



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

GJYKATA KUSHTETUESE

УСТАВНИ СУД

CONSTITUTIONAL COURT

KABINETI I KRYETARIT / URED PREDSEDNIKA / CABINET OF THE PRESIDENT

Prishtina, on 02 December 2019

Ref. no.: KK 320 /19

In accordance with Articles 112 (2) and 115 of the Constitution of the Republic of Kosovo (the Constitution); Articles 2, 11 and 13 of the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo, Rules 17 and rule 18 of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo 01/2018, after the administrative session held on 26 November 2019, the Regulation of the Legal Unit of the Constitutional Court that follows is approved.

REGULATION OF THE LEGAL UNIT

No. 03/2019

On amending and supplementing Regulation no. 02/2018

I. Functions, organization and structure

Article 1

General provisions

1. The purpose of this Regulation is to determine the functions, organization, and structure of the Legal Unit and its members.
2. The Regulation defines the composition of the Legal Unit and the description of the work duties of its members; the recruitment procedures and probation work; the evaluation of performance and promotion procedures; the disciplinary procedures; the procedures for establishment and termination of the employment relationship; and all other matters pertaining to the efficiency of the Legal Unit.
3. The members of the Legal Unit are not civil servants. The members of the Legal Unit have the status of professional employees with the Constitutional Court of the Republic of Kosovo (the Court). The legal status of the members of the Legal Unit entails the application of basic principles of the applicable laws governing the employment relationship in the Republic of Kosovo. The source acts for the regulation of this legal status shall be: the Law on the Constitutional Court, the Rules of Procedure of the Court and this Regulation.
4. The Legal Unit is supported by the Secretariat of the Court regarding the technical, logistical and administrative resources related to the efficient and effective functioning of the Legal Unit.

Article 2

Functions of the Legal Unit

1. The Legal Unit is a separate organizational structure in the Court, which answers directly to the President of the Court (the President).
2. The Legal Unit performs its tasks in supporting the professional work of the Judges, by conducting legal research and analysis, assisting in drafting preliminary reports, decisions, and other legal materials in support of the work of the Judges of the Court.
3. The Legal Unit assists in the reception of referrals and other documents, by checking the referral form and assessing whether completion or clarification is needed, in coordination with the Case Registration, Statistics and Archive Department (hereinafter: the DCRSA).
4. The Legal Unit filters the new referrals submitted to the Court, and drafts a report based on a standard form approved by the President.
5. The Legal Unit researches legislation, legal authorities and jurisprudence related with the cases subject to proceedings in the Court, in liaison with the Judge Rapporteur, the Presiding Judge of the Review Panel, the Court and the President.
6. The Legal Unit identifies requests for interim measures and brings the information to the attention of the President of the Court.

Article 3

Composition, leadership and salaries

1. The Legal Unit is composed of :
 - Chief Constitutional Legal Advisor;
 - Jurisconsult;
 - Deputy Chief Constitutional Legal Advisors;
 - Senior Constitutional Legal Advisors;
 - Constitutional Legal Advisors;
 - Senior Advisor for Administration of Referrals;
 - Constitutional Legal Secretaries;
2. The Judges, by majority vote, appoints one of Senior Constitutional Legal Advisor as Chief Constitutional Legal Advisor and two Deputy Chief Constitutional Legal Advisors for a period of three (3) years. Judges, by the same procedure, with majority of votes, shall appoint one of the Senior Constitutional Legal Advisors as a Jurisconsult. The Chief Constitutional Legal Advisor, Jurisconsult and Deputy Chief Legal Advisors may be removed from that position at any time by majority vote of the Judges.
3. The salaries of the members of the Legal Unit are determined by a decision of the Judges.

4. The salary of the Chief Constitutional Legal Advisor will be increased by 10% during the mandate. The salary of the Deputy Chief Constitutional Legal Advisor will be increased by 5% during the mandate. The salary of the Jurisconsult shall be equivalent to the salary of the Chief Constitutional Legal Advisor.

Article 4
Functions of the Chief Constitutional Legal Advisor/Deputy Chief Constitutional Legal Advisors

1. The Chief Constitutional Legal Advisor runs and supervises the Legal Unit. In the absence of the Chief Constitutional Legal Advisor, the duties are performed by a Deputy Chief Constitutional Legal Advisor.
2. The Chief Constitutional Legal Advisor reports directly to the President of the Court.
3. The Chief Constitutional Legal Advisor performs the functions as follows:
 - a) assists and advises the Court in the performance of its functions;
 - b) supports the members of the Legal Unit in the performance of their duties;
 - c) serves as a liaison officer for all communications related to the Court's referrals in coordination with the DCRSA Director and the Secretariat;
 - d) supervises the organization, activities and performance of the members of the Legal Unit;
 - e) attends all Court sessions; allocates the referrals proportionally, taking into consideration the complexity, the level of difficulty and importance of the referral, to all members of the Legal Unit, in consultation with the President;
 - f) ensures the priority of the case review, according to the Rules of Procedure and instructions of the President;
 - g) assigns other specific duties to the members of the Legal Unit;
 - h) supervises the members of the Legal Unit in the process of preparing preliminary reports, final decisions and other legal documents ensuring high quality of application of exhaustive legal research standards at the level of national law of the Republic of Kosovo; regional and international constitutional law; international and comparative law; opinions, recommendations and best practices promulgated under the auspices of the Council of Europe and the Venice Commission; the case law of the ECtHR and the European Court of Justice; and, as necessary, other international courts;
 - i) supervises the quality assurance process and the consistency of decision-making in the Court;
 - j) ensures that the new members of the Legal Unit have specific supervision in adapting to the performance of their duties;
 - k) conducts the preliminary performance evaluation of all members of the Legal Unit on an annual basis.

Article 5

Functions of Jurisconsult

1. The Jurisconsult shall perform the following functions:
 - a) advises the Court and notifies it about various matters relating to the case law of the Court and the consistency of that case law;
 - b) advises the Court and notifies it on a three (3) monthly basis about the new case law of the European Court of Human Rights or of new case law of the member states of the Venice Commission;
 - c) ensures the consistency of the case law of the Court, by advising the Court and informing it about the follow-up of the case law to date in specific cases and highlights cases in which new case law is being established; cases in which existing case law may be changed; or, cases for which a standard is being set for the first time in the case-law of the Court;
 - d) monitors, in coordination with the Chief Constitutional Legal Advisor, the content of all proposed draft decisions of the Court (Judgments, Resolutions and Decisions) in order to ensure the high quality of decision-making and the consistency of case law; and, in this respect, proposes relevant recommendations aimed at the consistency and quality of the Court's decision-making;
 - e) proposes, in coordination with the Chief Constitutional Legal Advisor, the drafting of standard templates to ensure the consistency of case law;
 - f) proposes new legal literature, new cases for study, new decisions for the purpose of disseminating new knowledge to all members of the Legal Unit;
 - g) performs other duties related to the consistency of the case law, as necessary.
2. Requirements to be elected as Jurisconsult:
 - a) The candidate for Jurisconsult must have at least five (5) years of professional experience in the Constitutional Court as Senior Constitutional Legal Advisor.

Article 6

Functions of Senior Constitutional Legal Advisors

1. The Senior Constitutional Legal Advisor performs the functions as follows:
 - a) assists in preparing preliminary reports, decisions and other legal material related to the jurisdiction of the Court;
 - b) conducts constitutional and legal analysis;
 - c) participates in the review sessions and keeps notes of cases;
 - d) prepares the constitutional-legal opinions according to the requirements of the President or Judges of the Court;
 - e) monitors and guides constitutional legal advisors regarding the duties assigned to the cases;
 - f) contributes to the efficient and effective functioning of the Legal Unit and performs other tasks as required by the Chief Constitutional Legal Advisor.
 - g) responsible to ensure quality of decisions of the Court in the cases assigned to them; and

- h) responsible to support research, analysis and drafting of dissenting and concurring opinions as advised by the judge.

2. The requirements for election of Senior Constitutional Legal Advisor are:

- a) Advanced University degree in law, with an expertise in public law, constitutional law, constitutional justice and human rights;
- b) Five (5) years of professional legal experience;
- c) Excellent knowledge of English language.

Article 7

Functions of Constitutional Legal Advisors

1. The Constitutional Legal Advisor performs the functions as follows:

- a) supports the work of Senior Constitutional Legal Advisor;
- b) searches and studies relevant legal literature at local and international level;
- c) searches and seeks for necessary data, *inter alia*, decisions of other constitutional courts and of the European Court of Human Rights;
- d) prepares comparative analyses, in coordination with Senior Constitutional Legal Advisor;
- e) contributes to the efficient and effective functioning of the Legal Unit and performs other duties required by the Chief Constitutional Legal Advisor.

2. After passing the probation work and after the confirmation of the employment contract, cases may be assigned to the Constitutional Legal Advisor. Constitutional Legal Advisor can be promoted to Senior Constitutional Legal Advisor upon the proposal of the Judges, the President or the Chief Constitutional Legal Advisor.

3. The requirements to be elected a Constitutional Legal Advisor are:

- a) university degree in law, with preferred expertise in public law, constitutional law, constitutional justice and human rights;
- b) three (3) years of professional legal experience;
- c) excellent knowledge of English language.

Article 8

Functions of Senior Advisor for Administration of Referrals

1. Senior Advisor for Administration of Referrals performs the functions as follows:

- a) holds meetings with the Applicants;
- b) checks the documentation presented in the referral and instructs the Applicants on the necessary supplementations;
- c) prepares and completes the standard filtering form for the registered referrals;
- d) gives suggestions (indications) on the sensitivity of the case received by the Court;

- e) prepares a weekly report for the President of the Court regarding the referrals received within a week;
 - f) reports to the Legal Unit on the number and nature of cases received by the Court;
 - g) compiles the minutes for deliberation and voting;
 - h) prepares special reports for the needs of the Legal Unit;
 - i) prepares the report on the fulfillment of the criteria once the decision is ready for publication;
 - j) completes and updates case statistics in the Legal Unit folder;
 - k) maintains and updates the Court's database for monitoring the implementation of Court decisions;
 - l) performs other duties at the request of the Chief Constitutional Legal Advisor.
4. The requirements for election of Senior Advisor for Administration of Referrals are:
- a) university degree in law;
 - b) five (5) years of professional legal experience;
 - c) knowledge of official languages in the Republic of Kosovo and of the English language.

Article 9

Functions of the Constitutional Legal Secretary

1. The Constitutional Legal Secretary performs functions as follows:
- a) supports the work of Senior Constitutional Legal Advisor and of the Constitutional Legal Advisor;
 - b) prepares standard notifications immediately after the registration of a new referral;
 - c) compiles requests for additional documents, based on the requests of Senior Constitutional Legal Advisor and Constitutional Legal Advisor;
 - d) proceeds for translation all the documents compiled and proceeds them to the DCRSA for further proceeding;
 - e) follows-up cases until decided and published;
 - f) assists the Chief Constitutional Legal Advisor at the meetings of the Legal Unit and of the Court sessions;
 - g) drafts relevant decisions regarding the decisions taken at the sessions of the Court;
 - h) contributes to the efficient functioning of the Legal Unit and performs other duties determined by the Chief Constitutional Legal Advisor.
2. The requirements for election of Constitutional Legal Secretary are:
- a) university degree in law;
 - b) two (2) years of professional legal experience;
 - c) good knowledge of English.

Article 10

Allocation of referrals

7. Once a Referral is registered and the Judge Rapporteur is appointed, the Chief Constitutional Legal Advisor appoints a Senior Constitutional Legal Advisor or Constitutional Legal Advisor to assist the Judge Rapporteur.
8. The Chief Constitutional Legal Advisor assesses whether the case is of a nature that requires the engagement of a larger number of advisors and, in consultation with the President, appoints the needed advisors for the specific Referral.
9. The Chief Constitutional Legal Advisor ensures that the referrals are allocated in a balanced and proportional manner to all advisors.
10. The advisors, to the extent possible, will be proportionately assigned to cases with all judge rapporteurs.
11. Advisors have full right to submit their professional opinion regarding the referral, for which they cannot be taken into any disciplinary responsibility.
12. For any conflict of interest regarding the case, the advisors notify the Chief Constitutional Legal Advisor at the first moment the conflict arises. The advisor may request his recusal from the case also for other justified reasons. The Chief Constitutional Legal Advisor, in cooperation with the President, shall decide on an eventual recusal.

II. Recruitment Procedure

Article 11

Recruitment

The recruitment of members of the Legal Unit is conducted in accordance with the needs of the Court. The number of members of the Legal Unit is determined by the judges.

Article 12

Commencement of recruitment

1. A request for recruitment together with the job descriptions shall be submitted to the President by the Chief Constitutional Legal Advisor.
2. The recruitment for filling of the vacant positions, or for filling of new positions, is publicly announced.
2. The Department of Administration and Human Resources (the DAHR) is responsible for the public announcement of the recruitment. The content of public announcement is determined in accordance with the job description.

Article 13

Selection Committee

1. The President establishes a Selection Committee (the Committee), which conducts the recruitment and final selection procedures.
2. The Committee is composed of three (3) judges. The Chair of the Committee supervises the procedures and is assisted by the Chief Constitutional Legal Advisor.
3. The Committee reviews the applications, carries out the assessment and prepares the shortlist of candidates. The candidates who are on the shortlist are invited to a written test. After the evaluation of the written test, the Committee compiles a list of candidates invited to the oral interview.

Article 14

Written and oral test

1. The Committee shall prepare a written and oral test for the candidates, envisaging to assess the knowledge, reasoning and drafting abilities of the candidate, and experience, understanding the constitutional system and motivations for the position.
2. The written test contains five (5) questions, of which one (1) essay, and four (4) questions regarding the specific knowledge required for the position advertised. One of the questions and respective answer is in English.
3. The Selection Committee evaluates the written test:
 - the essay with 0 - 30 points;
 - each of the three questions with 0 - 15 points;
 - the question in English with 0 - 25 points.
4. The oral test is conducted by the same Committee, which poses three (3) questions. The Committee evaluates each of the answers with 0 - 33 points.
5. The members of the Committee mark the candidates' evaluation on a form previously prepared for this procedure.
6. Upon the completion of written and oral testing, the Chair of the Committee shall prepare a short written report to the President, by attaching the appropriate forms and proposing the appointment of the successful candidate.

Article 15

Appeal Procedure

1. An Appeals Commission, established by the President, reviews the appeals filed by the candidates against the final decision of the Committee.
2. The Appeals Commission consists of five (3) judges who have not been members of the Selection Committee.

3. The Appeals Commission shall deliver a decision on the appeal within thirty (30) days from the receipt of the appeal.

III. Establishment of Employment Relationship

Article 16

Conditions and criteria for establishment of employment relationship

1. The successful candidates shall enter into an employment contract with the Court, after having obtained the approval of the judges.
2. The contract of work shall be concluded in indefinite term and shall be confirmed after the successful completion of the probation period.

Article 17

Content of the Employment Contract

1. The Employment Contract shall contain:
 - a) the data on the employer (Institution)
 - b) the data on the employee (name, surname, qualification and residence);
 - c) name, nature, type of work and job description;
 - d) working place;
 - e) hours and working hours;
 - f) the date of commencement of work;
 - g) the duration of the Employment Contract;
 - h) the amount of the gross salary and any additional or other income;
 - i) duration of holidays;
 - j) termination of employment relationship; and
 - k) other data for which the employer and the employee consider as important to regulate the employment relationship.
2. The members of the Legal Unit shall be entitled to twenty (20) days of annual leave. Every three (3) regular working years the members of the Legal Unit shall have their annual leave increased by one (1) day.
3. The rights and obligations that are not stipulated in the employment contract and this Regulation shall be governed by the general principles of applicable law, insofar as they do not affect the functions, organization and financial independence of the Court as guaranteed by the Constitution, the Law and the Rules of Procedure.

IV. Performance Evaluation

Article 18

Impact of evaluation

1. The performance evaluation affects the determination of:

- a) suitability for promotion;
 - b) training needs; and
 - c) extension or termination of the employment relationship.
2. The evaluation is also relevant for the disciplinary proceedings.

Article 19 **Basis of evaluation**

The performance evaluation of the members of the Legal Unit is based on the quality of work, quantity of work, knowledge of the job, interpersonal skills and teamwork, independence and flexibility, working under pressure, written and oral communication, computer skills, and other aspects (confidentiality, integrity).

Article 20 **Evaluation system**

1. The Chief Constitutional Legal Advisor and the Jurisconsult are evaluated by the President, taking into consideration the opinions of judges.
2. The Chief Deputy Constitutional Legal Advisors, Senior Constitutional Legal Advisors and the Constitutional Legal Advisor are evaluated by a preliminary performance evaluation report by the Chief Constitutional Legal Advisor.
3. The assessment made by the Chief Constitutional Legal Advisor is certified by the President.
4. The Senior Advisor for Administration of Referrals and the Constitutional Legal Secretary are evaluated by the Chief Constitutional Legal Advisor. The assessment made by the Chief Constitutional Legal Advisor is certified by the President.

Article 21 **Evaluation period**

The evaluation of the work of the members of the Legal Unit is made every year. The assessment includes the period from 1 January to 31 December.

Article 22 **Evaluation procedure**

1. The procedure for evaluating the performance of the members of the Legal Unit is realized through an evaluation form which is an integral part of this Regulation. The evaluation form:
 - a) for the Chief Constitutional Legal Advisor and Juristconsult contains the opinion of the judges as well as the final certification by the President;
 - b) for the Deputy Chief Constitutional Legal Advisors, the Senior Constitutional Legal Advisors and the Constitutional Legal Advisors

contains the evaluation by the Chief Constitutional Legal Advisor, the opinion of the judges and the certification by the President;

- c) for the Senior Advisor for Administration of Referrals and the Constitutional Legal Secretary contains the evaluation of the Chief Constitutional Legal Advisor and the certification by the President.

2. The evaluation procedure includes:

- a) The preliminary assessment of a member of the Legal Unit, by the President or by the Chief Constitutional Legal Advisor, through an evaluation form which is submitted to the respective member;
- b) Holding of a meeting with the respective member of the Legal Unit in order to discuss the preliminary assessment;
- c) In case of agreement, the assessment form is signed by the evaluator and the evaluated person;
- d) In case of disagreement, the evaluated member of the Legal Unit may present his written remarks and request a meeting with the President for the purpose of discussing the final assessment;
- e) The Chief Constitutional Legal Advisor submits the completed and signed forms of each member of the Legal Unit for archiving at the DAHR within thirty (30) days from the date of receipt of the forms.

Article 23 **Performance Reports**

- 1. A six (6) month performance report will be submitted to the Chief Constitutional Legal Advisor, who approves it after its accuracy has been confirmed.
- 2. A standard performance report form will be drafted by the Legal Unit and submitted to the President for approval.

Article 24 **Appeal**

The members of the Legal Unit, in case of disagreement with the assessment made, have the right to appeal in the Appeals Commission in accordance with the articles foreseen in this Regulating.

Article 25 **Recording the performance evaluation reports**

- 1. The results of the performance evaluation are placed and stored in the personnel file in the DAHR.
- 2. The members of the Legal Unit have unrestricted access to the evaluation of their performance reports and can submit their opinions to the file archived with the DAHR.

3. The members of the Legal Unit may use the performance evaluation reports for their personal needs.

V. Promotion Procedures

Article 26 Promotion procedures

1. The number of the members of the Legal Unit by each level of its composition is determined by a decision of the Judges.
2. The staff promotion procedures will be in conformity with the provisions of Article 13 of the Law and are defined as follows:
 - a) A Constitutional Legal Advisor may be promoted to the position of Senior Constitutional Legal Advisor only after two (2) years of the work in the position of a Constitutional Legal Advisor and if there is a vacancy in that position. In this period of time, the time period of probation work is also counted.
 - b) The Court makes an internal announcement of a vacancy for the promotion in the position of a Senior Constitutional Legal Advisor. The announcement is made on the notice board, in the internal electronic devices (monitors in public places of the Court) and a copy is distributed to all members of the Legal Unit by e-mail.
 - c) A committee, composed of three (3) judges and appointed by the President, examines the applications and interviews the candidates for the promotion in the position.
 - d) The criteria for interview (written/oral) and for evaluation are defined as follows:
 - five (5) questions are put to the candidate, of which three (3) in Albanian, or Serbian, and two (2) in English;
 - one (1) question in the field of general knowledge;
 - two (2) questions from the case law of the Court and about the overall work of the Court;
 - two (2) questions from the case law of the European Court of Human Rights.
3. The Committee evaluates the five answers with a maximum of 20 points each, and for the result achieved along with the recommendation for the promotion notifies the candidates within 7 days from the date of the interview.
4. The candidates who have passed the promotion test are appointed in a position of Senior Constitutional Legal Advisors with all the rights, obligations and privileges of work as other Senior Constitutional Legal Advisors.
5. The candidate who did not pass the interview successfully has the right to view the full file (keeping confidential the names of the members of the Evaluation Committee, but by showing the results only) regarding the interview he was subject to.

6. The candidate who did not pass the interview may apply to the further promotion procedure initiated by the Court.
7. Constitutional Legal Secretaries of the Legal Unit within the Legal Unit, complying with the criteria of this Article, may apply for promotion to all positions envisaged within the Legal Unit.

VI. Disciplinary procedures

Article 27 Disciplinary violations

Disciplinary violations are divided into minor and serious disciplinary violations.

Article 28 Minor disciplinary violations

Minor disciplinary violations are considered:

- a) unannounced absence at work for a short period of time;
- b) non-respect of working hours.

Article 29 Serious disciplinary violations

1. Serious disciplinary violations are considered:

- a) violations of the code of conduct for judges, as far as they are applicable, if such a conduct has substantially influenced the responsibilities, independence, impartiality, integrity and confidentiality of the Court;
 - b) violation of work duties that have consequences on the responsibilities, independence, impartiality, integrity and confidentiality of the Court;
 - c) conduct or threat that prevents, hinders or makes difficult to others from successfully performing official duties;
 - d) deliberate damage to the property of the Court; or
 - e) failure to declare and making a false statement regarding the conflict of interest.
2. In case of repetition of the minor disciplinary offenses, in accordance with Article 27, more than two (2) times within one (1) year, the conduct is considered a serious disciplinary violation.

Article 30 Disciplinary measures for minor violations

1. The following disciplinary measures may be imposed for minor disciplinary violations:

- 1.1. oral reprimand; or

- 1.2 written reprimand which is placed in the personal file;
2. The imposition of minor disciplinary measures shall be made by the President following information received from the judges, the Chief Constitutional Legal Advisor, or from any other source.
3. If the President, upon the receipt of the notice of disciplinary measures, considers that such violations constitute serious disciplinary violations, the case shall be forwarded to the Disciplinary Committee established by the President.
4. The disciplinary measures for minor disciplinary violations shall be imposed within fifteen (15) days from the date the disciplinary violation took place, but no later than six (6) months from that date.
5. The reprimand is deleted from the file after one (1) year has passed from the imposition of the disciplinary measure on condition it is not repeated.
6. The member of the Legal Unit has the right to appeal within fifteen (15) days from the receipt of the written reprimand. The decision of the Appeals Commission is final.

Article 31

Disciplinary measures for serious violations

1. The following measures may be imposed for serious disciplinary violations:
 - a) suspension of exercising work duties and decrease by 30% of the salary for a period of up to three (3) months, depending on the consequences caused by the disciplinary offense;
 - b) limited exercise of work duties;
 - c) prohibition of promotion for a period of up to five (5) years;
 - d) termination of the employment relationship.
2. The disciplinary measures for serious disciplinary violations shall be imposed by the Disciplinary Commission.
3. The initiation of a procedure for serious disciplinary violation is conducted in writing within fifteen (15) days from the date the conduct took place but not later than six (6) months.
4. Prior to the decision of the Disciplinary Commission is delivered, the member of the Legal Unit shall have the right to submit evidence and to be heard before the Commission.

Article 32

Preventive Suspension

1. The member of the Legal Unit may be suspended from paid work until the decision on the serious disciplinary offense is taken, but not longer than three (3) months.

2. The member of the Legal Unit may be suspended from payment of 1/2 salary if criminal proceedings have begun against him and may be suspended without the right to payment if he or she is charged with committing a criminal offense as a result of performing or failing to perform work duties.
3. If, after the proceedings completed by a final decision, the member of the Legal Unit is not sentenced for committing the criminal offense which he is accused with, he is entitled to return to work.

Article 33

Final decision on serious disciplinary violations

1. For the final decision on termination of employment relationship with the Court is notified in an administrative session.
2. The Senior Constitutional Legal Advisor/Constitutional Legal Advisor has the right to initiate proceedings before the competent court against the final decision regarding dismissal.

VII. Termination of Employment Relationship

Article 34

Termination of Employment Relationship

1. The employment relationship with the Court is terminated in the event of:
 - a) resignation, or
 - b) non-confirmation of probation period; or
 - c) dismissal.

Article 35

Resignation

1. The member of the Legal Unit may resign from the position by notifying the President at least thirty (30) days earlier.
2. During the probation period, the member of the Legal Unit may resign by notifying the President at least fifteen (15) days earlier.

Article 36

Non-confirmation after the probation period

1. After one (1) year probation period, a panel composed of three (3) judges, evaluates the report of the probation period submitted by the Chief Constitutional Legal Advisor and decides on the confirmation of the position for an indefinite term.

2. In case of non-confirmation of the employment relationship after the probation period, the constitutional legal advisor may follow the internal appeal procedure provided by this Regulation.
3. The constitutional legal advisor has the right to initiate proceedings before the competent court in accordance with the applicable legislation against the final decision of the Court for non-confirmation of the position after the probation period.

Article 37 Dismissal

The dismissal of the constitutional legal advisors may be imposed only for serious disciplinary violations foreseen in Chapter VI of this Regulation and according to the procedures foreseen in this Regulation.

Article 38 Transitional provisions

1. With the entry into force of amendments-supplementations to Regulation no. 02/2018 of 31 May 2018, a new and clean version of this Regulation shall be created with the corresponding enumeration of all Articles according in the order. All changes will be saved and archived in the Court.
2. With the entry into force of these amendments-supplementations all other provisions of the internal acts of the Court which are inconsistent with this Regulation are repealed.

Article 39 Entry into force

The amendments-supplementations of this Regulation shall enter into force on the day of its signature by the President.

Prishtina, on 02 December 2019



Arta Rama-Hajrizi
President of the Constitutional Court