARE this Decision effective immediately.

Judge Rapporteur


Gresa Caka-Nimani



President of the Constitutional Court


Arta Rama-Hajrizi