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

Prishtina, 20 January 2020
Ref. no.:RK 1502/20

This translation is unofficial and serves for informational purposes only

RESOLUTION ON INADMISSIBILITY

in

Case No. KI172/18

Applicant

Arbër Kryeziu,
Owner of "Al-Petrol" L.L.C.

Constitutional review of Decision CA.no.925/2018 of the Court of Appeals of Kosovo, of 16 July 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 Arbër Kryeziu as the owner of "Al-Petrol" L.L.C. Company, having its seat in the village of Vragoli-Fushë Kosovë (hereinafter: the Applicant), represented by Elmaze Fazliu.

Challenged decision

2. The Applicant challenges the constitutionality of the Decision [CA.nr.925/ 2018] of the Court of Appeals of Kosovo, of 16 July 2018.

Subject matter

3. The subject matter is the constitutional review of the challenged decision, which as alleged by the Applicant has violated his fundamental rights and freedoms guaranteed by Articles 31 [Right to Fair and Impartial Trial] and Article 102 [General Principles of the Judicial System] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution) in conjunction with Article 6 (Right to a fair trial) of the European Convention on Human Rights (hereinafter: ECHR).

Legal basis

4. The Referral is based on paragraph 4 of Article 21 [General Principles] and paragraph 7 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution, Articles 22 [Processing Referrals] and 47 [Individual Requests] of the Law on Court Constitutional of the Republic of Kosovo, No.03/L-121 (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).

Proceedings before the Constitutional Court

5. On 6 November 2018, the Applicant submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).

6. On 13 November 2018, the President of the Court appointed Judge Bajram Ljatifi as Judge Rapporteur and the Review Panel composed of Judges: Bekim Sejdiu (presiding), Selvete Gërxhaliu-Krasniqi and Gresa Caka-Nimani.

7. On 16 November 2018, the Applicant was notified about the registration of the Referral. On the same date, a copy of the Referral was sent to the Court of Appeals.

8. On 9 September 2019, the Court requested from the Applicant to submit to the Court the Decision of the Court of Appeals of Kosovo [Ac. no. 067/2017], of 19 December 2017.

9. On 17 September 2019, the Applicant submitted the requested document to the Court.

10. On 18 November 2019, the Review Panel considered the report of the Judge Rapporteur and unanimously made a recommendation to the Court on the inadmissibility of the Referral.

Summary of facts

11. On 13 January 2016, A.H., F.K., S.I., A.B., T.M., S.H. and GS, in the capacity of former employees of the "Al-Petrol" L.L.C. Company, owned by the Applicant, filed a complaint with the Ministry of Labour and Social Welfare-Executive Body of the Labour Inspectorate (hereinafter: EBLI), seeking financial compensation for the work done outside the regular hours of work(overtime).

12. On 26 February 2016, EBLI, by Decision [No.02/b-170/16], ordered the Applicant to eliminate all irregularities in relation to the above-mentioned parties, and notify the EBLI in that respect.

13. On 25 April 2016, EBLI invited the Applicant to prove whether he had implemented the warnings given in the aforementioned Ruling. On the basis of the case file it results that the Applicant did not implement the warnings given, claiming that AH, FK, SI, AB, TM, SH and G.S. had caused great financial damage to the "Al-Petrol" L.L.C. Company and that their case has already been reported to the police.

14. On 29 April 2016, EBLI, by Decision [No. 02/b-342], imposed a fine on the Applicant in the amount of € 3,500.00 as the owner of the "Al-Petrol" L.L.C. Company due to the failure to comply with the provisions of Article 38, paragraphs 1, 2 and 3 and Article 55, paragraphs 1, 2, 4, 5 and 6 of the Law on Labour, No.03/L-212. Further, the Decision states that the Applicant did not respect the warnings of the EBLI Decision [No. 02 / b-170/16], of 26 February 2016.

15. On 23 June 2016, since the Applicant had failed to fulfil his obligation, EBLI made a proposal for the enforcement of Decision [No. 02/b-342], of EBLI of 29 April 2016.

16. On 23 June 2016, the Office of the Private Enforcement Agent S.A. in Prishtina, acting pursuant to the proposal for enforcement, issued the Order [P.nr.273 / 16] for setting the enforcement on the basis of a credible document, obliging the Applicant , to pay the debt in the amount of € 3,500.00, as well all costs of the enforcement proceedings.

17. On 8 July 2016, the Applicant filed an objection with the Basic Court, alleging, inter alia, that the enforcement order was in contradiction with Article 36, para.1, Article 43, para.1, Article 44, para.1 and 47 para.2 of the Law on Enforcement Procedure, and consequently the same is non-eligible because it does not have enclosed the Decision [No.02/b-342] and does not contain the enforcement clause for enforceability. By responding to this objection, the creditor disputed the debtor's allegations.

18. On 9 October 2017, the Basic Court by Decision [PPP.nr.589/16] approved the Applicant's objection and revoked the Enforcement Order [P.no.273/16] of 23 June 2016, issued by the Private Enforcement Agent S.A. The Decision further stated that *"this court considers that the legal requirements for the enforcement order were not met because the decision taken in administrative procedure does not have the certificate of enforceability, it does not contain the seal of*

enforceability, pursuant to Article 36, para.1 of the LEP, therefore the court approved the debtor's objection and revoked the order of the private enforcement agent [...]".

19. On 3 November 2017, EBLI in the capacity of the creditor filed an appeal with the Court of Appeals against the Decision [PPP.no.589/16] of the Basic Court, of 9 October 2017, alleging that EBLI's decisions are enforceable and that the complaint against them does not stay (stop) the enforcement.

20. On 19 December 2017, the Court of Appeals of Kosovo, by Decision [Ac.no.5067 / 2017], approved the appeal of EBLI, and remanded the case to the Basic Court for retrial, by reasoning that *"it cannot upheld the assessment of the first instance court as regular and lawful on the ground that the decision of the first instance court was taken in violation of the provision of Article 38 par. of the LEP in conjunction with Article 102 para.1 of the LCP, because the court of first instance before deciding on the debtor's objection, had a legal obligation to invite the creditor to submit to the court within 3 days the original or a certified copy of the enforcement document bearing the enforcement clause, by clearly notifying the creditor about procedural omissions in case if he does not comply with the court order, as provided by the provision of Article 102.3 of the LCP".*

21. On 26 January 2018, the Basic Court in Prishtina, acting in the retrial by Decision [PPP.nr.62 / 18], rejected the Applicant's objection filed against the enforcement order P.nr.273/16, of 23 June 2016 as unfounded. This Decision further stated that *"The Court considers that the enforcement in the present case is based on the provisions of Articles 27 and 36 of the LEP, since the Decision of the Ministry of Labour and Social Welfare -the Executive Body of Labour Inspectorate in Gjilan, No.02 / b-3 42 of 29.04.20 16, is eligible for enforcement, it is an original document, has become final and enforceable on 03.06.2016, it contains the seal confirming that "this decision is enforceable", namely it contains the enforcement clause for enforcement, wherefrom it results that it is enforceable. Therefore, the Court considers that in the present case does not exist any of the grounds for objection as set out in the provision of Article 71 of the LEP on the basis of which the order for the enforcement allowing the enforcement is revoked".*

22. On 8 February 2018, the Applicant filed an appeal with the Court of Appeals against the Decision[PPP.no.62/18] of the Basic Court in Prishtina of 26 January 2018, alleging substantial violations of the legal provisions, erroneous determination of the situation factual and violations of substantive law.

23. On 16 July 2018, the Court of Appeals of Kosovo, by Decision [CA.no.925/ 2018] rejected as unfounded the Applicant's appeal and confirmed the Decision [PPP.no.62 / 18] of the Basic Court in Prishtina, of 26 January 2018, considering it as correct and lawful.

24. On 9 August 2018, the Applicant addressed the State Prosecution with a request to exercise the request for protection of legality against Decision [CA.no.925/2018] of the Court of Appeals, of 16 July 2018.

25. On 3 September 2018, the State Prosecutor by Notification KMLC.no.120/2018 notified the Applicant that the proposal was not approved because there is insufficient legal basis for such a thing.

Applicant's allegations

26. The Applicant alleges that the challenged decision violated his fundamental rights and freedoms set forth in Article 31 [Right to Fair and Impartial Trial] and Article 102 [General Principles of the Judicial System] of the Constitution in conjunction with Article 6 (Right to a fair trial) of the ECHR.

27. As regards the violation of Article 31 [Right to Fair and Impartial Trial] of the Constitution, the Applicant alleges that *"the Basic Court in Prishtina, the same judge who once approved the debtor's challenge by Decision PPP.no.589/l6 of 09.10.2017, decides on the appeal of the creditor MLSW, without referring the case to the Court of Appeals, and renders the Decision PPP.no.62/l8 of 26.01.2018 whereby it rejected as unfounded the objection which it had previously approved, on the grounds that the administrative decision requested to be enforced is eligible for enforcement, it contains the enforcement clause".*

28. The Applicant further states that *"the Decision of the Labour Inspectorate cannot be considered an administrative act because it does not constitute the elements of the exercise of public authority, elements which are necessary for considering an act as administrative act. Therefore as such it could not be enforced pursuant to the LEP. The enforcement Court has in unconstitutional manner taken over the powers of other bodies, and has decided to enforce a decision, which does not contain either the finality or enforceability clause. Such action of the regular courts has gravely violated Article 31, paragraph 1 of the Constitution of the Republic of Kosovo, according to which "everyone shall be guaranteed equal protection rights in the proceedings before the courts, other state authorities and holders of public powers".*

29. With regard to Article 102 [General Principles of the Judicial System] of the Constitution, the Applicant alleges that the *"Decision of the Labour Inspectorate on fining was taken without giving the "Al-Petrol" L.L.C. Company the opportunity to provide clarifications regarding the disputable facts, since such a case cannot be decided without hearing both parties, that this is a contested case which must be decided in court, and not by the Labour Inspectorate, whilst in this case is gravely violated also the article 102, para.1 of the Constitution of the Republic of Kosovo, which stipulates that "Judicial power in the Republic of Kosovo is exercised by the courts".*

30. Finally, the Applicant requests from the Court to declare invalid the Decision PPP.no.62/18 of the Basic Court, of 26 January 2018 and the Decision CA.no.925/2018 of the Court of Appeals, of 16 July 2018.

Admissibility of the Referral

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

32. 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".*

33. The Court also refers to paragraph 4 of Article 21 [General Principles] of the Constitution, which provides:

> *"4. Fundamental rights and freedoms set forth in the Constitution are also valid for legal persons to the extent applicable".*

34. Initially, the Court notes that the Applicant (as a legal person) has the right to file a constitutional complaint, by invoking alleged violations of his fundamental rights and freedoms, which apply to individuals and legal persons (see the case of Constitutional Court No. KI41/09, Applicant *AAB - RIINVEST University L.L.C.*, Resolution on Inadmissibility of 3 February 2010, para.14).

35. The Court notes that, in essence, the Applicant raises two types of constitutional allegations in relation to his case

36. Therefore, the Court, in the course of its further examination of the fact whether the Applicant has fulfilled the admissibility criteria, will deal with these two allegations separately.

(i) With regard to the first allegation of the Applicant

37. Initially, the Court recalls the Applicant's allegation that the same judge has decided twice in his case, first time by approving the Applicant's objection and then following the appeal of the EBLI the same Judge acting in the retrial, had rejected the Applicant's objection.

38. In this regard, the Court notes that paragraph 7 of Article 113 of the Constitution also stipulates the obligation for exhausting *"all legal remedies provided by law"*. This constitutional obligation is also stipulated by paragraph 2 of article 47 of the Law and item (b) of paragraph (1) of Rule 39 of the Rules of Procedure. The latter determine as follows:

Article 47
[Individual Requests]

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

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

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 of decision challenged have been exhausted".

39. Having analysing the entire case file, the Court notes that the Applicant is raising the aforementioned allegation for the first time before the Court.

40. The Court notes that the Applicant should have submitted this allegation in his appeal to the Court of Appeals, in accordance with the principle of subsidiarity. However he failed to do so.

41. In this respect, the Court reiterates that, in accordance with the principle of subsidiarity, the regular courts should be given the opportunity to finally decide on the issue that is being considered by them. This means that an alleged constitutional violation should generally be not allowed to reach the Constitutional Court without being examined by the regular courts beforehand.

42. In this regard, the Court reiterates that paragraph 7 of Article 113 of the Constitution, paragraph 2 of Article 47 of the Law and item (b) of paragraph (1) of Rule 39 of the Rules of Procedure, inter alia, clearly set out the obligation of *"exhaustion of legal remedies provided by law"*, in both formal as well as substantial aspect, provided that a Referral is declared admissible and its merits be reviewed.

43. The criteria for assessing whether this obligation has been met are well established in the case law of the Court and that of the European Court of Human Rights (hereinafter: ECtHR), pursuant to which the Court based on Article 53 [Interpretation of Human Rights Provisions] of the Constitution, is obliged to interpret the fundamental rights and freedoms guaranteed by the Constitution.

44. The Court notes that the exhaustion of legal remedies incorporates two elements: (i) exhaustion of the remedy in the formal-procedural sense, which implies the possibility of using a legal remedy against an act of a public authority, in a higher instance with full jurisdiction; and (ii) exhaustion of the remedy in substantial aspect, which means reporting constitutional violations *"in substance"* before the regular courts, so that the latter have the opportunity to prevent and correct violations of human rights protected by the Constitution and

the ECHR. The Court considers that the remedies are exhausted only when the Applicants have used them in both aspects, in accordance with the applicable laws (See the Cases KI71/18, Applicant *Kamer Borovci, Mustafë Borovci and Avdulla Bajra*, Resolution on Inadmissibility, of 21 November 2018, paragraph 57; KI119/17, Applicant *Gentian Rexhepi*, Resolution on Inadmissibility of 3 May 2019, paragraph 73; and Case KI154/17 and 05/18, cited above, paragraph 94).

45. The substantial aspect of the exhaustion of legal remedies is set out in the ECtHR case law and implies that allegations for a violation of the ECHR must be raised *"at least in substance"* before the regular courts in order to give them the opportunity to address the allegations of relevant violations. In this context, the ECtHR further states that the allegations for violations of ECHR should have been at least substantially raised before the regular courts in order for the remedies to be considered exhausted. Furthermore, according to the ECtHR, the respective Applicants cannot be exempted from this obligation, even if the regular courts may have been obliged to examine the relevant allegations themselves. Based on the case law of the ECtHR, the Court maintains the same position as regards the allegations for violations of the constitutionally guaranteed rights and freedoms.

46. As a result, in the circumstances of the present case, the Court must next assess whether, beyond the exhaustion of the remedies in the formal aspect, which is the case in the circumstances of the present case, the legal remedies have been exhausted also in substantial aspect, namely whether the Applicant's allegations, at least in substance, have also been raised before the regular courts.

47. The Court recalls once again that initially after the Applicant's submission of the objection against the enforcement order [P.no.273/16], the Basic Court had approved the Applicant's objection. Thereupon, the EBLI filed an appeal with the Court of Appeals against the Decision of the Basic Court, which was accepted and the case was remanded for retrial. The Court further notes that the Basic Court (and the same judge who once ruled on the objection) deciding in the retrial rejects the Applicant's objection as unfounded.

48. The Court notes that the Applicant filed an appeal with the Court of Appeals alleging substantial violations of the legal provisions, erroneous determination of the factual situation and violation of the substantive law, however, none of them formally or substantially raises the matters relating to the participation of the same judge in the same instance, and moreover to different decisions in the same case.

49. Given the circumstances in which according to the case file it results that this specific allegation of the Applicant was brought for the first time before the Court, it concludes that the Applicant has not provided the possibility to regular courts, in particular to the Court of Appeals, to address these allegations and, on this occasion, to prevent the alleged violations which the Applicant raises directly in this Court, without having exhausted the legal remedies in their substantial aspect (See, *mutatis mutandis*, the Court case KI118/15, Applicant *Dragiša Stojković*, Resolution on Inadmissibility, of 12 April 2016, paragraphs 30-39, and case KI119/17, cited above, paragraph 74).

50. In addition, the ECtHR holds that the remedy must be used, insofar as there is such a remedy that enables the regular courts to address at least in substance the argument for a violation of a right. If the complaint submitted to the Court has not been raised before the regular courts, either explicitly or in substance, where it has been possible for the Applicant to raise it during the exercise of an available remedy, then the regular courts have been denied the opportunity to address the matter, an opportunity which the rule on exhaustion of legal remedies aims to provide (see the ECHR case, *Jane Nicklinson v. the United Kingdom and PaulLamb v. the United Kingdom*, cited above, paragraph 90 and the references therein; and see also the Court's case, KI119/17, cited above, paragraph 72).

51. Accordingly, the Court concludes that the first allegation of the Applicant which concerns the fact that the same Judge has twice decided in his case must be rejected as inadmissible on procedural basis due to non-exhaustion of all legal remedies, as required by paragraph 7 of Article 113 of the Constitution, Article 47 of the Law and Rule 39 (1) (b) of the Rules of the Rules of Procedure

(ii) With regard to the second allegation of the Applicant

52. In assessing the admissibility of the Applicant's Referral, the Court goes beyond paragraphs 1 and 7 of Article 113 of the Constitution and Articles 47, 48 and 49 of the Law, cited above, the Court also refers to paragraph 2 of Rule 39 [Admissibility Criteria] of the Rules of Procedure, which specifies:

Rule 39
[Admissibility criteria]

> *"2. 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".*

53. In examining the second allegation of the Applicant, the Court first recalls that the Applicant alleges that the challenged decision violated his rights protected by the Constitution, namely Article 31 of the Constitution in conjunction with Article 6 of the ECHR, stating that "*the Decision of the Labour Inspectorate cannot be considered an administrative act because it does not constitute the elements of the exercise of public authority, elements which are necessary for considering an act as administrative act. Therefore as such it could not be enforced pursuant to the LEP. The enforcement Court has in unconstitutional manner taken over the powers of other bodies, and has decided to enforce a decision, which does not contain either the finality or enforceability clause. Such action of the regular courts has gravely violated Article 31, paragraph 1 of the Constitution of the Republic of Kosovo, according to which "everyone shall be guaranteed equal protection rights in the proceedings before the courts, other state authorities and holders of public powers".*

54. The Court notes that the essence of the Applicant's allegations concerns the erroneous determination of factual situation by the Court of Appeals.

55. The Court notes that the Applicant has made the same allegations also in his appeal filed with the Court of Appeals.

56. In this regard, the Court notes that Decision CA.no.925/2018 of the Court of Appeals, rejecting the Applicant's appeal as unfounded, addressed and decided on the aforementioned allegations, which had already been raised by the Applicant.

57. In this respect, the Court refers to the aforementioned Decision, which reasoned that *"The Debtor has not proved with any written evidence that his objection is based on any of the grounds set forth in Article 71 of the LEP. The Court of Second Instance finds that the Court of First Instance, when applying the enforcement procedure, has correctly and fully applied the procedural law in this enforcement case, because the document on the basis of which the private enforcement agent allowed the enforcement in this enforcement case is an enforceable document which meets the legal requirements of Articles 22 paragraphs 1.2, 23, 24 and 27 in conjunction with Articles 36 and 38 of the LEP, as it is enforceable and eligible for enforcement, it is an original and contains the enforceability and finality clause"*.

58. The Court considers that, on the basis of the facts of the present case, which stem from the documents presented and the applicant's appeal allegations, the Court of Appeals has sufficiently reasoned its decision, by also including the reasons based on which it rejected the appeal of the Applicant submitted against the Decision of the Basic Court.

59. The Court notes that the Applicant does not agree with the outcome of the proceedings before the regular courts, by disputing the assessment of the evidence and the establishment of the facts by these courts.

60. The Court recalls that the mere fact that the Applicant is not satisfied with the outcome of the decisions of the Supreme Court decisions or the mentioning of the Articles of the Constitution is not sufficient to build an allegation for a constitutional violation. When such violations of the Constitution are alleged, the Applicants must provide reasoned allegations and compelling arguments (See, *mutatis mutandis*, the Constitutional Court case KI136/14, *Abdullah Bajqinca*, Resolution on Inadmissibility, 10 February 2015, paragraph 33).

61. In this regard, the Court notes that it is not the duty of the Constitutional Court to deal with errors of fact or of law allegedly committed by the regular courts when assessing the evidence or enforcing the law (legality), unless and insofar as they may have violated the rights and freedoms protected by the Constitution (constitutionality).

62. It is the duty of the regular courts to interpret and apply the respective rules of procedural and substantive law (See, *mutatis mutandis*, *Garcia Ruiz v. Spain* [DHM], no. 30544/96, para.28, European Court of Human Rights [ECtHR] 1999-I).

63. The Constitutional Court recalls that it is not a fact-finding court and that a fair and complete determination of the factual situation is within the full jurisdiction

of the regular courts. The role of the Constitutional Court is only to ensure that constitutional standards are respected during judicial proceedings in regular courts, hence it cannot act as a "court of fourth instance" (See the ECHR case, *García Ruiz v. Spain*, Judgment of 21 January 1999, paragraph 28; and see, inter alia, the cases of the Court: KI70/11, Applicants *Faik Hima, MagbuleHima and Besart Hima*, Resolution on Inadmissibility of 16 December 2011, paragraph 29; KI06/17, Applicant *L.G. and five others*, paragraph 37).

64. The fact that the Applicant does not agree with the outcome of the case cannot by itself raise an argumentative allegation for a violation of the rights and freedoms guaranteed by the Constitution and the Convention (see, the Court Case No. KI125/11, *Shaban Gojnovci*, Resolution on inadmissibility of 28 May 2012, paragraph 28).

65. Regarding the Applicant's allegation for a violation of Article 102 [General Principles] of the Constitution, the Court recalls that it is a general principle that Articles of the Constitution which do not directly regulate human rights have no independent effect, since their effect applies solely to the *"enjoyment of rights and freedoms"* guaranteed by the provisions of Chapters II and III of the Constitution. Therefore, these articles cannot be applied independently unless the facts of the case fall within the scope of at least one or more of the provisions of the Constitution relating to the *" enjoyment of human rights and freedoms"* (see, *inter alia*, *EB v. France [GC]*, para.47, Judgment of 22 January 2008; *Vallianatos and Others v. Greece*, para.72, ECtHR Judgment of 7 September 2013; also the case KI67/16, Applicant *Lumturije Voca*, Resolution on Inadmissibility, of 23 January 2017, para.128)

66. Consequently, at this point the Referral is manifestly ill-founded on constitutional grounds and is declared inadmissible pursuant to Rule 39 (2) of the Rules of Procedure.

Conclusion

67. As regards the first allegation of the Applicant, the Court finds that pursuant to Rule 39 (1) (b) the Referral must be declared inadmissible on the ground of substantial non-exhaustion of all legal remedies.

68. As regards the second allegation of the Applicant, the Referral is manifestly ill-founded on constitutional grounds and is declared inadmissible pursuant to Rule 39 (2) of the Rules of Procedure.

FOR THESE REASONS

The Constitutional Court, pursuant to Article 113.7 of the Constitution, Article 20 of the Law and Rules 39 (1) and (2) and 59 (2) of the Rules of Procedure, on 18 December 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**

Bajram Ljatifi | Arta Rama-Hajrizi

This translation is unofficial and serves for informational purposes only