**Prishtina, on 19 February 2019**

**Ref. no.: RK 1325/19**

**RESOLUTION ON INADMISSIBILITY**

in

**Case No. KI61/18**

Applicant

**Azem Qorri and others**

**Constitutional review of Decision AC-I-14-0123 of the Appellate Panel of the Special Chamber of the Supreme Court on Privatization Agency of Kosovo Related Matters, of 30 November 2017**

**THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO**

composed of:

Arta Rama-Hajrizi, President

Bajram Ljatifi, Deputy President

Bekim Sejdiu, Judge

Selvete Gërxhaliu-Krasniqi, Judge

Gresa Caka-Nimani, Judge

Safet Hoxha, Judge

Radomir Laban, Judge

Remzije Istrefi-Peci, Judge, and

Nexhmi Rexhepi, Judge

**Applicant**

1. The Applicants are Azem Qorri, Ejup Qorri, Lebibe Qorri, Mirishah Qorri, Muharrem Qorri, Naser Qorri, Naim Qorri and Skender Qorri from the Municipality of Gllogoc (hereinafter: the Applicants), who are represented by Rrahim Hajdari , a lawyer from Gllogoc.

**Challenged decision**

1. The challenged decision is Decision AC-I-14-2013 of the Appellate Panel of the Special Chamber of the Supreme Court on Privatization Agency of Kosovo Related Matters (hereinafter: the Appellate Panel), of 30 November 2017. The Applicants were served with the challenged decision on 9 January 2018.

**Subject matter**

1. The subject matter of the Referral is the constitutional review of the challenged decision, which allegedly violated the Applicants’ rights guaranteed by Article 46 [Protection of Property] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution), as well as Article 1 [Protection of property] of Protocol no. 1 of the European Convention on Human Rights (hereinafter: ECHR).

**Legal basis**

1. The Referral is based on paragraphs 1 and 7 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution, Articles 22 [Processing Referrals] and 47 [Individual Requests] of the Law No. 03/L-121 on Constitutional Court of the Republic of Kosovo (hereinafter: the Law) and Rule 32 [Filing of Referrals and Replies] of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo (hereinafter: the Rules of Procedure).
2. On 31 May 2018, the Constitutional Court of the Republic of Kosovo (hereinafter: the Court) adopted in the administrative session the amendments and supplementation to the Rules of Procedure, which was published in the Official Gazette of the Republic of Kosovo on 21 June 2018 and entered into force 15 (fifteen) days after its publication. Accordingly, in reviewing the Referral, the Court refers to the legal provisions of the new Rules of Procedure in force.

**Proceedings before the Court**

1. On 24 April 2018, the Applicants submitted the Referral to the Court.
2. On 26 April 2018, the President of the Court appointed Judge Bekim Sejdiu as Judge Rapporteur and Review Panel composed of Judges: Altay Suroy (Presiding), Arta Rama-Hajrizi and Gresa Caka-Nimani (members).
3. On 26 April 2018, the Applicants submitted the completed referral form.
4. On 21 May 2018, the Court notified the Applicants about the registration of the Referral and requested them to submit the power of attorney for representation before the Court.
5. On 29 May 2018, the legal representative of the Applicants submitted the power of attorney requested by the Court.
6. On 16 June 2018, the mandate of judges: Snezhana Botusharova and Almiro Rodrigues ended. On 26 June 2018, the mandate of judges: Altay Suroy and Ivan Čukalović ended.
7. On 23 July 2018, the Court sent a copy of the Referral to the Special Chamber of the Supreme Court on the Privatization Agency of Kosovo Related Matters (hereinafter: the SCSC) and requested it to submit the acknowledgment of receipt, which indicates the date when the Applicants have received the challenged decision. On the same date, the Court also notified the Privatization Agency of Kosovo (hereinafter: the PAK) about the registration of the Referral.
8. On 29 July 2018, the SCSC submitted to the Court the requested acknowledgment of receipt.
9. On 9 August 2018, the President of the Republic of Kosovo appointed new judges: Bajram Ljatifi, Safet Hoxha, Radomir Laban, Remzije Istrefi-Peci and Nexhmi Rexhepi.
10. On 11 September 2018, the President of the Court appointed the new Review Panel composed of Judges: Arta Rama-Hajrizi (Presiding), Selvete Gërxhaliu-Krasniqi and Gresa Caka-Nimani (members).
11. On 18 October 2018, the Court requested the SCSC to complete the case file.
12. On 23 October 2018, the SCSC submitted to the Court the case file of the Appellate Panel.
13. On 16 January 2019, the Review Panel considered the report of the Judge Rapporteur and unanimously recommended to the Court the inadmissibility of the Referral.

**Summary of facts**

1. On an unspecified date, the Socially-owned Enterprise “Feronikeli” (hereinafter: the Socially-Owned Enterprise) filed a request with the Secretariat for Economy and Finance within the Municipal Assembly of Gllogoc (hereinafter: the Secretariat) for expropriation of a part of the cadastral parcel no. 165/3, in the Municipality of Gllogoc, which was the property of Rexhep Qorri, the Applicant's father.
2. On 4 June 1982, the Secretariat by Decision 03 No. 465-254 approved the request of the Socially Owned Enterprise to expropriate the property of the Applicant's predecessor, namely the part of the cadastral parcel no. 165/3, on the surface area of 4340 m2.
3. On 4 July 2006, the liquidation process of the Socially Owned Enterprise began.
4. In 2012, the Applicant Azem Qorri, the heir of the deceased Rexhep Qorri, for the purpose of realizing the division of inheritance, requested from the Directorate for Cadastre of the Municipality of Gllogoc the issuance of the possession list for parcel no. 165/3. On that occasion, according to him, “*he noticed that the surface area of the property was not the same as the surface area on the possession list issued in 1982*”.
5. As a result, the Applicant Azem Qorri requested information from the Directorate for Cadastre of the Municipality of Gllogoc and the Kosovo Cadastral Agency regarding the parcel No.165/3.
6. On 8 May 2012, the Kosovo Cadastral Agency notified the Applicant Azem Qorri that during 2004, the cadastral parcel No. 165/3, in the surface area of 12,100 m2, was divided into two plots, namely the parcels no. 165/3 in surface area of 7760 m2 and no. 165/4, with a surface area of 4340 m2. The parcel No. 165/3 in a surface area of 7760 m2 was registered on behalf of the deceased Rexhep Qorri, the father of the Applicants, while parcel No. 165/4, as a result of the expropriation, was registered in the new list on behalf of the Socially Owned Enterprise.
7. On 9 July 2012, the Applicant Azem Qorri submitted a claim for compensation of property to the PAK, namely parcel No. 165/4, claiming that he and the other heirs were unaware of the expropriation of the abovementioned parcel in 1982.
8. On 11 July 2012, the Applicant Azem Qorri filed a claim against the Socially Owned Enterprise with the SCSC for compensation of the expropriated property in 1982. In his statement of claim, Azem Qorri requested the Socially-Owned Enterprise to compensate him with a certain monetary amount, or, in the case of non-payment of compensation, to return the immovable property.
9. In his statement of claim, Mr. Qorri claimed that parcel No. 165/4 is transferred to the Socially-owned Enterprise without his knowledge.
10. In its response to the claim, the PAK requested that the claim of Mr. Qorri is suspended, because the SOE is in liquidation proceedings, or to be dismissed as inadmissible, or reject it as ungrounded.
11. On 24 July 2012, PAK, namely the presiding of the Liquidation Committee of the Socially-Owned Enterprise in Liquidation, regarding the request of Mr. Qorri filed on 9 July 2012, informed him that after the establishment of the Liquidation Authority, pursuant to the Law Nr. 04/L-034 on PAK, '*[...] the relevant liquidation authority shall promptly inform all creditors of their claims”.*
12. On 8 October 2013, through a submission to the SCSC, the other Applicants: Ejup Qorri, Lebibe Qorri, Mirishah Qorri, Muharrem Qorri, Naser Qorri, Naime Qorri and Skender Qorri, all heirs of the late Rexhep Qorri, also joined the Applicants’ claim.
13. On 25 March 2014, the Specialized Panel of the SCSC, by Decision, C-IV-13-0420, dismissed the Applicants’ claim as inadmissible.
14. The Specialized Panel found that the Applicants were supposed to be aware of the liquidation procedure. According to the Specialized Panel, the Applicants may submit the request only to the Liquidation Authority, but not to the SCSC because *“[...] the Liquidation Authority should be responsible for all issues - Article 5.7 of the Law on PAK.*”
15. The Specialized Panel further emphasized that:

*“The liquidation begun on 4 July 2006. The claimants filed a claim on 11 July 2012, namely after the commencement of the liquidation. Therefore the claim was dismissed as inadmissible under Article 28.1, 28.3, of the Annex to the Law on the Special Chamber in conjunction with Article 5.7 of the Law on PAK”.*

1. On 18 April 2014, the Applicants submitted an appeal to the Appellate Panel, against the above-mentioned Decision of the Specialized Panel. In their appeal, the Applicants alleged erroneous determination of factual situation and erroneous application of the substantive law.
2. On 6 July 2017, the Appellate Panel issued an Order requesting that the Municipality of Gllogoc, namely the Directorate for Cadastre, Geodesy and Property, within seven (7) days submit to the Appellate Panel the history of cadastral parcels No. 165/3 and 165/4, including certificates for these parcels. From the Liquidation Committee were requested information on whether the cadastral parcel no. 165/4 was sold.
3. On an unspecified date, the Directorate for Cadastre, Geodesy and Property of the Municipality of Gllogoc submitted to the Appellate Panel the required history of cadastral parcels no. 165/3 and 165/4, including the decision on expropriation of 4 June 1982 and decision on declaration of general interest for the expropriation of the property, by culture forest of 26 May 1982. In this file submitted by the Directorate for Cadastre, Geodesy and Property of the Municipality of Gllogoc there was no evidence, or any information, whether or not the decedent was compensated for the expropriation of the property in question. The Liquidation Committee notified the Appellate Panel that parcel No. 165/4 was not sold and “*it* *does not appear in the privatization contract and accompanying documentation”.*
4. On 5 September 2017, the PAK submitted to the SCSC a submission notifying that on 18 August 2017, PAK officials had personally visited the Municipality of Gllogoc, in which case they requested the expropriation file of the parcel no. 165/4. According to the PAK submission, the Municipality of Gllogoc gave them a file containing decision on expropriation of 1982. On the same date, the abovementioned officials again filed a request for submission of the file regarding the expropriation of the abovementioned parcel, by which expressly required the evidence of compensation of the expropriated property. The PAK in its submission emphasized the following: “*We consider that it is in the interest of the truth that this Panel, which is considering the case, requests, but not the factual situation from the cadastre but the expropriation file in which the bill of payment is expected to be for this expropriated property. The claimants did not submit any evidence proving that they have ever claimed this compensation in the administrative procedure“.*
5. On 29 September 2017, the Appellate Panel issued another order, ordering that the PAK submission of 5 September 2017 be sent to the Applicants for information.
6. On 11 October 2017, the Applicants in their response to the PAK submission of 5 September 2017 stated as follows: “The claimants *[the Applicants] were also interested in securing evidence and expropriation files for the cadastral and disputed parcel, which is evidenced by the requests addressed to the administration authority in the Municipality of Gllogoc, the Cadastral Agency of Kosovo, but so far none of these authorities have obtained such evidence. It is surprising, [PAK], [...] when it states that the claimants did not file a claim for compensation of land in the administrative procedure. The reason for which the claimants did not request was because they did not know that the land was expropriated and they used it consistently. And for this reason, [the Applicant] initiated this claim for compensation of this land”.*
7. On 30 November 2017, the Appellate Panel, by Decision AC-I-14-0123 rejected the Applicants’ appeal as ungrounded and upheld the Decision of the Specialized Panel of 25 March 2014.
8. The Appellate Panel in its decision agreed with the assessment of the Specialized Panel, which “*dismissed the claim (s) as inadmissible on the ground that after the liquidation of the respondent began, the proceedings before the regular court are not allowed”.*
9. The Appellate Panel further confirmed that after the liquidation proceeding began with the Liquidation Authority, the claims against the SOE in liquidation should be addressed to the Liquidation Authority and proceeded as provided by the relevant provisions of the Law on PAK.
10. The Appellate Panel further emphasized:

*“However, Article 10 of the Annex to the Law on PAK should be taken into account. While Article 10 paragraph 1 of the Annex to the Law on PAK foresees the rule that the liquidation procedure has priority over the regular court proceedings, Article 10 paragraph 2 of the Annex to the Law on PAK provides for exceptions. Therefore, if a party files a regular claim after the commencement of liquidation, and if a regular claim is suspended after the commencement of the liquidation, the court must consider whether it will make an exception to such a case or that claim be approved. Although the law does not limit the discretion of the court, it should be noted that the possibility of making exceptions according to the priority rule of the liquidation procedure is limited and cannot lead to results that the legal deadlines in the liquidation procedure be avoided. Missing the deadline to submit the claim to the liquidation authority generally leads to the closing of the claim essentially. In the present case, the Appellate Panel, having considered all the arguments put forward by the complainants [the Applicants], found that there was no reason to allow an exemption under Article 10.2 of the Annex to the PAK Law”.*

**Applicant’s allegations**

1. The Applicants allege that the challenged decision violated their rights guaranteed by Article 46 [Protection of Property] of the Constitution and Article 1 of Protocol no. 1 to the ECHR.
2. The Applicants in particular allege that the Decision of the Appellate Panel has violated their right to compensation of property.
3. The Applicants allege that *“[...] the two Panels of the Special Chamber have violated the provision of Article 6.1 of Law No. 04/L-033. The claim and the statement of claim is in time because it is submitted within the deadline within the meaning of the provision of Article 6.1 of Law no. 04/L-033 [Law on Special Chamber] because the [Applicants] have learned about the lack of immovable property in a surface area of 0.43.40 ha from 08.05.2012, is admissible, because the claimants initially by request addressed the PAK Board, the latter (the Board) by letter of 24.07.2012 notified the claimants that when the Liquidation Authority is established, it will reply to them as creditors. Despite this notification of the PAK, the Liquidation Authority to date has never responded to the claimants”.*
4. The Applicants further allege that the Specialized Panel and the Appellate Panel were unable to provide evidence of the payment of compensation for the expropriated property. Consequently, the Applicants allege that *“[...] the two Panels are aware that the claimants [the Applicants] were not compensated for the expropriated immovable property on the surface area of 0.43.40 ha in parcel no. 165/4. These panels of the Special Chamber silently try to avoid, by stating that the claim is out of time”.*
5. Finally, the Applicants request the annulment of the challenged decision of the Appellate Panel and remand the case for retrial.

**Relevant legal provisions**

*Law No. 04/L-034 on the Privatization Agency of Kosovo (published in the Official Gazette of the Republic of Kosovo on 21 September 2011)*

*Article 5*

*Enterprises and Assets Subject to the Administrative Authority of the Agency*

*7. All matters related to or arising in connection with the liquidation of an Enterprise or Corporation pursuant to the Agency’s authority under Article 6, paragraph 2.1,including but not limited to the determination of the validity of any claim made by an alleged Creditor or any assertion of equity or ownership interest made by an alleged Owner and the determination of appropriate distribution of Proceeds to Creditors and Owners - shall be the responsibility of the concerned Liquidation Authority, which shall comply with the rules established by Annex 1 of the present Law.*

*Any person filing such a claim or alleging such an interest who disagrees with the Liquidation Authority’s determination affecting that claim or alleged interest shall have the right to challenge such determination at the Special Chamber by timely complying with the procedural requirements set forth in Article 37.7 of Annex 1.i.*

*Annex of the Law No.04/L-034 on the Privatization Agency of Kosovo*

Article 10

Suspension of actions

1. *Any judicial, administrative or arbitration action, proceeding or act involving or against an Enterprise (or any of its assets) that is the subject of a Liquidation Decision shall be suspended upon the submission by the Liquidation Authority of a notice of the Liquidation Decision to the concerned court, public authority or arbitral tribunal. Such notice shall refer to this Article 10 and be accompanied by a copy of the Liquidation Decision and a copy of the published Liquidation Notice.*

*2. Any such suspended action, proceeding or act shall only continue or be effective with the permission of the Liquidation Authority or the Court. Such suspended actions, proceedings and acts shall include, but not be limited to, any action, proceeding or act:*

*2.1. concerning the collection, recovery or enforcement of a Claim for debts, taxes, penalties or obligations of any kind;*

*2.2. concerning the creation, recognition, modification, increase, perfection, registration or enforcement of any Claim or Interest against or to the Enterprise or any Asset of the Enterprise;*

*2.3. any act to realize, seize, or sell any pledged or mortgaged or otherwise encumbered asset or to exercise ownership or control over any Asset of the Enterprise; and*

*2.4. regulatory proceedings or actions with regard to the prevention of or remedy for any violation of the regulatory provisions, rules or decision, to the extent that these involve monetary Claims against the Enterprise.*

*[...]*

Article 37

Calculation and Set Off of Claims

*7. The affected creditor is entitled to apply to the Court within thirty (30) days of the dispatch of such notice by the Liquidation Authority for determination of his claim and failing such timely application the creditor shall be precluded from objecting further to the Liquidation Authority’s decision.*

**Admissibility of the Referral**

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

*“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.”*

1. As to the fulfillment of these requirements, the Court finds that the Applicants are authorized parties, who challenge an act of a public authority, namely Decision AC-I-14-2013 of 30 November 2017 of the Appellate Panel.
2. However, the Court notes that paragraph 7 of Article 113 of the Constitution also provides for the exhaustion of “*all legal remedies provided by law*”. This constitutional obligation is also defined by Article 47 of the Law and item b of paragraph 1 of Rule 39 of the Rules of Procedure. Article 47 of the Law and Rule 39, paragraph 1, item b, establish:

Article 47

[Individual Requests]

*[...]*

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

Rule 39

[Admissibility Criteria]

*“1. The Court may consider a referral as admissible if:*

*[…]*

*“(b) all effective remedies that are available under the law against the judgment or decision challenged have been exhausted.”*

1. The criteria for assessing whether the obligation to exhaust legal remedies has been met are well established in the case law of the Constitutional Court and that of the European Court of Human Rights (hereinafter: ECtHR). This case-law clearly suggests that, in accordance with the principle of subsidiarity, before addressing the Constitutional Court, the Applicants must exhaust all accessible and effective legal remedies.
2. The Court recalls that the Applicants allege that the challenged Decision of the Appellate Panel violated their right guaranteed by Article 46 [Protection of Property] of the Constitution and Article 1 [Protection of property] of Protocol no. 1 to the ECHR.
3. However, the Court recalls that the Specialized Panel and the Appellate Panel did not address the substance of the Applicants’ request for their rights in relation to the expropriation of the cadastral parcel no. 165/4. The Specialized Panel and the Appellate Panel found that the Socially-owned Enterprise was in liquidation procedure and as a result, their claims had to be addressed and reviewed by the liquidation authority because *"the liquidation procedure has priority over the regular court proceedings”.*
4. In this regard, the Court recalls that the Specialized Panel and the Appellate Panel found that on 9 July 2012, the Applicant, namely, Mr. Qorri filed a claim with the PAK for compensation as a result of the expropriation of parcel no. 165/4, claiming that he and the other heirs were unaware of the expropriation of the abovementioned parcel in 1982.
5. On 24 July 2012, the presiding of the Liquidation Committee of the Socially-Owned Enterprise in Liquidation announced that after the establishment of the Liquidation Authority, pursuant to Law No. 04/L-034 on PAK*, “[...] the relevant liquidation authority shall promptly inform all creditors of their claims”.*
6. The Court recalls the Decision of the Specialized Panel, which dismissed the Applicants’ claim as inadmissible on the grounds that *“After the initiation of liquidation, the claimants may file a claim only with the Committee, now with the Liquidation Authority and not the SCSC”.*
7. This finding of the Specialized Panel was also upheld by the Appellate Panel, which found that after the liquidation process commenced, the proceedings in the court are not allowed, namely, they are allowed only exceptionally.
8. According to the PAK reply, namely the Liquidation Authority, to the request of the Appellate Panel for information, it was confirmed that parcel no. 165/4 had not been sold and *“does not appear in the privatization contract and accompanying documentation”.*
9. Therefore, the Appellate Panel found that the claims relating to the Socially-Owned Enterprise in liquidation should be addressed and reviewed based on the relevant provisions set forth in the Law on PAK and the Annex to this Law.
10. The Court refers to Article 5, paragraph 7 of the Law on PAK, which also states that *“[...] Any person filing such a claim or alleging such an interest who disagrees with the Liquidation Authority’s determination affecting that claim or alleged interest shall have the right to challenge such determination at the Special Chamber by timely complying with the procedural requirements set forth in Article 37.7 of Annex 1.”*
11. In this respect, the Court also refers to its Judgment in case KO142/16 (Applicant: *The Appellate Panel of the Special Chamber of the Supreme Court of Kosovo on Privatization Agency of Kosovo Related Matters,* Constitutional review of Articles 10 and 40.1.5 of the Annex to Law No. 04/L-034 on Privatization Agency of Kosovo, Judgment of 18 July 2017, paragraph 80), where it found: *”the Court notes that Article 40.1.5 of the Annex to the Law on PAK constitutes a restriction of the property right of the interested parties, but this restriction is not automatically a violation of property interests, however, as it is seen from the PAK's response, the applicable law in Kosovo stipulates that the decisions of the Liquidation Authority are not final, but that those decisions may be appealed to the Special Chamber of the Supreme Court.”*
12. In the light of the foregoing considerations, the Court first notes that from the case file, it results that the Liquidation Authority in respect of the Applicant's request has not yet rendered any decision. Secondly, the Court notes that the Applicants may file appeal against the decisions of the Liquidation Authority with the SCSC.
13. Therefore, considering that such a possibility as provided by law has not been exhausted, the Court concludes that the Applicants did not meet the admissibility criteria for the exhaustion of legal remedies provided by the Constitution, the Law and the Rules of Procedure.
14. In this regard, the Court refers to its case law, where in similar cases it has been considered that the proceedings before the Liquidation Authority or similar authorities should be exhausted, as a legal remedy, in the matters relating to creditor claims against enterprises in liquidation (see Case KI80/16, Applicant *Shinto Petar Shindov Company*, Resolution of Inadmissibility of 5 December 2018, paragraphs 74 and 75).
15. The Court reiterates that the rationale of the obligation to exhaust legal remedies, or the exhaustion rule is to afford the respective courts, primarily to regular courts, the opportunity to prevent or put right the alleged violation of the Constitution. The rule is based on the assumption, which is reflected in Article 32 of the Constitution and in Article 13 of the ECHR, that the Kosovo legal order will provide an effective legal remedy for the violation of the constitutional rights. This is an important aspect of the subsidiary character of the Constitution (see ECtHR case *Selmouni v. France*, application no. 25803/94, Judgment of 28 July 1999, paragraph 74 and, *inter alia*, cases of the Court, case no. KI07/15, Applicant *Shefki Zogiani*, Resolution on Inadmissibility of 8 December 2016, paragraph 61, case no. KI135/17, Applicant *Borce Petrovski*, Resolution on Inadmissibility of 13 February 2018).
16. In addition, the Court emphasizes that the principle of subsidiarity requires that the Applicant exhaust all procedural possibilities before the regular proceedings, administrative or judicial proceedings, in order to prevent the violation of the Constitution or, if any, to remedy such violation of a right guaranteed by the Constitution (see: ECtHR case *Sejdović v. Italy*, application No. 56581/00, of 1 March 2006, paragraph 46, see: case *Demë Kurbogaj and Besnik Kurbogaj*, Resolution on Inadmissibility of 19 May 2010, paragraphs 18-19, case no. KI135/17, Applicant *Borce Petrovski*, Resolution on Inadmissibility of 13 February 2018, paragraph 64).
17. Therefore, the Court considers that it cannot assess the alleged constitutional violations without affording an opportunity to the Liquidation Authority to complete the proceedings regarding the Applicants’ claim for compensation of property.
18. Therefore, the Court concludes that the Applicant has not exhausted yet all legal remedies provided by Article 113, paragraph 7 of the Constitution, Article 47 of the Law and Rule 39 (1) (b) of the Rules of Procedure.

**FOR THESE REASONS**

The Constitutional Court of Kosovo, in accordance with Article 113.7 of the Constitution, Article 47 of the Law and Rule 39 (1) (b) of the Rules of Procedure, in the session held on 16 January 2019, unanimously

**DECIDES**

1. TO DECLARE the Referral inadmissible;
2. TO NOTIFY this Decision to the Parties;
3. TO PUBLISH this Decision in the Official Gazette in accordance with Article 20.4 of the Law;
4. This Decision is effective immediately.

**Judge Rapporteur President of the Constitutional Court**

Bekim Sejdiu Arta Rama-Hajrizi

***This translation is unofficial and serves for informational purposes only.***