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

Prishtina, on 29 July 2019
No. ref.:RK 1401/19

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RESOLUTION ON INADMISSIBILITY

in

Case No. KI111/18

Applicant

Dragomir Vlasačević and others

Constitutional review of Decision AC-I-17-0519-0001/0003 of the Appellate Panel of the Special Chamber of the Supreme Court of Kosovo of 15 March 2018

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 Referral was submitted by Dragomir Vlasačević, Liljana Ivič, Slobodanka Savić, Slađana Paunović, Nataša Maksimović, Tihomir Bojković, Zlatica Nedeljković, Milorad Đokić, Desanka Nikolić, Slavica Janković, (hereinafter: the Applicants), represented by Žarko Gajič, a lawyer from Graçanica.

Challenged decision

2. The Applicants challenge the constitutionality of Decision AC-I-17-0519-0001/0003 of the Appellate Panel of the Special Chamber of the Supreme Court of Kosovo of 15 March 2018.

3. The abovementioned decision was served on the Applicants' representative on 5 April 2018.

Subject matter

4. The subject matter is the constitutional review of the challenged Decision, allegedly violated the Applicants' rights guaranteed by Articles 24 [Equality Before the Law], 32 [Right to Legal Remedies], 54 [Judicial Protection of Rights] of the Constitution of the Republic of Kosovo in conjunction with Articles 6.1 (Right to a fair trial) and 13 (Right to an effective remedy) of the European Convention on Human Rights (hereinafter: the ECHR).

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] and 47 [Individual Requests] of Law No. 03/L-121 on the 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).

6. On 31 May 2018, 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 Constitutional Court

7. On 3 August 2018, the Applicants submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).

8. On 16 August 2018, the President of the Court appointed Judge Radomir Laban as Judge Rapporteur and the Review Panel composed of Judges: Selvete Gërxhaliu-Krasniqi (Presiding), Bajram Ljatifi and Safet Hoxha.

9. On 19 September 2018, the Court notified the Applicant about the registration of the Referral and a copy of the Referral was sent to the Special Chamber of the Supreme Court.

10. On 12 March 2019, the Court requested the Special Chamber of the Supreme Court to submit the complete case file.

11. On 15 March 2019, the Special Chamber of the Supreme Court submitted the case file but Judgment No. SCEL-11-0070-C0001/C15 of the Specialized Panel of the Special Chamber of the Supreme Court, of 31 March 2015, together with the appeals against this judgment was lacking.

12. On 20 March 2019, the Court again requested the Special Chamber of the Supreme Court to submit Judgment No. SCEL-11-0070-C0001/C15 of the Specialized Panel of the Special Chamber of the Supreme Court, of 31 March 2015, together with the appeals against this judgment.

13. On 22 March 2019, the Special Chamber of the Supreme Court submitted Judgment No. SCEL-11-0070-C0001/C15 of the Specialized Panel of the Special Chamber of the Supreme Cour, of 31 March 2015, together with the appeals against this judgment.

14. On 5 April 2019, the Court requested the Applicants' representative to submit all the appeals filed against Judgment No. SCEL-11-0070-C0001/C15 of the Specialized Panel of the Special Chamber of the Supreme Court of 31 March 2015.

15. On 5 April 2019, the Court notified the Privatization Agency of Kosovo about the registration of the Referral and also requested it to submit all the appeals filed against Judgment No. SCEL-11-0070-C0001/C15 of the Specialized Panel of the Special Chamber of the Supreme Court of 31 March 2015.

16. On 12 April 2019, the Privatization Agency of Kosovo submitted documents to the Court, but noted that the documents in question did not relate to the Applicants.

17. On 23 April 2019, the Applicants' representative brought documents that were previously available to the Court.

18. On 20 June 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

19. From the documents contained in the Referral, it results that the Applicants were the employees of the SOE "Gërmia" in Prishtina.

20. On 5 July 2007, the liquidation process of the SOE "Gërmia" started. In this regard, in all written documents sent to the employees, it was noted that 5 July 2007 will be considered as the last working day in SOE "Germia".

21. On 20 May 2008, the SOE "Gërmia" was privatized.

22. On 15, 16 and 17 December 2011, the final list of employees who had acquired the right to participate in 20% of the proceeds from the privatization of the SOE "Gërmia" on 15, 16 and 17 December 2011 was published. The deadline for

submission of complaints against the final list at the Special Chamber of the Supreme Court was scheduled on 7 January 2012.

23. The privatization was carried out pursuant to UNMIK Regulation No. 2003/13, Article 10.4 stipulates that workers considered elligible to participate in 20% of the profit of privatization of socially-owned enterprises must prove: (i) they are registered employees of the respective socially-owned enterprise at the time of privatization; and (ii) have been on the payroll of the Socially-owned Enterprise for not less than three (3) years.

24. The Applicants were not on the final list of employees who had realized the right to participate in 20% of the proceeds from the privatization of the SOE "Germia".

25. On an unspecified date, the Applicants filed complaints with the Specialized Panel of the Special Chamber against the final list of employees who realized the right to participate in 20% of the proceeds from the privatization of the SOE "Gërmia".

26. On 31 March 2015, the Specialized Panel of the Special Chamber (Judgment SCEL-11-0070-C0001/C0115) rejected as ungrounded the Applicants' complaints to be included in the final list of employees elligible to 20 % of profits from the privatization of the SOE "Gërmia".

(i) For Applicant Dragomir Vlasačević (C-0044/4), the Specialized Panel of the Special Chamber found that he did not provide any "basic evidence" to prove the employment relationship with the SOE "Gërmia" at least until 1999;

(ii) For Applicant Liljana Ivić, (C-0044/5), the Specialized Panel of the Special Chamber found that she did not prove to have worked in the SOE "Gërmia" for at least three years;

(iii) The Applicant Slobodanka Savić, (C-0044/7), the Specialized Panel of the Special Chamber found that he did not meet the requirements set out in Article 10.4 of UNMIK Regulation No. 2003/13;

(iv) For Applicant Slađana Paunović, (C-0044/8), the Specialized Panel of the Special Chamber found that from 1996 until 1998 she worked in the SOE "Gërmia" but on 8 December 1998 he established new employment relationship in another enterprise and that he does not meet the requirements set out in Article 10.4 of UNMIK Regulation No. 2003/13;

(v) For Applicant Nataša Maksimović, (C-0044/13), the Specialized Panel of the Special Chamber considered that the submitted documents referred to another person and not to the Applicant and found that she did not submit any evidence of employment relationship in the SOE "Gërmia".

(vi) For Applicant Tihomir Bojković (C-0044/16), the Specialized Panel of the Special Chamber found that there was no evidence regarding the

Applicant's general data and that he did not meet the requirements set out in Section 10.4 of the UNMIK Regulation No. 2003/13;

(vii) The Applicant Zlatica Nedeljković, (C-0044/17), the Specialized Panel of the Special Chamber considered that the submitted documents referred to another person and not to the Applicant and that she did not meet the requirements set out in Article 10.4 of UNMIK Regulation No. 2003/13;

(viii) For Applicant Milorad Djokic (C-0044/32) the Specialized Panel of the Special Chamber found that there was no evidence of termination of the employment relationship and that he did not meet the requirements set out in Article 10.4 of UNMIK Regulation No. 2003/13;

(ix) For Applicant Desanka Nikolić, who complained on behalf of her deceased husband S.N., (C-0044/68), the Specialized Panel of the Special Chamber assessed that she/he has not filed any evidence of employment relationship with the SOE "Gërmia" and that she does not meet the requirements foreseen by Article 10.4 of UNMIK Regulation No. 2003/13;

(x) For Applicant Slavica Janković (C-0084), the Specialized Panel of the Special Chamber found that her complaint was filed out of legal time limit.

27. The Specialized Panel of the Special Chamber pursuant to Article 10.6 of the Law on the Special Chamber provided the legal advice reminding them that they may file a written complaint within twenty (21) days from the day of receipt of the written decision.

28. On 8 April 2015, the abovementioned judgment was served on the representative of all Applicants, whereas on the Applicant Slavica Janković it was submitted on 5 May 2015.

29. The Applicants allege that they filed a complaint with the Appellate Panel of the Special Chamber and attached the appeal of 27 April 2015 and confirmation of the receipt of the complaint by the Post of Kosovo, which was dated 21 April 2015.

30. On 27 July 2017, the Appellate Panel of the Special Chamber (Judgment AC-I-15-0062-A0033) rendered the decision on all the complaints that had been filed with the abovementioned judgment of the Specialized Panel of the Special Chamber. The Appellate Panel of the Special Chamber did not decide at all on the Applicants. The issue of non-decision by the Appellate Panel of the Special Chamber on the Applicants' complaint constitutes the substance of their Referral to the Court and will be elaborated in the following paragraphs.

31. On 29 August 2017, the Applicants' representative filed a complaint with the Appellate Panel of the Special Chamber against the abovementioned judgment, stating that through the post office in Prishtina on 21 April 2015 in the same envelope were put two different complaints with additional documentation. He added that because of the volume of the case and probably because of a

technical error, the Applicants' complaints remained without being considered by the final Judgment of the Appellate Panel AC-I-15-0062-A0033 of 27 July 2017. For this reason, according to the Applicant's representative, it was decided on a group of five (5) complainants (the Applicants), while for eleven other complainants (the Applicants) the Special Chamber did not decide at all. As evidence, the Applicant's representative provided: (i) Judgment AC-I-15-0062-A0033 of the Appellate Panel of Special Chamber of 27 July 2017; (ii) a copy of the receipt received from the post office No. 027570 of 21 April 2015 issued in Prishtina. Finally, the Applicants' representative requested that a decision on merits be taken and that they be included in the list of employees entitled to 20% of the privatization of the SOE "Gërmia" in Prishtina.

32. On 15 March 2018, the Appellate Panel of the Special Chamber (Decision AC-I-17-0519-0001/0003) rejected the appeal of the Applicants' representative as inadmissible. The Appellate Panel of the Special Chamber reasoned: *"... the Appellate* Panel *established that the challenged Judgment sent to the complainant's representative A0001 on 4 April 2015, namely 5 October 2015, while the appeals filed with the SCSC of 29 August 2017, clearly are out of legal deadline. Therefore, pursuant to Article 10 (6) of the Law on the Special Chamber, the complainants' complaints are dismissed as inadmissible, and the challenged judgment is upheld".*

Relevant legal provisions

UNMIK/REG/2003/13, 9 May 2003 on the Transformation of the Right of Use to Socially Owned Immovable Property

> *10.4 For the purpose of this section an employee shall be considered as eligible, if such employee is registered as an employee with the Socially-Owned Enterprise at the time of privatisation and is established to have been on the payroll of the enterprise for not less than three years. This requirement shall not preclude employees, who claim that they would have been so registered and employed, had they not been subjected to discrimination, from submitting a complaint to the Special Chamber pursuant to subsection 10.6.*
>
> *10.6 Upon application by an aggrieved individual or aggrieved individuals, a complaint regarding the list of eligible employees as determined by the Agency and the distribution of funds from the escrow account provided for in subsection 10.5 shall be subject to review by the Special Chamber, pursuant to section 4.1 (g) of Regulation 2002/13.*

Applicant's allegations

33. The Applicants allege violations of Articles 31 [Right to Fair and Impartial Trial], 24 [Equality Before the Law], 32 [Right to Legal Remedies] and 54 [Judicial Protection of Rights] of the Constitution in relation to Article 6.1 (Right to a fair trial), Article 13 (Right to an effective remedy) and Article 1 of Protocol No. 1 (Protection of property) of the European Convention on Human Rights (hereinafter: the ECHR).

34. The Applicants essentially allege: *"...in the same envelope are put two different complaints with additional documentation [...] that because of the volume of the case* and *probably due to a technical error the complaint to the Applicant remained not assessed by the final Judgment of the Appellate Panel AC-I-15-0062-A0033 of 27 July 2017"*.

35. The Applicants allege: *"Such a reasoning, legally, is inconsistent and contrary to the reasons for taking the judgment. Namely, the court, during the proceedings, on the occasion of rendering the final judgment AC-I-15-0062/A0033 of 27.07.2017, completely ignored the fact that the appeal in the Judgment of the first instance SCEL-11-0070-C44 of 31.03.2015, was filed in due time in accordance with the provisions of Article 10 of the Law on the Special Chamber, within 21 days from the day of receipt, and thereby denied the right of the parties guaranteed by Article 24 of the Constitution of Kosovo, which guarantees equality before the Law as well as Article 32 of the Constitution, which guarantees the right to legal remedy before the Law as well as Article 54 of the Constitution in conjunction with Article 6.1, which guarantees the right to a fair trial and Article 13 of the European Convention on Human Rights, which guarantees the right to an effective remedy, which in this case is not guaranteed, given that the complaint has not been considered"*.

36. The Applicants allege: *"The authorized representative indicates to the court that in dealing with the request for finding and decision on the appeal, as the appeal filed, the court has created legal uncertainty, considering that the abovementioned decisions conclude that the complaint does not exist at all as presented sometimes and by which have violated all the principles of the Law, the Constitution and the European Convention which guarantees the protection of human rights. Also, upon receipt of this decision, the Applicants were* denied *the right to 20% of the privatization, given that this right belongs to the concept of property and the authorized representative is of the opinion that the Applicants have the right to payment of this part, taking into account that in the case of other Applicants after the final decision AC-I-15-0062-A0033 of 27.07.2017, the factual situation in the procedure and the facts provided are almost identical, so the authorized representative is of the opinion that there has been a violation of the rights of peaceful enjoyment of the property guaranteed by Protocol 1 to the European Convention on Human Rights"*.

Admissibility of the Referral

37. The Court first examines whether the Referral has fulfilled the admissibility requirements established in the Constitution, and further specified in the Law and foreseen in the Rules of Procedure.

38. 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".

[...]

39. The Court refers to Article 47 [Individual Requests] of the Law, which provides:

[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".

40. In addition, the Court also examines whether the Applicant has met the admissibility requirements as defined by the Law. In this regard, the Court first refers to Articles 48 [Accuracy of the Referral] and 49 [Deadlines] of the Law, which stipulate:

Article 48
[Accuracy of the 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...".

41. As to the fulfillment of these requirements, the Court finds that the Applicants are an authorized party, who challenge an act of a public authority, namely Decision [AC-I-17-0519-0001/0003] of 15 March 2018 of the Appellate Panel of the Special Chamber, after exhausting all legal remedies provided by law. The Applicants have also clarified the rights and freedoms they claim to have been violated in accordance with the criteria of Article 48 of the Law and have submitted the Referral in accordance with the deadlines set out in Article 49 of the Law.

42. In addition, the Court examines whether the Applicants have met the admissibility requirements set out in Rule 39 [Admissibility Criteria] of the Rules of Procedure. Rule 39 (2) of the Rules of Procedure sets out the criteria

on the basis of which the Court may consider the Referral, including the criterion that the Referral is not manifestly ill-founded. Specifically, Rule 39 (2) states that:

> *"The Court may consider a referral as inadmissible if the referral is manifestly ill founded because the Applicant has not sufficiently proved and substantiated the claim".*

43. In this regard, the Court notes that the Applicants allege violations of Articles 31 [Right to Fair and Impartial Trial], 24 [Equality before the Law], 32 [Right to Legal Remedies] and 54 [Judicial Protection of Rights] of the Constitution in conjunction with Article 6.1 (Right to a fair trial), Article 13 (Right to an effective remedy) and Article 1 of Protocol No. 1 (Protection of property) of the ECHR.

44. The Applicants specifically allege: "... *in the same envelope are put two different complaints with additional documentation [...] that due to the volume of* the *case and certainly due to a technical error, the appeal for the Applicants has remained without being assessed by the final Judgment AC-I-15-0062-A0033 of the Appellate Panel of 27 July 2017".*

45. The Court notes that the Applicants in essence allege that due to their voluminous matter, the appeal addressed to the Appellate Panel of the Special Chamber "was likely to be lost" in the case file and thus remained untried. The Applicant considers that due to non-decision on his complaint, there has been a violation of Article 32 [Right to Legal Remedies], in conjunction with Article 13 (Right to an effective remedy) of the ECHR.

46. While violations of other Articles 24 and 54 of the Constitution and Articles 6.1 and 1 of Protocol No. 1 of the ECHR justifies as a result of the violation of Article 32 [Right to Legal Remedies], in conjunction with Article 13 (Right to an effective remedy) of the ECHR. Therefore, the Court will enter the assessment of the constitutionality of the Applicant's substantive allegations.

47. The Court notes that, in the present case, the burden of proof falls on the Applicants. From the submitted documents, the Applicants failed to prove that non adjudication of their appeals by the Appellate Panel of the Special Chamber, if any, could be charged to the latter.

48. The Court notes that it has completed the examination of the full file of the Special Chamber of the Supreme Court and that in the full file of the case a complaint has not been registered, which the Applicant's representative claims to have filed against Judgment No. SCEL-11-0070-C0001/C15 of the Specialized Panel of the Special Chamber of the Supreme Court, of 31 March 2015.

49. The Court also notes that the appeal against the judgment in question was not registered either with the Privatization Agency of Kosovo, which was a responding party to the dispute, and which, according to the documentation submitted by the Applicants' representative, was also addressed to them.

50. Furthermore, the Court notes that there is a discrepancy between the allegation of the Applicants' representative and the factual situation based on the documents filed with the Referral No. KI111/18. The Applicants' representative alleges that on 21 April 2015 he filed an appeal against Judgment No. SCEL-11-0070-C0001/C15 of 31 March 2015, while from the submitted documents it results that the appeal against the judgment in question is dated 27 April 2015. While the acknowledgment of receipt, which the Applicant submitted to the Court, was dated 21 April 2015.

51. The Court finds that the Applicant did not prove that the complaint for which the Applicants' representative claims to have been filed in the "same envelope" together with the other appeal to the Special Chamber of the Supreme Court or because of the "volume of the case" the latter is "mixed" and failed to assess the alleged appeal.

52. The Court initially notes that the case law of the ECtHR states that the fairness of a proceeding is assessed looking at the proceeding as a whole (See the ECtHR Judgment of 6 December 1988, *Barbera, Messeque and Jabardo v. Spain*, paragraph 68). Accordingly, in assessing the Applicant's allegations, the Court will also adhere to this principle (See, also cases of the Court KI104/16, Applicant *Miodrag Pavić*, Judgment of 4 August 2017, paragraph 38; and KI143/16, Applicant *Muharrem Blaku and others*, Resolution on Inadmissibility of 13 June 2018, paragraph 31).

53. In the present case, assessing the proceedings in its entirety, the Court notes that the Specialized Panel of the Special Chamber (Judgment of 31 March 2015) found that the Applicants had not met the legal requirements to be considered as employees entitled to 20% of the proceeds from the privatization of the SOE "Germia". On one hand, the issue of a technical error allegedly led to a failure to adjudicate the appeal by the Appellate Panel of the Special Chamber (Judgment AC-I-1S-0062-A0033 27 July 2017) was not proven by the Applicants, whereas the Appellate Panel of the Special Chamber found that the Applicants' complaints are out of time, on the other hand.

54. In addition, the Court notes that the Applicants had the benefit of the conduct of the proceedings based on adversarial principle; that they were able to adduce the arguments and evidence they considered relevant to their case at the various stages of those proceedings; they were given the opportunity to challenge effectively the arguments and evidence presented by the responding party; and that all the arguments, viewed objectively, relevant for the resolution of his case were heard and reviewed by the regular courts; that the factual and legal reasons against the challenged decisions were examined in detail; and that, according to the circumstances of the case, the proceedings, viewed in entirety, were fair. (See, *inter alia*, case of the Court No. KI118/17, Applicant *Sani Kervan and Others*, Resolution on Inadmissibility of 16 February 2018, paragraph 35; see also *mutatis mutandis*, *Garcia Ruiz v. Spain*, application no. 30544/96, Judgment of 21 January 1999, para29).

55. The Court reiterates that Article 31 of the Constitution in conjunction with Article 6 of the ECHR, do not guarantee anyone a favorable outcome in the course of a judicial proceeding nor provide for the Court to challenge the

application of substantive law by the regular courts of a civil dispute, where often one of the parties wins and the other loses (*Ibidem*, case No. KI118/17, see also case no. KI142/15, Applicant *Habib Makiqi,* Resolution on Inadmissibility of 1 November 2016, paragraph 43).

56. In this respect, in order to avoid misunderstandings on the part of applicants, it should be borne in mind that the "fairness" required by Article 31 is not "substantive" fairness, but "procedural" fairness. This translates in practical terms into adversarial proceedings in which submissions are heard from the parties and they are placed on an equal footing before the court (See also the case of the Court No. KI42/16 Applicant: *Valdet Sutaj*, Resolution on Inadmissibility of 7 November, para. 41 and other references therein).

57. In this respect, the Court reiterates that it is not the role of the Court to deal with errors of facts or law, allegedly committed by the regular courts (legality), unless and in so far as they may have infringed the rights and freedoms protected by the Constitution (constitutionality). It cannot itself assess the law that lead a regular court to issue one decision instead of another. If it were different, the Court would act as a "fourth instance court", which would result in exceeding the limitations provided for by 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; and see also case: KI70/11, Applicants: *Faik Hima, Magbule Hima dhe Bestar Hima*, Resolution on Inadmissibility of 16 December 2011).

58. The Court further notes that the Applicants are not satisfied with the outcome of the proceedings of the regular courts. However, the dissatisfaction of the Applicant with the outcome of the proceedings by the regular courts cannot of itself raise an arguable claim for the violation of the constitutional right to fair and impartial trial (see, *mutatis mutandis*, case *Mezotur - Tiszazugi Tarsulat v. Hungary*, ECtHR, Judgment of 26 July 2005, paragraph 21; and see also, case KI56/17, Applicant *Lumturije Murtezaj*, Resolution on Inadmissibility of 18 December 2017, paragraph 42).

59. As a result, the Court considers that the Applicant has not substantiated the allegations that the relevant proceedings were in any way unfair or arbitrary, and that the challenged decision violated the rights and freedoms guaranteed by the Constitution and the ECHR. (see, *mutatis mutandis, Shub v. Lithuania,* No. 17064/06, ECtHR, Decision of 30 June 2009).

60. Therefore, the Court concludes that the Referral is manifestly ill-founded on constitutional basis and is to be declared inadmissible, in accordance with Article 113.7 of the Constitution, Article 48 of the Law and Rule 39 (2) of the Rules of Procedure.

FOR THESE REASONS

The Constitutional Court, in accordance with Article 113.7 of the Constitution, Articles 47 and 48 of the Law and in accordance with Rule 39 (2) and 59 (2) of the Rules of Procedure, on 20 June 2019, unanimously

DECIDES

I. TO DECLARE the Referral inadmissible;

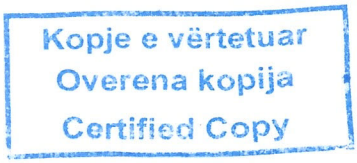
II. TO NOTIFY this Decision to the Parties;

III. TO PUBLISH this Decision in the Official Gazette, in accordance with Article 20.4 of the Law;

IV. This Decision is effective immediately.

Judge Rapporteur **President of the Constitutional Court**

Radomir Laban Arta Rama-Hajrizi



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