



REPUBLIKA E KOSOVËS - REPUBLIKA KOSOVO - REPUBLIC OF KOSOVO

**GJYKATA KUSHTETUESE
USTAVNI SUD
CONSTITUTIONAL COURT**

**Prishtina, on 7 July 2023
Ref. No.: KK 232/23**

**RULES OF PROCEDURE
OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO
No. 01/2023**

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REPUBLIKA E KOSOVËS - REPUBLIKA KOSOVO - REPUBLIC OF KOSOVO

**GJYKATA KUSHTETUESE
USTAVNI SUD
CONSTITUTIONAL COURT**

The Constitutional Court of the Republic of Kosovo,

Pursuant to paragraph 2 of Article 112 [General Principles] and Article 115 [Organization of the Constitutional Court] of the Constitution of the Republic of Kosovo, Article 2 (Organization of the Work of the Constitutional Court) and Article 11 (President and Deputy President) of Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo, Rule 16 (Administrative Sessions) and Rule 80 (Amendments) of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo No. 01/2018 and Decision Ref. no. KK 38/22 dated 28 February 2022 of the President of the Constitutional Court, supplemented and amended through Decision Ref. no.: KK 47-11/22 dated 23 March 2022 and Decision Ref. no.: KK 174/22, dated 15 September 2022, in the administrative session of 27 June 2023, adopts the following:

**RULES OF PROCEDURE
OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO**

No. 01/2023

I. General Provisions

**Rule 1
Purpose and Scope**

The Rules of Procedure shall supplement the relevant provisions of the Constitution of the Republic of Kosovo and the Law on the Constitutional Court of the Republic of Kosovo on governing the organization of the Constitutional Court of the Republic of Kosovo, procedures before the Court, status of the Court's officers and other matters related to the effective and fully independent functioning of the Court.

**Rule 2
Definitions**

- (1) Words or other terms used in these Rules shall have the following meanings:
- (a) Constitution – means the Constitution of the Republic of Kosovo;
 - (b) Court – means the Constitutional Court of the Republic of Kosovo;

- (c) Law – means Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo;
- (d) Rules – means these Rules;
- (e) President – means the President of the Constitutional Court of the Republic of Kosovo;
- (f) Deputy President – means the Deputy President of the Constitutional Court of the Republic of Kosovo;
- (g) Judges – means the judges of the Constitutional Court of the Republic of Kosovo;
- (h) Secretariat – means the Secretariat of the Constitutional Court of the Republic of Kosovo; and
- (i) Legal Unit – means the Legal Unit of the Constitutional Court of the Republic of Kosovo.

Rule 3 Independence of the Court

- (1) The Court shall be fully independent in the decision-making and fulfilment of its responsibilities, in accordance with the Constitution, the Law and these Rules.
- (2) The Court shall be fully independent in relation to all state institutions.
- (3) The Court shall independently manage its budget in accordance with the Constitution, the Law and respective applicable legal provisions on public finance management.
- (4) The Court shall decide its internal organization in the administrative session through these Rules and other internal acts issued by the Court.
- (5) The interpretation of these Rules shall exclusively be made by the Court. The President shall ensure the application of the Rules as interpreted by the Court.

Rule 4 Seat of the Court

- (1) The Seat of the Court shall be in Pristina.
- (2) The Court shall conduct its sessions and hearings in its seat, but exceptionally, it may conduct sessions and hearings in other suitable locations within the Republic of Kosovo.

- (3) At the request of the Court, the Secretariat of the Court shall prepare and submit to the President a list of locations which are suitable for conducting Court hearings.
- (4) The decision to conduct sessions outside of the seat of the Court shall be taken by a majority vote of the judges of the Court present and voting. The Court shall consider the views of the parties before taking this decision.
- (5) The Court may also conduct sessions and hearings virtually when necessary and if technological conditions so allow.

Rule 5

Symbol, Stamp and Protocol of the Court

- (1) The symbol of the Court shall be decided through approval by two-thirds (2/3) of all judges.
- (2) The stamp of the Court shall contain the symbol of the Court in the middle encircled by two concentric circles, with the inscription "REPUBLIKA E KOSOVËS - REPUBLIKA KOSOVO - REPUBLIC OF KOSOVO" in the outer circle, and "GJYKATA KUSHTETUESE - USTAVNI SUD - CONSTITUTIONAL COURT" in the inner circle.
- (3) The rules of the State Protocol shall apply to all official activities of the Court.

Rule 6

Professional Attire

Judges shall wear professional attire in the form of a judicial robe when publicly performing their functions. If appropriate, Judges may wear professional attire when participating in other public events. The judges shall approve the design and color of the professional attire through approval by two-thirds (2/3) of all judges.

Rule 7

The Public Character of the Activity of the Court

- (1) The Court shall publish decisions in the Official Gazette of the Republic of Kosovo.
- (2) The Court shall publish decisions and information for the public on the website, Bulletins of case law, and through other forms of social media.
- (3) The activities of the Court shall be public and open, through:
 - (a) Participation of the public and media representatives in all public hearings of the Court according to these Rules;
 - (b) Organization of the open days of the Court; and

- (c) Media conferences by the President or the spokesperson of the Court.
- (4) The Court may implement other public outreach activities to promote transparency and understanding of the functions of the Court.
- (5) Access to public documents of the Court shall be done in accordance with the relevant law on access to public documents and the respective law on the protection of personal data.

II. Organization of the Constitutional Court

Rule 8

Election of President and Deputy President

- (1) The President and Deputy President of the Court shall be elected by the judges of the Court and their terms of office shall commence on the effective date stated in the election decision of the Court. The President and Deputy President may be re-elected.
- (2) The election for the President, namely the Deputy President may be held one (1) month before the expiration of the term of the President, namely the Deputy President. The President, if still a judge and whenever possible, shall continue to exercise the function of the President until the commencement of the term of the new President.
- (3) In case of an immediate vacancy, the election for President shall be held as soon as possible, and the Deputy President shall serve as interim President until the effective date of the new President's term.
- (4) If there is no Deputy President, the most senior judge in accordance with paragraph (3) of Rule 11 (Precedence of Judges) of these Rules shall serve as interim President.
- (5) The President shall lead the election procedure for President and Deputy President. If the President is unable to act, the Deputy President shall conduct the elections. If the Deputy President is unable to act, the most senior judge in accordance with paragraph 3 of Rule 11 (Precedence of Judges) of these Rules, shall conduct the elections.
- (6) The elections for President and Deputy President shall be held separately, in the same manner, and shall be by secret ballot. All judges must be notified within a sufficient time in order to participate in the elections. At least seven (7) judges shall be present at the meeting at which the elections are conducted. A judge obtaining the majority of votes of all judges shall be declared elected.
- (7) In case no judge receives a majority of votes after three (3) ballots, in the fourth ballot the judges shall choose between the two (2) judges receiving the highest number of votes in the third ballot. If, on the third ballot, three (3) judges each receive three (3) votes, the two (2) candidates for the fourth ballot shall be determined by drawing lots.

- (8) The judge who receives the majority of votes in the fourth ballot shall be elected to the respective function. If, on the fourth ballot, no judge receives a majority of the votes, the election shall be determined by drawing lots.

Rule 9 **Resignation of the President and Deputy President**

- (1) The President shall submit in writing a letter of resignation from the function of the President to the Deputy President. The Deputy President shall submit a letter of resignation from the function of the Deputy President to the President.
- (2) In either case, the President, namely Deputy President, shall immediately transmit a copy of the respective letter of resignation to the judges and Secretariat.
- (3) The resignation shall be effective on the date determined in writing, or if no date is indicated, it shall be effective immediately. The resignation shall not be dependent on acceptance.
- (4) The election of a new President or Deputy President shall be made in accordance with the provisions of Rule 8 (Election of President and Deputy President) of these Rules. If both the President and the Deputy President resign at the same time, the most senior judge in accordance with paragraph (3) of Rule 11 (Precedence of Judges) of these Rules, shall serve as interim President until the new President is elected by the Court.

Rule 10 **Duties of the President**

- (1) The President shall exercise the duties provided for by the Constitution and the Law:
- (2) The President shall also exercise the following duties provided for by the Rules:
 - (a) Take measures for safeguarding the independence of the Court;
 - (b) Take all necessary and appropriate measures to ensure the efficient and effective functioning of the Court;
 - (c) Coordinate the work of the judges, and convene judicial and administrative sessions of the Court;
 - (d) Coordinate and supervise the administration of all Court activities;
 - (e) Represent the Court, establish and ensure cooperation with other institutions and public authorities at national and international levels;
 - (f) Establish working groups to discuss and give recommendations on subjects which warrant wide or interdisciplinary consideration;

- (g) Preside over all judicial and administrative sessions of the Court;
 - (h) Ensure compliance with the Code of Ethics and maintain order within the premises and during proceedings of the Court; and
 - (i) Inform all judges of all ongoing and forthcoming issues, processes, and actions related to the Court.
- (3) The Deputy President shall exercise the duties of the President when the President is absent or for any other reason, he/she is unable to exercise the duties of the President.
 - (4) The President may delegate duties and responsibilities to the Deputy President or to other judges. When the Deputy President exercises the duties of the President, the Deputy President shall sign all decisions in his/her behalf.

Rule 11

Precedence of Judges

- (1) The Court shall be composed of nine (9) judges appointed in accordance with Article 114 [Composition and Mandate of the Constitutional Court] of the Constitution and in accordance with Articles 6 (Procedure for Review of Candidates for Appointment to the Constitutional Court) and 7 (Appointment and Commencement of Mandate) of the Law.
- (2) Unless otherwise provided in these Rules, the judges shall, in the exercise of their responsibilities, enjoy equal status, regardless of age, priority of appointment, length of service or duration of term.
- (3) The order of precedence for judges shall be defined according to the following criteria:
 - (a) The President shall be considered the most senior and the Deputy President of the Court shall be considered the second most senior;
 - (b) The other judges shall take precedence according to the date of their appointment to the Court. If the judges are appointed on the same date, the order of appointment shall determine seniority. If the judges are appointed simultaneously, the order of precedence shall be defined by age.
- (4) The order of precedence of the judges according to paragraph (3) of this Rule shall apply to every decision-making of the Court, with the declaration, respectively, voting, of the youngest judge first.

Rule 12

Resignation of Judges

- (1) A judge who intends to resign in the near future should inform the President in advance of the resignation planned.
- (2) A judge shall submit a letter of resignation to the President.
- (3) The President shall send immediately a copy of the letter of resignation to the judges and the Secretariat.
- (4) The resignation of the judge shall take effect when the letter of resignation is submitted to the President.
- (5) The resignation of a judge shall be irrevocable and shall not depend on acceptance to be effective.
- (6) The President shall send immediately the resignation letter of the judge to the President of the Republic of Kosovo.
- (7) The resignation of a judge shall constitute an immediate vacancy within the Court. The President of the Court, pursuant to paragraph (2) of Article 8 (Termination of Mandate) of the Law shall notify the Assembly of the Republic of Kosovo of the vacant position.

Rule 13

Dismissal of Judges

- (1) A judge may be proposed for dismissal only on the grounds of:
 - (a) Conviction for a serious crime under the Criminal Code of the Republic of Kosovo;
 - (b) Serious neglect of duties provided for in Article 10 (Duties of judges) of the Law;
 - (c) Permanent loss of the ability to act as stated by a competent court; or
 - (d) Illness or any other health problem, which renders it impossible to exercise the responsibilities and functions of the judge according to relevant medical findings.
- (2) Dismissal may be proposed in a written document setting forth the grounds for dismissal and signed by one or more judges and submitted to the President. Documents containing any relevant facts shall be attached to the dismissal proposal. The dismissal proposal shall be confidential, and all judges must be notified of it as soon as possible.
- (3) The President shall inform in writing the judge who is proposed to be dismissed of the grounds for the proposed dismissal and provide to the respective judge

the written dismissal proposal and all attached relevant facts. If the President is proposed for dismissal, the Deputy President shall provide the same notice to the President.

- (4) The judges shall convene a confidential meeting to discuss the proposed dismissal. The judge proposed for dismissal shall have the right to be present at the confidential meeting and shall have the right to respond to the dismissal proposal, provide any explanations or information thereof and answer questions posed by the judges.
- (5) The judges shall convene a subsequent confidential meeting at which the judge proposed for dismissal shall be excluded. The quorum for such a meeting shall be all the remaining judges. The Court shall decide at this meeting whether to propose the dismissal to the President of the Republic of Kosovo. The President of the Court shall preside over this meeting and the discussion of the judges shall remain confidential. If the President of the Court is proposed for dismissal, the Deputy President of the Court shall preside over the meeting. To propose the dismissal to the President of the Republic of Kosovo, a two-third (2/3) of all remaining judges of the Court must vote affirmatively for the dismissal. All remaining judges must be present and vote. Abstaining shall not be allowed.
- (6) The Court may impose, by a two-third (2/3) vote, a written admonishment on a judge if circumstances do not warrant a dismissal proposal. The written admonishment shall not be submitted to the President of the Republic of Kosovo and it may be public or non-public as decided by the Court by a two-thirds (2/3) majority vote.

Rule 14

Administrative Sessions

- (1) The judges shall meet in administrative sessions to discuss and decide on matters of policy related to the administration of the Court. When necessary, at the direction of the President, the Secretariat shall draft policy proposals for review and approval by the Court.
- (2) Administrative sessions of the Court shall be called and presided over by the President. The Court shall meet in administrative session at least twice (2) annually, or upon the written request of the President, any judge, or the Secretariat.
- (3) Matters related to the administration of the Court shall include, but are not limited to:
 - (a) Internal organization and functioning of the Court;
 - (b) The Court's budget and financial management;
 - (c) Personnel;

- (d) Employment conditions, working hours, remuneration and the Code of Ethics for the constitutional administrative staff of the Secretariat and the members of the Legal Unit;
 - (e) Approval of the Annual Report;
 - (f) Status and contractual matters involving the Secretariat and the Legal Unit;
 - (g) Internal and international cooperation;
 - (h) Use and maintenance of the Court's building premises; and
 - (i) Other issues at the request of the President, each judge or the Secretariat.
- (4) Decisions at administrative sessions shall be made by the approval of a majority of the judges present and voting, provided that at least five (5) judges are present. Abstaining shall not be allowed.
 - (5) The Court shall issue administrative decisions when deciding in administrative sessions on administrative matters under paragraph (3) of this Rule.

Rule 15 Professional Meetings

The Court shall hold at least two (2) professional meetings annually to review or discuss the practices and the jurisprudence of the Court, as a means for improving the quality of the performance of the Court and for ensuring that the Rules fully reflect the practices of the Court and applicable laws.

Rule 16 Secretariat

- (1) In addition to the functions stipulated by the Law, the Secretariat shall have the responsibility for providing administrative, technical, and other related support services to the Court, including, but not limited to:
 - (a) Budgetary, financial management, payment, procurement and personnel-related services;
 - (b) Services related to general administration:
 - (i) Bearing the stamp of the Court;
 - (ii) Support services for court sessions and hearings;
 - (iii) Provision of services and ensuring the quality of interpretation in the official languages and in the languages in official use in the republic of Kosovo, when applicable;

- (iv) Recording services, when applicable;
 - (v) Preparation of transcripts and minutes;
 - (vi) Information technology-related services;
 - (vii) Building management services, technical services, office facilities, vehicle services, postal services, fire precautions and other security measures; and
 - (viii) Other support services that may be required by the Court;
- (c) Public information and communication-related services;
- (i) Receiving and registering referrals in the Court register, sending a copy of the referral to the opposing party and other participants, as well as taking all other administrative actions required by the Court;
 - (ii) Printing of documents and other materials;
 - (iii) Support services in drafting and publishing the annual report, and other reports of the Court; and
 - (iv) Support services for the organization of all official activities of the Court
- (2) The organizational structure of the Secretariat shall be determined by the judges in an administrative session upon approval of a written proposal by the President, Judges or the Secretary General. The Secretary General may, with the approval of the judges, establish or close down departments or units as necessary for the efficient and effective discharge of the duties and responsibilities of the Secretariat.

Rule 17

Secretary General

- (1) The Secretary General shall be the Chief Executive Officer of the Secretariat. He/she shall report to the President on his/her work and shall be responsible to all judges, inter alia, for:
- (a) The overall administration and management of the Secretariat and to ensure that all administrative functions of the Court are performed in an efficient and effective manner;
 - (b) Proposing regulations and instructions on matters relating to the functioning of the Secretariat and related administrative matters;

- (c) Ensuring the implementation of the regulations, instructions and decisions of the Court related to administrative matters in a timely and effective manner;
 - (d) The efficient and effective management of finances in accordance with applicable laws;
 - (e) The effective and qualitative organization of all official activities of the Court;
 - (f) The organization and staffing of the Secretariat, ensuring that staff recruitment is based on professional qualifications, competency, and merits, and is undertaken through open and fair competition, reflecting equal gender representation and the multi-ethnic character of Kosovo.
- (2) The Secretary General shall be appointed by a majority vote of the judges at an administrative session. The appointment must be based on a transparent, open and competitive selection process.
- (3) Terms and conditions of employment and salary shall be regulated as follows:
- (a) The term of the Secretary General shall be four (4) years, with the right of extension. Judges shall decide by the majority of votes in an administrative session of the Court whether to extend or not the term;
 - (b) At the end of the term from sub-paragraph (a) of this paragraph, the relevant officer shall be re-systematized within the Court as decided by the Judges in an administrative session;
 - (c) The performance evaluation shall be conducted at the end of each year based on the annual plan that is presented by the Secretary General and the general functioning of the Secretariat and Rule 16 (Secretariat) of these Rules, at the evaluation of the President and judges;
 - (d) The salary of the Secretary General shall be determined by the decision of the Court, in accordance with the applicable law and internal acts of the Court.
- (4) The Secretary General must possess the following minimum qualifications:
- (a) Superior education;
 - (b) Five (5) years of work experience, of which at least two (2) years of professional experience in administration and management; and
 - (c) Be a person of the highest personal and moral integrity.
- (5) The vacancy for the position of Secretary General shall be advertised publicly. Applications shall be reviewed by a selection panel consisting of three (3) judges appointed by the President. The selection panel shall submit to the judges a list

of the persons who have applied and who fulfil the requirements established in paragraph (4) of this Rule.

- (6) The Secretary General may be dismissed or temporarily suspended by a majority vote of the Judges at an administrative session of the Court.
- (7) If the Secretary General is absent or is not able to perform the functions of the position, the President shall appoint a deputy Secretary General from among the Directors of the Secretariat, who shall perform the duties of the Secretary General on a temporary basis.

Rule 18

Constitutional Administrative Personnel

- (1) The Secretariat shall have the necessary personnel to enable it to fulfil its functions efficiently and effectively, within the budgetary resources allocated to the Court.
- (2) Once hired by the Court, staff of the Secretariat shall be constitutional administrative personnel.
- (3) Legal provisions foreseen for civil servants as referred by Article 12 (Secretariat) of the Law shall apply to the personnel of the Secretariat only to the extent that such legal provisions do not affect the independence of the Court as guaranteed in paragraph 2 of Article 112 [General Principles] of the Constitution and Article 2 (Organization of the Work of the Constitutional Court) of the Law.
- (4) Classification and grading of job titles and job descriptions for the filling of systemized positions in the Court shall be determined by the Regulation on classification and grading of jobs and job description, approved at an administrative session of the Court.

Rule 19

Internal Audit

- (1) The activities of the Court shall systematically be subject to internal audit by the Internal Audit Unit, in accordance with the applicable legislation on public internal financial control.
- (2) The Internal Audit Unit shall be an independent unit reporting directly only to the President and the Judges of the Court and notifying the Audit Committee.
- (3) In relation to other organizational structures in the Court, the Internal Audit Unit shall have functional independence in planning the audit work, conducting the audit, and in reporting.
- (4) The status, duties and responsibilities of the Internal Audit Unit shall be regulated by the relevant applicable laws in force for internal financial control and public finance management.

Rule 20
Budget and Taxes

- (1) The Secretary General shall prepare a budget proposal, in consultation with the President, and shall submit it to the judges for review and approval.
- (2) The judges shall review, amend if necessary, and approve the final budget proposal.
- (3) The approved budget proposal shall be processed further by the Secretary General in accordance with Article 14 (Budget) of the Law and respective law on public financial management.

Rule 21
Internal and International Cooperation

- (1) The Court shall, under the direction of the President, establish and maintain close cooperation with other institutions in the country, with constitutional courts and other sister institutions abroad, as well as with international professional forums and organizations.
- (2) Cooperation must be implemented in such a manner as to preserve the independence of the Court, as defined in the Constitution and the Law

Rule 22
Legal Unit of the Constitutional Court

- (1) The Legal Unit shall be a special organizational structure of the Court reporting directly to the President and judges.
- (2) The members of the Legal Unit shall be appointed by a majority vote of the judges. The Regulation on the Legal Unit and other internal regulations adopted by the Court shall, based on Article 13 (Legal Advisors) of the Law, establish the terms of appointment, dismissal, and status of the members of the Legal Unit, and the recruitment procedures, promotion, disciplinary procedures, performance evaluation and termination of employment.
- (3) The members of the Legal Unit shall have a special status in the Court. Their rights and obligations shall be determined by the Court in accordance with Article 13 (Legal Advisors) of the Law, these Rules, the Regulation of the Legal Unit, and other internal regulations of the Court. The members of the Legal Unit shall participate in working groups and commissions of the Court, including those related to the general administration of the Court.
- (4) The Senior Constitutional Legal Advisors and Constitutional Legal Advisors shall support the professional work of the judges by conducting legal research and analysis as further specified in the Regulation on the Legal Unit. The judges shall determine the number of Senior Constitutional Legal Advisors and Constitutional Legal Advisors to be employed based on the Court's needs and

available budgetary resources. The Senior Constitutional Legal Advisors and Constitutional Legal Advisors shall work under the direction of the President, the Judge Rapporteur, the Presiding Judge of the Review Panel, and judges of the Court.

- (5) The Legal Unit shall be supervised by the Chief Constitutional Legal Advisor. The Chief Constitutional Legal Advisor shall be assisted by two (2) Deputy Chief Constitutional Legal Advisors, appointed by majority vote by the judges among Senior Constitutional Legal Advisors. The term of the Chief Constitutional Legal Advisor and Deputy Chief Constitutional Legal Advisors shall be 3 (three) years, with a possibility of extension.
- (6) The Juristconsult shall be appointed by a majority vote by the judges among the Chief Constitutional Legal Advisors to perform the functions defined in the Regulation on the Legal Unit. The term of the Juristconsult shall be three (3) years, with a possibility of extension.
- (7) The Chief Constitutional Legal Advisor, the Deputy Chief Constitutional Legal Advisors, and the Juristconsult shall report to the President and the judges of the Court. Upon the proposal of the President or any other judge, the Chief Constitutional Legal Advisor, or the Deputy Chief Constitutional Legal Advisors, the Juristconsult, and other members of the Legal Unit may be dismissed from their positions by a majority vote of the judges in an administrative session, according to the procedure defined in the Regulation on the Legal Unit or other internal regulations of the Court.
- (8) Matters related to the allowances of the members of the Legal Unit shall be determined by the internal acts of the Court.
- (9) The Senior Constitutional Legal Advisors and Constitutional Legal Advisors shall be professional lawyers with proven expertise in public law, constitutional law, constitutional justice, and human rights, and with a good command of the English language. Knowledge of other foreign languages shall be an advantage.

III. Initiation of Proceedings

Rule 23

Initiation of Proceedings

- (1) Proceedings before the Court shall be initiated by filing a referral by the applicant with the Secretariat. When the referral or any initial documents are filed by the applicant, the referral shall be assigned a registration number by the Secretariat.
- (2) The initiation of proceedings before the Court, under paragraph 4 of Article 62 [Representation in the Institutions of Local Government] and Article 113 [Jurisdiction and Authorized Parties] of the Constitution shall be regulated under Chapter VII [Special Provisions on the Procedures under Article 113 of the Constitution] of these Rules.

Rule 24
Non-disclosure of Parties' Identity

- (1) Whenever during the examination procedure of an individual referral in accordance with paragraph 7 of Article 113 of the Constitution and until the publication of the final decision, the parties may request that their identity not be publicly disclosed. The request must be justified.
- (2) The Court shall decide regarding the party's request for non-disclosure of identity with the approval of the majority of the judges.
- (3) The Court may, with the approval of the majority of the judges, decide *ex officio* not to disclose the identity of a party.
- (4) In case of non-disclosure of identity, the party shall be identified only through initials, abbreviations or a single letter.

Rule 25
Filing of Referrals and Replies

- (1) A referral shall be filed in writing in either the official language of the Republic of Kosovo or in one of the languages in official use in the Republic of Kosovo. The referral form provided by the Court on its webpage, or its equivalent shall be used. The referral can be submitted personally to the Court during regular working hours or through mail or electronic means of communication. The referral shall be addressed to the Court, shall include the date of filing, and shall be signed by the person filing the referral.
- (2) The referral shall also include:
 - (a) The name and address of the party filing the referral;
 - (b) The name and address of the representative for submitting documents, if any;
 - (c) The authorization for representation;
 - (d) The name and address of the opposing party or parties, if they are known, to whom the documents are served;
 - (e) A statement of the relief sought;
 - (f) A succinct description of the facts;
 - (g) The reasoning for the admissibility and merits of the referral, and
 - (h) Supporting information and documentation.
- (3) Documents may be submitted in either the official language of the Republic of Kosovo or in one of the languages in official use in Kosovo. When a document is not in one of the official languages or the other languages in official use in

Kosovo, the document shall be accompanied by a certified translation into one of these languages. The translation may be only of relevant parts of a document, but in such case, it must be accompanied by an explanation indicating what parts of the document are translated. The Court may require a more extensive or complete translation of the document.

- (4) The Court shall provide referral forms for parties to submit referrals. Referral forms shall be available on the Court web page.
- (5) Replies to referrals shall be filed within forty-five (45) days by the opposing parties in the same manner as the filing of referrals under this Rule.
- (6) The Court may, depending on the circumstances of the case, shorten the above-mentioned deadline and must notify the parties accordingly.

Rule 26

Registration of Referrals and Deadlines for Filing Replies

- (1) The Secretariat shall register a referral immediately when the referral or any documents are filed, even when all necessary information or documents are not included with the referral. The Secretariat shall maintain a checklist of necessary documents or information and may assist parties by explaining what is missing from a referral.
- (2) The Secretariat shall notify the person who submitted the referral and any opposing party or any interested party of the registration of the referral and the registration number.
- (3) If a referral does not contain all necessary information or documents, the Judge Rapporteur shall, through the Secretariat, notify the applicant whose contacts are known that the referral should be supplemented with the information or documents specified in the referral, and specify that such information or documents shall be filed within fifteen (15) days from the filing of the referral.
- (4) Unless requested by the Court or unless written permission is received from the Court, the applicant shall not file any documents after the deadline of fifteen (15) days from the day of filing the referral. The Court may order a shorter deadline when a referral requires expedited handling.
- (5) The Secretariat shall maintain a register in which all referrals and replies are registered, and which shall include the following information:
 - (a) Date and time of filing of the referral, respectively of reply;
 - (b) Name of the person or persons filing the referral, respectively of reply;
 - (c) The registration number assigned to a referral;
 - (d) The Judge Rapporteur appointed to a referral; and

- (e) The Review Panel appointed to a referral.
- (6) The Secretariat shall establish a case file for each registered referral, including through the electronic case management system, which shall include all documents and materials related to a referral, a reply, if any, and any other documents and materials produced during the proceedings.

Rule 27
Address for Service of Documents

- (1) The address for service of documents in any case shall be the address of the party's representative or, if the party is not represented, the home address of the party. The party shall state the address for the service of documents in the referral, whereas any opposing party shall state the address for the service of documents in the reply.
- (2) Any party may agree in writing that service of documents shall be done by using telefax or other electronic means of communication. Such party shall submit to the Secretariat all information necessary to effect service using telefax or other electronic means of communication.

Rule 28
Effecting Service of Documents

- (1) When the Law or these Rules require that a document be served on a party, the Secretariat shall ensure that service of such document is effected at the address specified by that party, by either:
- (a) Sending of a copy of the document by registered mail with acknowledgement of receipt for signature to confirm service; or
 - (b) Personal service, via courier.
- (2) When service is effected by telefax or other electronic means of communication, any document of the case, other than a Judgment, Resolution or a Decision of the Court shall be served on the party by such means. If service by electronic means is not appropriate, the party shall be served the document in accordance with paragraph (1) of these Rules and the party shall be so advised by telefax or other electronic means of communication.
- (3) Service of a document shall be deemed to have been effected:
- (a) When a document is sent by registered mail, the day on which the addressee acknowledged receipt through the signature of acknowledgement of receipt, or, if he/she has refused to accept the document or sign the acknowledgement of receipt, on the fifth (5) day following the dispatch of the registered letter at the post office;

- (b) When a document is sent via courier, the day on which the addressee acknowledged receipt through the signature of acknowledgement of receipt or, if he/she has refused to accept the document or sign the acknowledgement of receipt, on the day of attempted personal service. The person attempting to serve the document shall record the fact of service or the refusal of the document;
- (c) When a document is served by telefax or by other electronic means of communication, the day on which the transmission was successfully completed and documented. If the transmission was unsuccessful due to deliberate fault of the receiver, service is complete and effective on the day such attempt to transmit was made and recorded.

Rule 29

Calculation of Time Periods

- (1) A time period prescribed by the Constitution, the Law and in these Rules shall be calculated as follows:
 - (a) When a period is expressed in hours, the period shall be calculated starting from the moment after an event or action, for which the time period should be calculated, occurred;
 - (b) When a period is expressed in days, the period shall be calculated starting from the following day after an event occurs;
 - (c) When a period is expressed in weeks, the period shall end at the close of the same day of the week as the day during which the event or action from which the period to be calculated occurred;
 - (d) When a period is expressed in months, the period shall end at the close of the same calendar date of the month as the day during which the event or action from which the period to be calculated occurred;
 - (e) When a period is expressed in months and days, the period shall be first calculated in whole months and then in days;
 - (f) When a period is to be calculated, periods shall include Saturdays, Sundays and official holidays; and
 - (g) Exceptionally, when a period would otherwise end on a Saturday, Sunday or on an official holiday, the period shall be extended until the end of the first following working day.

Rule 30

Correction of Referrals and Replies

At any time before the Judge Rapporteur submits the report, the parties may present corrections of technical or numerical errors to the documents submitted to the Secretariat. The Secretariat shall notify the other parties of any corrections made thereof.

Rule 31
Withdrawal of a Party from the Proceedings

- (1) The applicant may withdraw the referral at any time before the review and decision-making of the Court.
- (2) Regardless of the withdrawal of the referral, the Court may continue with the review and render a decision on the referral when so required by the public interest and/or the respect of the fundamental human rights and freedoms guaranteed by the Constitution.

Rule 32
Joinder and Severance of Referrals

- (1) The Secretariat shall provide notice to the President and the Judge Rapporteur of a previously registered referral when a new referral is filed with the Court that may be related to or is the same as an already registered referral. President may, following a consultation with the Judge Rapporteur assigned to the previously filed referral, order that referral to be joined with the newly filed referral.
- (2) When the joinder of referrals is ordered under paragraph (1) of this Rule, the President shall assign the Judge Rapporteur and Review Panel assigned to the referral registered before to handle the joined referrals.
- (3) The Secretariat shall notify the President if at the same time, new referrals that may be related or are the same, are submitted. The President may order the joinder of such referrals before the Judge Rapporteur has been appointed.
- (4) When there are referrals that may be related for which the Judge Rapporteurs have been appointed, and their joinder would allow for a fair and more expeditious consideration, at the proposal of the Judge Rapporteur, the President may order the joinder of these referrals. The President shall appoint the Judge Rapporteur and the Review Panel already appointed for the previously registered referral to deal with the joined referrals.
- (5) If a referral addresses two (2) or more laws or other acts of a public authority, or if the severance of the referral enables a fair and faster examination, the Judge Rapporteur shall notify the Secretariat and the President. Upon consultation with the Judge Rapporteur, the President may order the severance of separate consideration of the respective elements of the referral.
- (6) When severance of referrals is ordered under paragraph (5) of this Rule, the President may assign all severed referrals to the Judge Rapporteur and Review Panel assigned to the original referral.
- (7) The parties that submitted the referral and other participants to the proceedings shall be notified immediately of the joinder or severance of the referrals.

Rule 33

Pilot Decisions

- (1) When similar or identical referrals are filed that derive from the same challenged action, the Court by a majority vote of the judges may choose one or more of the referrals for priority consideration.
- (2) When handling a referral as a pilot decision, the Court may stay the examination of all similar or same cases for a specified period of time. Parties to the proceedings that are stayed shall be notified of all developments in the pilot cases and the Court may reopen stayed referrals for further examination at any time.

Rule 34

Admissibility Criteria

- (1) The Court may consider a referral as admissible if:
 - (a) The referral is filed by an authorized party,
 - (b) All effective remedies foreseen by law against the challenged act have been exhausted,
 - (c) The referral is filed within four (4) months from the date on which the decision on the last effective remedy was served on the applicant; and
 - (d) The referral accurately clarifies and adequately sets forth the facts and allegations for violation of constitutional rights or provisions.
- (2) The Court may consider a referral as inadmissible if the referral is intrinsically unreliable when the applicant has not sufficiently proved and substantiated his/her allegations.
- (3) The Court may also consider a referral inadmissible if any of the following conditions are met:
 - (a) The Court does not have a subject matter jurisdiction;
 - (b) The Referral is incompatible *ratione materiae* with the Constitution;
 - (c) The Referral is incompatible *ratione personae* with the Constitution;
 - (d) The Referral is incompatible *ratione temporis* with the Constitution; or
 - (e) The Referral is incompatible *ratione loci* with the Constitution.

Rule 35

Judge Rapporteur

- (1) The President shall appoint the Judge Rapporteur immediately after registering a referral with the Secretariat. All judges shall receive, over time, a balanced number of assigned referrals as judge rapporteurs.
- (2) The Judge Rapporteur shall be chosen through the case allocation electronic system. The President shall have the discretion to assign a particular referral to a particular judge.
- (3) If due to the recusal of the judge in accordance with Rule 38 (Procedure for recusal of the Judge) of these Rules or for any extraordinary reason it is necessary to replace the Judge Rapporteur, the President shall, in consultation with the judges, re-appoint another Judge Rapporteur in accordance with paragraph 2 of this Rule.
- (4) Following the appointment of the Judge Rapporteur, the Secretariat shall immediately notify him/her of the registration of the referral.
- (5) The Judge Rapporteur may also request the party submitting a referral, the opposing party and other parties to the proceedings to present additional facts, documents or information, if this is necessary to assess the referral. The additional facts, documents or information must be submitted within the deadline set by the Judge Rapporteur.

Rule 36

Report of Judge Rapporteur

- (1) The report of Judge Rapporteur shall contain:
 - (a) The data of the applicant, the opposing party and interested parties, when applicable;
 - (b) The challenged act;
 - (c) The subject matter;
 - (d) The legal basis on which the referral was based;
 - (e) The procedure before the Court;
 - (f) Facts of the case;
 - (g) Allegations of the applicant;
 - (h) Response of the opposing party, if applicable;
 - (i) The comments of the interested parties, if applicable;
 - (j) The request for a hearing, if applicable;

- (k) The request of non-disclosure of identity, if applicable;
 - (l) The assessment of the admissibility of the referral, in case of a proposal for the admissibility, respectively inadmissibility of the referral;
 - (m) An assessment of the merits of the referral, if applicable; and
 - (n) An assessment of the request for interim measure, if applicable.
- (2) The thirty (30) day period specified in paragraph 5 of Article 22 (Processing Referrals) of the law for the Judge Rapporteur to submit the report shall not run until the Judge Rapporteur has received all case files, including responses of the opposing parties and/or interested parties, including when necessary, translation of all documents that are required to be translated.
 - (3) The Judge Rapporteur shall submit the Report to the Secretariat which, through the electronic system of cases, shall forward to the Review Panel a copy of the report and copies of the case files, including the referral and other accompanying documents. All the other judges shall receive a copy of the report and shall have access to all case files.
 - (4) In exceptional cases, the Judge Rapporteur may submit a report only regarding the assessment of the admissibility of the referral.

Rule 37

Review Panel

- (1) The President shall appoint by a decision the Review Panel immediately after registration of a referral with the Secretariat. The Review Panel shall assess the admissibility of the referral.
- (2) The Review Panel shall consist of three (3) judges who are selected through the case allocation electronic system. The President shall have the discretion to appoint certain judges to the Review Panel.
- (3) The President shall designate the most senior Judge, in order of precedence according to Rule 11 (Precedence of Judges) of these Rules to serve as Presiding Judge of the Panel.
- (4) The Judge Rapporteur shall not be a member of the Review Panel for the same referral.
- (5) The Review Panel may also request the applicant or parties or other participants to submit additional facts, documents or information if this is necessary to consider the referral. Additional facts, documents or information must be submitted within the deadline set by the Review Panel.

Rule 38

Procedure for Recusal of Judges

- (1) As soon as a judge learns of any of the reasons for recusal as foreseen in Article 18 (Exclusion of a Judge) of the Law or if a judge believes that other circumstances exist that raise a reasonable doubt regarding the judge's impartiality, he/she shall request recusal from participating in the proceedings and explain the reason in writing to the President.
- (2) The recusal of a judge may be requested also by:
 - (a) Another judge, who learns of any reason for recusal of another judge as foreseen by Article 18 (Exclusion of a Judge) of the Law. In this case he/she shall inform the President, who shall request a written response from the judge whose recusal is requested;
 - (b) Any party to the proceedings may file a request for recusal of a judge as soon as they become aware of a reason for recusal of a judge, provided for in paragraph 1 of Article 18 (Exclusion of a Judge) of the Law or if he/she believes that there are other circumstances that may raise reasonable doubt regarding the judge's impartiality. The request for recusal in relation to this paragraph must be submitted before the final decision is taken by the Court and no later than one (1) week before the hearing, if one has been scheduled.
- (3) Before deciding on a request for recusal, a statement will be obtained from the judge whose recusal is requested and, if necessary, other clarifications will be obtained.
- (4) The President shall decide on the request for recusal of the judge. The President's decision shall be communicated immediately to all the judges. The President may consult with the judges in deciding on the request for recusal.
- (5) If the President does not approve the request for recusal of the judge submitted in accordance with paragraphs (1) or (2) of this Rule or if any of the other judges oppose the President's decision for recusal of the judge, the President shall refer the case to the full Court for decision-making. The Court, by a majority vote of the judges, shall approve the request for recusal. The judge whose recusal is requested shall not participate in the meeting.
- (6) The decision of the Court on the request for recusal under subparagraph (b) of paragraph (2) of this Rule shall be communicated to the parties to the proceedings.
- (7) Each time when a judge is excluded from the proceedings, in the final decision of the Court, it must be noted that the particular judge was excluded and that he/she did not participate in the proceedings.
- (8) Except for the reasons for recusal of judges provided for in paragraph (1) of Article 18 (Exclusion of a Judge) of the Law, when in a given case, if there are

circumstances that concern all of the judges and that raise reasonable doubt regarding their impartiality to the same extent, then no judge shall be excluded.

IV. Hearings and Evidence

Rule 39 Hearings

- (1) Only referrals found to be admissible may be granted a hearing before the Court unless the Court by majority vote decides otherwise after good reasoning.
- (2) The Court may order a hearing if it believes a hearing is necessary to clarify issues of facts or the law.
- (3) The hearings shall be open to the public, unless the Court orders otherwise, for reasons of protection of the safety of the parties or their representatives, the preservation of the privacy of the parties and state security and public order. The decision to close the hearing must be justified.

Rule 40 Notice of Hearing

- (1) The parties shall be summoned to the hearing by written notice served by the Secretariat to the parties. The hearing notice shall contain the date, time and venue of the hearing and shall be served to the parties no later than two (2) weeks before the date scheduled for the hearing unless the Court sets a shorter period for the reason of urgency.
- (2) Upon request by a party, the President may postpone a scheduled hearing if the party shows that it cannot participate in the hearing for an important reason. The other party shall be given the opportunity to comment on that request. The President shall decide whether to order postponement of the hearing and the Secretariat shall notify the parties. When granting a request for a postponement, the President may order the party requesting postponement to pay any necessary costs to the other parties as a result of the postponement.

Rule 41 Hearing Proceedings

- (1) The President shall open the hearing and shall be responsible for maintaining order during the hearings.
- (2) The Court shall ensure that interpretation services are available throughout the hearing for any party or their representatives requesting interpretation.
- (3) A represented party may address the Court during a hearing through its representative unless a judge addresses a question directly to the party.

- (4) The parties may be given an opportunity to make a brief opening statement, which shall consist of an oral presentation of arguments, confining the presentations to facts and issues relevant to the referral. The President may limit the period of time allocated to each party for such presentation.
- (5) During the hearing, the judges may ask questions to the representatives of the parties or directly to any party.
- (6) After the opening statements, the Court may receive and hear evidence.
- (7) The parties shall be given an opportunity to present closing statements on facts and laws relevant to the referral. The President may limit the period of time allocated to each party for closing statements.
- (8) The President may schedule additional hearings only if all arguments could not be presented at one hearing.
- (9) The Secretariat shall ensure the recording and/or transcripts of public hearings, if applicable.
- (10) When a party to the proceedings, its representative, witness or other person participating in the hearing disrupts order or contempts the President's orders to maintain order, the President shall warn him/her. When the warning is unsuccessful, the President may order that the relevant person be excluded from the hearing.

Rule 42

Documents

- (1) A document shall be admissible if such document is authentic, relevant and important to the claims made in the case. The probative value of an admissible document shall be determined by the Court in its assessment of all of the evidence in the case.
- (2) A party may provide evidence by producing documents that are in the possession of the party. If the party that bears the burden of proof for a fact has a document in its possession that contains evidence relating to such fact, the party shall submit a copy of the document as an attachment to the referral. The Court may order that the original of the document be produced at the hearing.
- (3) If evidence for a fact is contained in a document, necessary for handling the referral which is not in the possession of the party that bears the burden of providing evidence, but which is possessed by the opposing party or a third party, the Court may, at the request of the party or on its own initiative, order the other party or the third party to submit such document.

Rule 43

Submission of Evidence, Summons of Witnesses, Experts and Site Inspection

- (1) The Court may order the examination of witnesses or obtain expertise and testimony from experts or institutions, on its own initiative or at the request of a party, if this helps in clarifying the facts for deciding the case. The order shall contain the full name of the witness or expert/institution, the issues for which the testimony and/or expert report is requested, as well as the date, time and venue of the examination or the time for presenting the expertise if this is necessary. Judges and parties may ask questions to the witness and/or the expert. The probative value of the testimonies as well as the answers and reports of the expert's expertise shall be determined by the Court during the assessment of all the evidence of the case.
- (2) The Court's order shall be served on the parties. Each party may make observations, on the importance or the competency of any witness or expert, within the deadline determined by the Court. The parties shall have the right to be present during the testimony of the witnesses and/or the questioning of the experts and shall be granted access to the report and documents submitted by the expert/institution and to express their views thereof.
- (3) Before giving testimony, the witness shall make the following solemn statement:

"I, [name], swear that I will tell the truth, the whole truth and nothing but the truth".
- (4) Before being examined, or before giving his or her testimony, the expert shall make a solemn statement before the Court:

"I, [name], swear that I have conscientiously and impartially carried out my task; that I have provided to the Court copies of all the evidence on which I have based my opinion; that I believe to be true all the facts on which I have based my opinion; and that I honestly and in good faith hold the opinion which I have stated and will state before the Court".
- (5) Witnesses must respond to the summons for testimony. The same applies to the examination of the expert and the submission of the expert's opinion/report and other relevant documents related to a case. The witness or expert may not testify/be examined if there is a conflict of interest, mutatis mutandis, on the same grounds for which a judge's recusal is requested.
- (6) Witnesses summoned by the Court shall be entitled to be compensated for their reasonable travel costs and loss of profit. Experts appointed by the Court are entitled to be paid reasonable fees for their services.
- (7) The Court on its own initiative or the party may, exceptionally, request a visit or an inspection at the site of the event, when the fact that must be proven

cannot be proven by examining the witness, with the reports of experts/institutions, or with the submission of documents. If warranted by the circumstances, each party can make remarks about the importance of the site inspection within the deadline set by the Court and shall have the right to be present during the inspection.

- (8) The site inspection for the collection of evidence relevant to the referral may, by a decision of the Court, be delegated to a judge of the Court. The Court may also order the parties or any person or institution to assist in the collection of evidence on the site.
- (9) The Secretariat shall take minutes and ensure the collection of evidence, including those on the site. The parties shall have access to such documents.

V. Interim Measures and the Suspensive Effect of the Referrals

Rule 44 Request for Interim Measures

- (1) At any time, as long as the Court has not rendered a decision on a referral, any party may request the imposition of interim measures regarding the issue that is a subject of the procedure before it, as stipulated by Article 27 (Interim Measures) of the Law.
- (2) The Court may also impose *ex-officio* an interim measure related to a case that is the subject of the procedure before it if it considers that the conditions for that have been met in accordance with Article 27 of the Law.
- (3) The request for interim measures must be submitted in writing, it must describe the facts related to the request, the arguments in support of the request, the measures requested and the reasonably foreseeable consequences if the request is not granted. The party requesting interim measures may attach to the request other documents and evidence that are relevant and support the request.
- (4) The Secretariat shall forward a copy of the request to the Judge Rapporteur and other relevant parties.

Rule 45 Decision-making Regarding the Request for Interim Measure

- (1) If the Judge Rapporteur appointed for the referral deems necessary to address the request for interim measure separately from the basic referral, he/she shall prepare a special report regarding the admissibility of the request for interim measure, within a reasonable period.
- (2) The summary report of the Judge Rapporteur shall, inter alia, include:
 - (a) The basic facts of the case and the alleged constitutional violations; and

- (b) The justification for either granting or denying the request for an interim measure, based on the criteria established in Article 27 (Interim measures) of the law;
- (3) The Review Panel appointed for the basic referral may request additional facts or documents from the party requesting interim measures and may order a reply or additional facts and documents from other parties in the case, in accordance with paragraph (5) of Rule 37 (Review Panel) of these Rules.
- (4) The Review Panel shall recommend the approval in whole or in part of the request for interim measure, if it finds that:
 - (a) irreparable harm or damages will be avoided if the interim measure is granted; or
 - (b) the interim measure is in the public interest.
- (5) The Court shall decide on the interim measure after deliberation and voting, in accordance with Rule 52 (Deliberation) and Rule 53 (Voting) of these Rules, whereas Rule 58 (Drafting the Text of the Decision) of these Rules shall apply *mutatis mutandis*.

Rule 46

Duration of Interim Measure

- (1) The duration of the interim measure must be reasonable and proportionate.
- (2) The Court shall set the duration of the interim measure in the decision on the approval of the interim measure.
- (3) The Court may decide on the extension of the interim measure by another decision, according to the assessment of the circumstances of the case.
- (4) In any case, the interim measure shall expire when the Court renders a final decision regarding the basic referral.
- (5) At the request of a party, or *ex officio*, and at any time prior to a final decision, the Court may revoke or modify any decision concerning the interim measures if a change in the situation justifies such revocation or modification.
- (6) Any party requesting such revocation or modification shall specify the change in the situation supporting such change. Before determining whether to grant or deny the request for revocation or modification, or before acting *ex officio*, the Court shall give the parties an opportunity to present their views on the matter.

Rule 47
Suspensive Effect of Referrals

When the Court receives referrals submitted by the authorized parties in accordance with subparagraph (2) of paragraph (3), subparagraph (4) of paragraph (3), paragraph (5), paragraph (8) and paragraph (9) of Article 113 of the Constitution, the Court shall, upon registration of the referral, notify the applicant and the affected parties of the suspensive effect of the respective constitutional referral.

VI. Decision-making

Rule 48
Court's Decisions

- (1) The Court shall take the following types of decisions related to the cases before it:
- (a) Judgments, when the Court decides on the merits of a referral;
 - (b) Resolutions on Inadmissibility, when the Court decides on the inadmissibility of a referral;
 - (c) Decisions on non-enforcement, when the Court decides on the non-enforcement of a Judgment by the obliged parties;
 - (d) Decisions, when the Court decides on requests for interim measures, on dismissal or summarily rejection of the referral; and
 - (e) Orders when the Court decides on other matters.

Rule 49
Content of Decisions

- (1) Judgments, Resolutions, Decisions and Orders of the Court shall contain at least the names of the judges, an introduction, a legal basis for deciding the case, a description of the facts of the case, the reasoning of the Court and the operative provisions:
- (a) The introduction shall state the names of the parties, their legal representatives or other persons authorized by the parties, if any, the date of the hearing, if held, and the date of the session at which the decision was adopted;
 - (b) The reasoning of the Court shall contain proceedings before the Court, a summary of the facts and the allegations of the participants to the proceedings and the reasons for the Court's decision;
 - (c) The operative provisions shall state the manner of the implementation of the Judgment, Resolution or Decision and when the decision shall take effect and on whom the decision shall be served; and

- (d) The statement of the composition of the Court which adopts the Judgment, Resolution or Decision shall indicate the result of the vote through the presentation of the numerical ratio of votes for and against.
- (2) The judges may request to have their vote or dissenting opinion specifically stated in the decision. In that case, the respective judge must present in writing a separate opinion, namely a dissenting opinion or a concurring opinion.
- (3) Judgments, Resolutions and Decisions shall be signed by the President of the Court and the Judge Rapporteur.
- (4) In cases when a Judge is unable to sign the Decision of the Court due to end of term, leave, resignation, dismissal or recusal, the Judgment, Resolution or Decision shall be signed by the President of the Court and the Presiding Judge of the Review Panel or the next senior member of the Review Panel.

Rule 50

Assessment in the Review Panel

- (1) When the Review Panel from Rule 37 (Review Panel) of these Rules, unanimously comes to the conclusion that the referral does not meet the admissibility criteria pursuant to Rule 34 (Admissibility Criteria) of these Rules and is therefore inadmissible, the Judge Rapporteur shall prepare the draft Resolution on Inadmissibility or the draft Decision on rejection or dismissal, stating the reasons for the proposal, and shall submit the draft act to the Secretariat.
- (2) The Secretariat shall circulate the draft act to all the judges for further consideration, in accordance with paragraphs (7) and (8) of Article 22 of the Law, as follows:
 - (a) If within a period of ten (10) days from the circulation of the draft Resolution on Inadmissibility, respectively the draft Decision on rejection or dismissal, the judges who are not members of the Review Panel do not oppose the proposal, then it is considered that the Resolution or Decision was adopted unanimously, and the President and Judge Rapporteur shall sign and issue the respective Resolution or Decision.
 - (b) If within the period of ten (10) days from the circulation of the draft Resolution on Inadmissibility, respectively the draft Decision on rejection or dismissal, the judges who are not members of the Review Panel oppose the proposal, the referral shall be sent to the full Court to assess it in its entirety.
- (3) If the Review Panel concludes that a referral is admissible or when it is not unanimous regarding the inadmissibility of the referral, the referral shall be sent to the full Court to assess it in its entirety.
- (4) The Review Panel may postpone the consideration of a referral if it is necessary to supplement or to provide additional information. The postponement of the consideration is recorded in the minutes.

Rule 51

Amicus Curiae

- (1) If it is deemed useful for the analysis and proper decision-making of the case, upon consultation with the Review Panel, the Judge Rapporteur may propose to the Court to summon or approve the request of an organization or a person to appear as *Amicus Curiae* before the Court.
- (2) The Court shall decide by a majority vote regarding the proposal of the Judge Rapporteur to summon or approve the request of an organization or person to appear as *Amicus Curiae* before the Court.
- (3) In the decision on the *Amicus Curiae*, the Court shall determine, inter alia, the issues or questions to be addressed, the number of pages of the document as well as the deadline within which it must be submitted to the Court.
- (4) The same procedure shall apply *mutatis mutandis* in cases of requests for expert opinions or contributions for the purpose of comparative analysis by the Forum of the Venice Commission or other similar forums.

Rule 52

Deliberation

- (1) As soon as possible, if no hearing was needed or following the hearing, the Court shall meet for deliberations on the referral. Deliberations of the Court shall not be open to the public and shall remain confidential.
- (2) Only the Judges may participate in the deliberations of the Court. The Secretary General and the Chief Constitutional Legal Advisor shall be present at the deliberations and other staff of the Secretariat or Constitutional Legal Advisors may be present if required by a judge and not opposed by any of the other judges. No person attending the deliberations, other than the Judges, may participate in the deliberations or speak concerning the referral unless requested by a Judge.

Rule 53

Voting

- (1) After deliberation in accordance with Rule 52 (Deliberation) of these Rules, the Court shall decide as a court panel, in accordance with Article 19 (Taking of the Decisions) of the Law.
- (2) Each judge shall have the duty to participate in the voting process.
- (3) Each point of the decision assessed by the Court shall be considered approved if it receives the votes of the majority of judges present and voting.
- (4) If the result of voting, regarding the admissibility of a referral is even, the referral shall be considered inadmissible.

- (5) The Court can postpone the decision-making and continue the deliberation regarding a referral if it is necessary to make additional supplementations or provide additional information. The postponement of the decision-making shall be recorded in the minutes.
- (6) After voting, if the Judge Rapporteur is among the majority of the Court, the President shall assign to the Judge Rapporteur the task of preparing the final text of the decision of the Court. If Judge Rapporteur is not among the majority, the President may assign any judge among the majority of the Review Panel to prepare a draft act of the Court. If no member of the Review Panel is among the majority, the President may assign any judge who is among the majority to prepare a draft of the decision of the Court.

Rule 54 **Dismissal and Rejection of Referrals**

- (1) The Court may dismiss a referral when the Court finds that the allegation:
 - (a) Is no longer an active controversy; or
 - (b) Does not present a dispute.
- (2) The Court may decide to summarily reject a referral if:
 - (a) The referral is incomplete or not clearly stated, despite the request or requests by the Court to the party to supplement or clarify the referral;
 - (b) The referral is repetitive of a previous referral decided by the Court; or
 - (c) The applicant has abused his/her right to petition.

Rule 55 **Minutes**

- (1) The Secretariat takes minutes during the Court review and hearing sessions.
- (2) The minutes contain:
 - (a) The venue, date and time of the beginning and end of the session;
 - (b) The names of the participants in the session;
 - (c) The content of the enacting clause regarding the proposed act on which the deliberation or voting takes place;
 - (d) The votes of the judges and the result of the voting within the Review Panel and the opinions of the other judges who are present, when the Review Panel is unanimous on the inadmissibility of the referral, without prejudice to the provisions outlined in paragraphs (7) and (8) of Article 22 (Processing Referrals) of the Law;

- (e) The votes of the judges and the result of the voting within the Review Panel and in full composition of the Court, when the Review Panel is not unanimous on the inadmissibility of the referral;
 - (f) In the case of voting, a note indicating whether a judge has declared that he or she will present a dissenting opinion or a concurring opinion;
 - (g) Procedural orders, if any; and
 - (h) Other notes based on judges' proposals.
- (3) If during the deliberation it was decided that the case should be remanded for reconsideration with supplementations and additional analysis, then this fact is recorded in the minutes.
 - (4) The minutes shall be sent for confirmation to all the judges present and who participated in deliberation/voting through the electronic address, immediately after the respective session. Each judge shall be entitled to supplement and improve the minutes referring to his own statements during the deliberation. The minutes of the Court session shall be signed by all judges present and the court recorder.
 - (5) The correction of the minutes shall be recorded in the minutes of the session in which the minutes are confirmed and shall be accompanied by an official note regarding the content of the correction.
 - (6) The minutes of review sessions and administrative sessions shall be confidential. Access to the latter may be permitted under the provisions of Rule 61 (Confidentiality) of these Rules.

Rule 56 Dissenting Opinions

- (1) Judges shall have the right to prepare a written dissenting opinion to a Resolution or a Judgment of the Court. A dissenting opinion may be joined by other judges and shall state specifically the arguments why the judge disagrees with the opinion of the majority of the Court.
- (2) Judges who prepare dissenting opinions must indicate their intent to present such an opinion following the voting process set forth in Rule 53 (Voting) of these Rules. Dissenting opinions must be prepared within a reasonable period of time.
- (3) The dissenting opinions must be in compliance with Article 10 (Duties of judges) of the Law, Rule 61 (Confidentiality) of these Rules, and the Code of Ethics for the Judges of the Constitutional Court.
- (4) The dissenting opinions shall be an integral part of the Resolution, namely the Judgment, and shall be published together and at the same time with the Resolution, respectively the Judgment of the Court.

Rule 57

Concurring Opinions

- (1) The judges shall have the right to prepare a written concurring opinion to a Resolution or a Judgment of the Court. A concurring opinion shall agree with the Court's Resolution, respectively Judgment, but it shall disagree with the reasoning followed. Thus, a concurring opinion may be written by a judge who votes the same as the majority supporting the Court's Resolution, respectively the Judgment of the Court.
- (2) A concurring opinion may be joined by other judges and shall state specifically the arguments why the judge agrees with the result but disagrees with the reasoning in the opinion of the majority of the Court.
- (3) Judges who prepare concurring opinions must give notice of their intention to present such an opinion after the voting process set forth in Rule 53 (Voting) of these Rules or after consideration of the final version of the text of the act if so required under Rule 50 (Consideration in the Review Panel) of these Rules. Concurring opinions must be prepared within a reasonable period of time.
- (4) The concurring opinions must be in compliance with Article 10 (Duties of judges) of the Law, Rule 61 (Confidentiality) of these Rules, and the Code of Ethics for the Judges of the Constitutional Court.
- (5) The concurring opinions shall be an integral part of the Resolution, respectively the Judgment and shall be published together and at the same time with the Resolution, respectively the Judgment of the Court.

Rule 58

Drafting the Text of the Decision

- (1) After the consideration in the Review Panel in accordance with Rule 37 (Review Panel), namely the deliberation in accordance with Rule 52 (Deliberation) and the vote in accordance with Rule 53 (Voting) of these Rules, the Judge Rapporteur shall prepare the relevant draft-act within a reasonable period of time.
- (2) Before signing and publishing, the Judge Rapporteur may send the draft act to the other judges for additional comments and obtaining consent.
- (3) Each judge can request that the Court meet to approve the final text of the relevant act before it is published. Each judge shall have the right to present a concurring opinion also at this stage.
- (4) Each draft act may be subject to necessary linguistic and technical corrections by the Judge Rapporteur in coordination with the President, before publication. All judges shall be notified of such corrections.

Rule 59

Correction of Decisions

- (1) The Court may correct any technical and numerical error in decisions.
- (2) The correction of decisions may be made *ex officio* or at the request of a party filed within two (2) weeks of the service of a decision.
- (3) A correction order shall be attached to the original decision and shall be published.

Rule 60

Enforcement of Decisions

- (1) The decisions of the Court shall be binding on the judiciary and all persons and institutions of the Republic of Kosovo.
- (2) All constitutional bodies, courts and authorities shall be obliged to respect, comply with, and implement the decisions of the Court, within their competencies defined by the Constitution and law.
- (3) All natural and legal persons shall be obligated to respect, and to comply with the decisions of the Court.
- (4) The Court may specify in its decision the manner and time limit for the enforcement of the decision of the Court.
- (5) The body under the obligation to enforce the decision of the Court shall submit information, if and as required by the decision, about the measures taken to enforce the decision of the Court.
- (6) In the event of a failure to enforce a certain decision or a delay in giving information to the Court on the measures taken to enforce it, the Court may render a Decision on non-enforcement, in which it shall establish that the respective decision has not been enforced. The decision on non-enforcement shall be taken by the majority of votes of judges and shall be published in the Official Gazette.
- (7) The Court shall notify the State Prosecutor of all decisions of the Court that have not been enforced.
- (8) The Court shall establish a working group, chaired by a judge and composed of judges, officers of the Secretariat and members of the Legal Unit, which shall continuously monitor and supervise the implementation of the Court's decisions. The working group shall recommend to the Court to undertake further actions in accordance with paragraphs (6) and (7) of this Rule, in case of non-enforcement of the Court's decisions by the obliged authorities and/or persons.
- (9) The Judge Rapporteur on the referral for which the working group recommends the Court to take further actions in accordance with paragraph (8) of this Rule

or the judge presiding over the working group shall draft the text of the draft Decision on non-enforcement *mutatis mutandis* to Rule 58 (Drafting the Text of the Decision).

- (10) The Decision on non-enforcement shall be signed by the President on behalf of the Court.

VII. Provisions on Confidentiality, Transparency and Access to Documents

Rule 61 Confidentiality

- (1) All the judges of the Court, the constitutional administrative personnel of the Secretariat, the members of the Legal Unit and the contractors of the Court, shall be bound to treat as confidential any information obtained during the exercise of the relevant work duties, during and after the end of the term, employment relationship or the contractual relationship, respectively.
- (2) The persons from paragraph (1) of this Rule shall be bound by confidentiality and shall not express in public any comments or opinions on confidential matters and information related to cases that have or may come before the Court unless otherwise provided for in these Rules or required by the law.
- (3) The report of the Judge Rapporteur, the draft decision by the Review Panel, any information on the judges' deliberations or voting, internal communications during decision-making, draft acts, and any note made by the judges during case proceedings and deliberations of cases, the minutes of the judicial and administrative sessions, and any other material designated by the Court as confidential, shall be considered as such.
- (4) The Court may, at the request of a party, or on its own initiative after the approval by the majority of the judges, authorize access to any confidential material if the Court considers this in the public interest. Judges may authorize access to confidential material to the composition of the body of judges in office only.
- (5) Violation of this rule shall constitute a violation of these Rules, the Code of Ethics and relevant applicable laws and acts.

Rule 62 Transparency

- (1) The Court shall be guided by principles of transparency and fairness in communication with the parties and the public, in conformity with the Constitution, the Law and the criteria for maintaining the confidentiality of the Court, and other applicable laws, including, but not limited to:

- (a) Informing the public of the date and time of hearings;
 - (b) Providing information on the course of proceedings;
 - (c) Permitting access to files and documents that are not confidential, according to the applicable law on access to public documents;
 - (d) Publication of decisions and other acts of the Court as decided; and
 - (e) Any other form of communication as authorized by the Court.
- (2) The Secretariat shall publish on the Court's webpage Judgments, Resolutions and other Decisions related to the cases submitted before it by the parties, immediately following their signature.
- (3) The Court may issue press releases or hold press conferences. Press releases issued by the Court shall be issued by the Secretariat only after approval of the content by the President. The judges shall receive copies of all press releases as soon as possible.

Rule 63

Access to Documents

- (1) Parties shall have the right of access to official documents in the case in which they are or have been a party to the proceedings, and to receive their copies at any time, through a request addressed to the Secretariat, unless that document is confidential
- (2) Third parties shall be granted access to documents in accordance with the relevant law on access to public documents and the relevant law on the protection of personal data, through a request addressed to the Secretariat, unless that document is confidential.
- (3) The Court may authorize access to confidential documents in accordance with Rule 61 (Confidentiality) of these Rules.

Rule 64

Information on the Status of Proceedings

- (1) Upon their requests, the parties shall be provided with information on the status of the proceedings related to their case at any time and without limitation.
- (2) Based on a written request from any other person, the Secretary General shall provide information on the status of the proceedings before the Court. The request shall be processed in accordance with the relevant law on access to public documents, the relevant law on the protection of personal data and these Rules.

VIII. Special Provisions on the Proceedings under Article 113 of the Constitution

Rule 65

Referral Pursuant to Sub-paragraphs 1 and 2 of Paragraph 2 of Article 113 of the Constitution and Articles 29 and 30 of the Law

- (1) A referral filed under this Rule must fulfil the criteria established in sub-paragraphs (1) and (2) of paragraph (2) of Article 113 of the Constitution and Articles 29 (Accuracy of the Referral) and 30 (Deadlines) of the Law.
- (2) When filling a referral pursuant to paragraph (2) of Article 113 of the Constitution, the authorized party shall indicate, inter alia, whether the full content of the challenged act or certain parts thereof and what parts of that act are deemed to be incompatible with the Constitution.
- (3) The authorized party shall specify in the referral objections regarding the constitutionality of the challenged act.
- (4) The referral under this Rule must be filed within a period of six (6) months from the day of entry into force of the challenged act.

Rule 66

Referral Pursuant to Sub-paragraph 1 of Paragraph 3 of Article 113 of the Constitution and Articles 31 and 32 of the Law

- (1) A referral filed under this Rule must fulfil the criteria established in sub-paragraph (1) of paragraph (3) of Article 113 of the Constitution and Articles 31 (Accuracy of referral) and 32 (Deadlines) of the Law.
- (2) When filing a referral pursuant to this Rule, an authorized party shall state precisely what alleged conflict exists between the constitutional competencies of the Assembly of Kosovo, the President of the Republic of Kosovo or the Government of Kosovo.
- (3) The referral under this Rule must be filed within a period of six (6) months from the day the alleged conflict arose.
- (4) The Court shall inform the authority, whose conflict of competency is challenged. That authority may respond within fifteen (15) days from the date of notification unless good cause is shown for a longer time and if the respective extension is granted.

Rule 67

Referral Pursuant to Sub-paragraph 2 of Paragraph 3 of Article 113 (2) of the Constitution and Articles 33 and 34 of the Law

- (1) A referral filed under this Rule must fulfil the criteria established in sub-paragraph (2) of paragraph (3) of Article 113 of the Constitution and Articles 33 (Accuracy of referral) and 34 (Deadline) of the Law.
- (2) A referral filed pursuant to this Rule shall have a suspensive effect.
- (3) A referral filed pursuant to this Rule must include any relevant information in relation to the alleged incompatibility of the proposed referendum with the Constitution.
- (4) When filing a referral pursuant to this Rule an authorized party shall also clearly state why and how the challenged referendum is incompatible with the Constitution.
- (5) After the registration of the referral, the Court shall notify the Assembly, the President of the Republic and the Government of the suspensive effect of the referral in accordance with subparagraph (2) of paragraph (3) of Article 113 of the Constitution and with Articles 33 (Accuracy of referral) and 34 (Deadline) of the Law.

Rule 68

Referral Pursuant to Sub-paragraph 3 of Paragraph 3 of Article 113 of the Constitution and Article 35 of the Law

- (1) A referral filed under this Rule must fulfil the criteria established in sub-paragraph (3) of paragraph (3) of Article 113 of the Constitution and Article 35 (Deadline) of the Law.
- (2) A referral filed pursuant to sub-paragraph (3) of paragraph (3) of Article 113 of the Constitution shall include any relevant information in relation to the compatibility of the declaration of a state of emergency and the contested actions taken during the state of emergency that is challenged.

Rule 69

Referral Pursuant to Sub-paragraph 4 of Paragraph 3 of Article 113 of the Constitution and Articles 36 and 37 of the Law

- (1) A referral filed pursuant to this Rule must fulfil the criteria established in sub-paragraph (2) of paragraph (3) of Article 113 of the Constitution and Articles 36 (Suspension Effect) and 37 (Deadline) of the Law.
- (2) The referral filed under this Rule shall have a suspensive effect.
- (3) If the Court concludes in its Judgment that, the proposal for amending the Constitution is in breach of international agreements that are binding on the

Republic of Kosovo or that have otherwise been ratified pursuant to the Constitution, or respectively with the provisions of the Constitution on the procedure that should be followed for amending the Constitution, the Court shall order that the proposal not be adopted by the Assembly.

- (4) After the registration of the referral, the Court shall notify the Assembly of the suspensive effect of the referral in accordance with sub-paragraph (4) of paragraph (3) of Article 113 of the Constitution and with Articles 36 (Suspension Effect) and 37 (Deadline) of the Law.

Rule 70

Referral Pursuant to Sub-paragraph 5 of Paragraph 3 of Article 113 of the Constitution and Articles 38 and 39 of the Law

- (1) A referral filed under this Rule must fulfil the criteria established in sub-paragraph (5) of paragraph (3) of Article 113 of the Constitution and Articles 38 (Accuracy of the Referral) and 39 (Deadlines) of the Law.
- (2) A referral pursuant to this Rule must, inter alia, contain the following information:
 - (a) Description of the facts of the alleged violation;
 - (b) The specific provisions of the Constitution allegedly violated; and
 - (c) Presentation of arguments that supports the allegation of violation of the Constitution.
- (3) The referral under this Rule must be filed within thirty (30) days from the day when all other legal remedies have been exhausted.

Rule 71

Referral Pursuant to Paragraph 4 of Article 113 of the Constitution and Articles 40 and 41 of the Law

- (1) A referral filed under this Rule must fulfil the criteria established in paragraph (4) of Article 113 of the Constitution and Articles 40 (Accuracy of the Referral) and 41 (Deadlines) of the Law.
- (2) In a referral pursuant to this Rule, a municipality must, inter alia, submit the following information:
 - (a) Relevant information in relation to the law or act of the government contested;
 - (b) The provision of the Constitution which is allegedly infringed; and
 - (c) The municipal responsibilities infringed upon or the revenues of the municipality diminished, municipalities are affected by such law or act.

- (3) The referral under this Rule must be filed within one (1) year following the entry into force of the provision of the law or act of the Government being contested.

Rule 72
Referral Pursuant to Paragraph 5 of Article 113 of the Constitution
and Articles 42 and 43 of the Law

- (1) A referral filed under this Rule must fulfil the criteria established in paragraph (5) of Article 113 of the Constitution and Articles 42 (Accuracy of the Referral) and 43 (Deadline) of the Law.
- (2) A referral filed under this Rule shall have a suspensive effect.
- (3) A referral filed under this Rule must, inter alia, contain the following information:
- (a) Names and signatures of all the members of the Assembly challenging the constitutionality of a law or decision adopted by the Assembly of the Republic of Kosovo;
 - (b) Provisions of the Constitution or other act or legislation relevant to this referral; and
 - (c) Presentation of evidence that supports the contest.
- (4) The applicants shall attach to the referral a copy of the law or the challenged decision adopted by the Assembly, the register and personal signatures of the members of the Assembly submitting the referral and the authorization of the person representing them before the Court.
- (5) The Court shall, immediately after having registered a referral filed pursuant to paragraph (5) of Article 113 of the Constitution, notify the Assembly of the Republic of Kosovo of the registration of the referral.
- (6) In the event that a law or a decision of the Assembly that requires a decree by the President is challenged, the Court shall, immediately after the registration of the referral submitted in accordance with paragraph (5) of Article 113 of the Constitution and Articles 36 (Suspension Effect) and 43 (Deadline) of the Law, notify the President and the Assembly of the suspensive effect of the referral on entry into force of the challenged law or decision, until the Court issues a final decision regarding the case at stake.
- (7) The referral under this Rule must be filed within eight (8) days from the date of adoption of the challenged law or decision.

Rule 73

Referral Pursuant to Paragraph 6 of Article 113 of the Constitution and Articles 44 and 45 of the Law

- (1) The referral filed under this Rule must fulfil the criteria established in paragraph (6) of Article 113 of the Constitution and Articles 44 (Accuracy of the Referral) and 45 (Deadlines) of the Law.
- (2) A referral filed pursuant to this rule must, inter alia, include the following information:
 - (a) Description of facts of the alleged violation;
 - (b) The specific provisions of the Constitution allegedly violated by the President of the Republic of Kosovo; and
 - (c) Presentation of arguments in support of the allegation of serious violation of the Constitution by the President of the Republic of Kosovo.
- (3) Following the filing of a referral pursuant to this Rule, the Court shall immediately notify the President of the Republic and shall send a copy of the referral no later than three (3) days from its filing with the Court.
- (4) The Court shall request the President of the Republic to respond to the referral within fifteen (15) days from the date the referral is served on the President of the Republic of Kosovo unless good cause is shown for a later response and the respective permission is granted by the Court.
- (5) The Court shall order the staying of proceedings initiated pursuant to this Rule in the event that before issuing its decision, the President of the Republic has resigned or has otherwise terminated his/her mandate.
- (6) In the event that the authorized party withdraws the referral, the President of the Republic of Kosovo may request the Court to continue with the proceedings and issue a decision. Such a request shall be approved by the Court by a majority of the judges.
- (7) The referral under this Rule must be filed within thirty (30) days starting from the day the alleged violation of the Constitution by the President has been made public.

Rule 74

Referral Pursuant to Paragraph 7 of Article 113 of the Constitution and Articles 46, 47, 48, 49 and 50 of the Law

- (1) A referral filed under this Rule must fulfil the criteria established in paragraph (7) of Article 113 of the Constitution and Articles 46 (Admissibility), 47 (Individual Requests), 48 (Accuracy of the Referral), 49 (Deadlines) and 50 (Return to the Previous Situation) of the Law.

- (2) A referral filed under this Rule must accurately clarify what rights and freedoms are alleged to have been violated and what specific act of public authority is subject to challenge.
- (3) If the Court finds that the challenged decision was rendered in violation of the Constitution, it shall declare such decision void and null and may remand the decision to the issuing authority for reconsideration in conformity with the Judgment of the Court.
- (4) The referral under this Rule must be filed within four (4) months starting from the day upon which the applicant has been served with a challenged decision.

Rule 75
Referral Pursuant to Paragraph 8 of Article 113 of the Constitution and
Articles 51, 52 and 53 of the Law

- (1) A referral filed under this Rule must fulfil the criteria established in paragraph (8) of Article 113 of the Constitution and Articles 51 (Accuracy of the Referral), 52 (Procedure before a court) and 53 (Decision) of the Law.
- (2) A referral filed pursuant to this Rule shall have a suspensive effect
- (3) Any court of the Republic of Kosovo may submit a referral under this Rule provided that:
 - (a) The challenged law is to be directly applied by a court concerning the matter that is a part of the pending case; and
 - (b) The legality of the challenged law is a precondition for rendering the court's decision.
- (4) The referral filed under this Rule must specify which provisions of the contested law are considered incompatible with the Constitution. The case under consideration by the referring court shall be attached to the referral.
- (5) The referring court may file the referral *ex officio* or upon the request of one of the parties to the proceedings.
- (6) After the filing of the referral, the Court shall notify the referring court in accordance with paragraph (8) of Article 113 of the Constitution and articles 51 (Accuracy of referral) and 52 (Procedure before a court) of the Law of the suspensive effect of the referral, respectively to suspend the procedure related to the case concerned until the Court has rendered a decision.

Rule 76
Referral Pursuant to Paragraph 9 of Article 113 of the Constitution and
Article 54 of the Law

- (1) A referral filed under this Rule must fulfil the criteria established in paragraph (9) of Article 113 of the Constitution and Article 54 (Deadline) of the Law.
- (2) A referral filed pursuant to this Rule shall have a suspensive effect
- (3) When filing a referral pursuant to this Rule, the President of the Assembly shall submit to the Court a final draft of the proposed amendment or amendments to the Constitution.
- (4) The President of the Assembly may submit explanations with respect to the proposed amendment or amendments to the Constitution. The President of the Assembly may also submit arguments as to whether such proposed amendment or amendments diminish the rights and freedoms guaranteed by Chapter II of the Constitution.
- (5) After filing a referral, the Court shall notify the President of the Assembly in accordance with paragraph (9) of Article 113 of the Constitution and Article 54 (Deadline) of the suspensive effect of the referral, respectively that the proposed constitutional amendments cannot be approved until the Court has rendered a decision.

Rule 77
Referral Pursuant to paragraph 4 of Article 62 of the Constitution

- (1) The Vice President of a Municipal Assembly submitting a referral shall indicate that he/she:
 - (a) Requested the reconsideration of a decision by the Municipal Assembly;
 - (b) The Municipal Assembly decided not to reconsider the act or decision or after the reconsideration, the result may constitute a violation of the rights guaranteed by the Constitution; and
 - (c) What rights guaranteed by the Constitution he/she considers to have been violated.

IX. Transitional and Final Provisions

Rule 78
Transitional Provisions

- (1) With the approval of these Rules, the Rules of Procedure of the Constitutional Court of the Republic of Kosovo No. 01/2018, adopted on 31 May 2018, shall be repealed.

- (2) Exceptionally, certain provisions of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo No. 01/2018, adopted on 31 May 2018, shall continue to be applied in the cases registered in the Court before its repeal, only if and to the extent that they are more favorable to the parties.

Rule 79 **Amendments**

These Rules may be amended at the proposal of any judges and with the approval of the majority vote of all judges.

Rule 80 **Entry into Force**

These Rules of Procedure shall enter into force upon approval by a majority vote of all judges and fifteen (15) days after publication in the Official Gazette.

Prishtina, 7 July 2023

Gresa Caka-Nimani

President of the Constitutional Court

