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

Pristina, 18 February 2014
Ref.no.:RK550/14

RESOLUTION ON INADMISSIBILITY

in

Case No. KI185/13

Applicant

Kosovo Energy Corporation

Constitutional Review of the Decision Rev. No. 368/2011 of the Supreme Court of the Republic of Kosovo, dated 2 May 2013

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

composed of

Enver Hasani, President
Ivan Čukalović, Deputy-President
Robert Carolan, Judge
Altay Suroy, Judge
Almiro Rodrigues, Judge
Snezhana Botusharova, Judge
Kadri Kryeziu, Judge, and
Arta Rama-Hajrizi, Judge.

Applicant

1. The Referral was submitted by the Kosovo Energy Corporation (hereinafter, the Applicant), with the principal place of business in Pristina, which is represented by Mr. Bilall Fetahu, a lawyer from Pristina.

Challenged decision

2. The Applicant challenges the Decision Rev. No. 368/2011 of the Supreme Court of Kosovo, dated 2 May 2013, which was served upon the Applicant on 9 July 2013.

Subject matter

3. The subject matter is the constitutional review of the Challenged Decision, which allegedly violated the Applicant's right to a fair and impartial trial as guaranteed by Article 31 of the Constitution.

Legal basis

4. The Referral is based on Articles 113 (7) and 21 (4) of the Constitution of the Republic of Kosovo (hereinafter, the Constitution), Article 22 of the Law, No. 03/L-131, on the Constitutional Court of the Republic of Kosovo (hereinafter, the Law), and Rule 29 of the Rules of Procedure of the Constitutional Court on the Republic of Kosovo (hereinafter, the Rules of Procedure).

Proceedings before the Court

5. On 28 October 2013, the Applicant submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter, the Court).

6. On 31 October 2013, the President of the Court appointed Judge Almiro Rodrigues as Judge Rapporteur and the Review Panel composed of Judges Altay Suory (Presiding), Kadri Kryeziu and Arta Rama-Hajrizi.

7. On 15 November 2013, the Court notified the Applicant of the registration of the Referral and requested the power of attorney, which the Applicant had not yet submitted. On the same date, the Supreme Court and third party, P.D., was informed of the registration of the Referral with a copy of the Referral.

8. On 6 December 2013, the Applicant submitted the power of attorney stating that the Applicant is represented by Mr. Bilall Fetahu.

9. On 13 December 2013, the Applicant further submitted additional documents.

10. On 7 February 2014, the Review Panel considered the Report of the Judge Rapporteur and made a recommendation to the Court on the Inadmissibility of the Referral.

Summary of facts

11. On an unspecified date, Mr. P.D. (hereinafter, the Employee) initiated judicial proceedings on a labor dispute against the Applicant as employer.

12. The Employee was employed by the Applicant for an indefinite period (Employment Contract No. 9260/0 of 1 February 2010) until either party terminated the contact.

13. On 25 March 2010, the Applicant issued a final written warning (Minutes No. 532) to the Employee *"due to non-fulfillment of performance for 3 (three) last months and that is in December 2009, January and February 2010"*.

14. On 19 November 2010, the Applicant notified the Employee (Nofitication No. 2399) that the employment contract was to be terminated *"due to unsatisfactory performance of work duties, provided by Article 11.1 (11.1 ç), 11.4(b) of Regulation 2001/28 on Essential Labor Law, unsatisfactory performance of work under Article 8.1, 8.2, 8.3 (c), 8.4 (a) of Regulation for October 2010"*.

15. On 29 November 2010, the Director of the Supply Division (Decision No. 2399 of 12 November 2010 and Decision No. 417 of 29 November 2010) rejected the request of the employee to review the termination of his employment contract.

16. The Employee filed a claim with the Municipal Court in Gjakova, arguing that the abovementioned decisions were unlawful and requesting its annulment.

17. On 7 April 2011, the Municipal Court (C. No. 560/10) rejected as ungrounded the Employee's claim.

18. The Employee filed an appeal with the District Court in Peja, *"due to substantial violations of the contested procedure provisions, erroneous and incomplete determination of factual situation and erroneous application of the substantive law"*.

19. On 30 September 2011, the District Court (Ac. No. 253/2011) upheld the Municipal Court decision (C. No. 560/10 of 7 April 2011) and rejected the Employee's appeal. The District Court reasoned that:

> *"[T]he challenged judgment does not contain substantial violations of the contested procedure provisions under Article 182.2 of the LCP, with ex-officio due regard of the second instance court and pursuant to Article 194 of LCP, due to which it would be impossible to assess its legality, which enacting clause of the judgment is clear, comprehensible, the enacting clause is not in contradiction with itself, or with the reasons stated in the judgment, as well as it contains sufficient convincing and legal reasons on decisive facts to decide on this legal matter. Due to correct and complete determination of factual situation, which is not put into question, by the appealed allegations and that the decisive facts were determined by reliable evidence, the first instance court has correctly applied the substantive law"*.

20. The Employee filed a revision with the Supreme Court *"due to essential violations of the contested procedure and erroneous application of the substantive law, with a proposal that the judgments are modified and the [Employee's] claim is approved or that they are quashed and the matter is remanded to the first instance court"*.

21. On 2 May 2013, the Supreme Court of Kosovo (Rev. No. 368/2011) approved as grounded the Employee's revision request, and modified the first and second instance courts' judgments. The Supreme Court reasoned as follows:

> *"The Supreme Court of Kosovo after reviewing the challenged judgment, pursuant to Article 215 of the Law on Contested Procedure (LCP), found that: The revision is grounded.*
>
> . . .
>
> *The Supreme Court of Kosovo, setting from such factual situation, found that such a legal stance of lower court cannot be accepted as fair and lawful, since according to the assessment of this court on such determined factual situation was erroneously applied the substantive law, when both courts found that the claimant's [Employee's] claim is ungrounded and as such was rejected, for which reason the claimant's [Employee's] revision has to be approved as grounded, as it was described in the enacting clause of this judgment.*
>
> *The Supreme Court of Kosovo found that the courts of lower instances have erroneously determined the factual situation when found that the respondent's [Applicant's] decision on termination of the employment contract is lawful, since from the evidence in the case filed, and that is Notification on employment contract, Decision no. 417 of 29.11.2010, does not result that the respondent [Applicant] prior to challenged decision acted in accordance with Article 8.4 a), b) of Regulation no.3 on KEK District Operations, according to which provision, it was provided that the District Manager will arrange a meeting with the abovementioned employee with an aim of filing in writing the notification on dismissal of the employee and to offer oral explanations on the reasons of dismissal. If the employee is notified of the meeting and does not participate, the District Manager may place the notification in the public notice table of the district office, while such an action will be deemed as notification with a purpose of termination of the employment contract, pursuant to item b) of the same Article, it was provided that if the employee is the member of the Trade Union, he is entitled to have present the trade union representative in the meeting. Following the receipt of notification on termination of employment relationship, the respondent [Applicant] has not acted pursuant to Article 11.5 b) of Regulation 2001/27 on Essential Labor Law.*
>
> *The lower instance courts have erroneously applied the substantive law when they based their judgments on the fact determined by minutes on the meeting of the district manager with employee no. 532 on 25 March 2010, since from this minutes results that this meeting has to do with presenting the last written warning of 25.03.2010, pursuant to Article 8.3 and does not have to do with the respondent's [Applicant's] obligations, provided by Article 8.4 a) and b) of the abovementioned Regulation of the respondent [Applicant], Since in the present case, the employment contract was terminated to the claimant [Employee] due to unsatisfactory work results for October 2010, he should have respected Article 8.4 a) and b) of the Regulation above.*

The Supreme Court of Kosovo assesses as grounded the applicant's [Employee's] allegations, filed in the revision that the lower instance courts have erroneously applied the substantive law on termination of employment contract, since for these violations, the respondent [Applicant] has not conducted disciplinary proceedings, because pursuant to Article 112 of the Law on Employment Regulation of Kosovo no. 12/1989, which Law was applicable, based on UNMIK Regulation no. 1999/24, until the entrance in force of the Labor Law of the Republic of Kosovo, No. 03/L-212 in December 2010, which law by provision of Article 99.1 abrogates UNMIK Regulation no. 200/27 on Essential Labor Law in Kosovo, Law on Employment Relationship of SAPK of Kosovo of 1989 and the Labor Law of 1977, with respective amendment, it was provided that the authorized bodies are obliged to submit the request for initiation of disciplinary proceedings within eight days, after becoming aware of such violation of work duties, or of any other violation of work discipline and the offender, while pursuant to provision of Article 113 paragraph 2, it was provided that before imposing disciplinary measure, dismissal from work, the managing authority, respectively the employee assigned with special powers and responsibilities, is entitled to question the employee.

From Article 11 of the employment contract, concluded between the claimant [Employee] as employee and the respondent [Applicant] as employer, it was established that the employment contract is terminated pursuant to Articles 67, 68, 69, and 70 of Labor Law in Kosovo, Collective Agreement and KEK Rules of Procedure.

Pursuant to Article 24 of general collective contract, it was provided that the disciplinary commission is appointed by the employer, respectively competent body by employer's general act, while the respondent [Applicant] by Regulation on disciplinary and material responsibility, issued on 10.10.2006. In part II of this Regulation are provided in details the provisions for implementation of disciplinary proceedings, which Regulation was not left out of force by Regulation no. 3 of 30.11.2009. Likewise, by any provision of Regulation no. 2001/27 on Essential Labor Law in Kosovo, was not left outside of power the Law on Employment Relationship no. 12/1989 of SAPK.

From the abovementioned reasons and from data in the case file, the Supreme Court of Kosovo found that the claimant's [Employee's] statement of claim is entirely grounded also because the lower instances courts have erroneously applied the material law, both judgments of those courts had to be modified and the claimant's claim to be approved as such as per enacting clause of this judgment".

Applicant's allegations

22. The Applicant claims that *"[t]he court adjudicated based on laws that were not in force, thus its judgment is unlawful and unfair and as such should be quashed. KEK J.S.C. is aware that the Constitutional Court of Kosovo does not act as instance IV, but it has constitutional jurisdiction to quash-annul any*

legal act of any authority if it finds that there are violations of legal provisions and constitutional ones, and which for the present case is not at all disputable that the legal provisions were violated by applying other acts that were not in force".

23. Thus, the Applicant alleges that the Challenged Decision violates its constitutional rights guaranteed by Articles 31 and 102.3 of the Constitution, as a result of the violation of Article 214 (2) of the Law on Contested Procedure.

24. In addition, the Applicant states that *"pursuant to Article 113.7 and 21.4 of the Constitution of the Republic of Kosovo, it has legal right to request the assessment of legality of a decision of public authorities, since all legal remedies are exhausted, thus requires from the Constitutional Court of Kosovo that following the review of the same, approves as grounded by annulling Judgment of Supreme Court of Kosovo Rev. no. 368/2011 of 2.5.2013".*

25. Furthermore, based on the submitted additional documents on 13 December 2013, the Applicant claims that *"A court decision cannot be lawful, impartial and fair when the provisions of the law which was not in force are applied. If the principle of trial based on more favorable laws for the party was constitutional without respecting the aspect of time, then in the legal and constitutional system of the country would be created confusion and legal uncertainty".*

26. Thus, the Applicant alleges that *"The erroneous application of substantive law by the court, results in a violation of the employer's rights, guaranteed by the Constitution to be equal before the law, a principle guaranteed by the provisions of Article 24 of the Constitution, and violations of Fundamental Human Rights and Freedoms, sanctioned with the provisions of Article 21.4 of the Constitution, imposing on the employer by Judgment, with whom will stay in contractual relationship in the free market economy, sanctioned with the provisions of Article 10 of the Constitution".*

27. Moreover, the Applicant claims that *"The Supreme Court on issues that have been identical with the termination of employment contract has diametrically opposite stances, where sometimes applies the provisions of Article 112 of the Law on employment relations of Kosovo, OG of SAP Kosovo, No. 12/89 and some other time of the Essential Labor Law in Kosovo, UNMIK Regulation no. 2001/27".*

28. To support its claim the Applicant refers to the Supreme Court Judgment Rev. no. 379/11 of 2 May 2013 where the Supreme Court applied the provisions of Article 112 and 113.2 of the Law on employment relations of Kosovo (Socialist Autonomous Province of Kosovo, No. 12/89) whereas in another case, Judgment Rev. no. 310/12 of 22 April 2013, the Supreme Court held that the provisions of Article 11.1 and 11.4 of of UNMlK Regulation no. 2001/27 were correctly applied.

29. The Applicant further states that *"Which provisions are applied after the entrance into force of the Labor Law in Kosovo, UNMIK Regulation no. 2001/27 concerning the employment relationship with its legal stance was*

clarified by all district courts and the one in Peja by all Judgments, pertaining to this field, but also by Judgment Ac.no. 176/09, the Supreme Court of Kosovo, by Judgment Rev.no. 106/2010, the Special Chamber of Supreme Court of Kosovo by Judgment ASC-09-0014 of 26 May 2011 [...]".

30. Therefore, the Applicant concludes questioning:

    a. *"Why the Supreme Court of Kosovo for 12 consecutive years has applied the provisions of the Essential Labor Law in Kosovo, UNMIK Regulation no. 2001/27, while in 2013 has changed its stance and decided to apply the legal provisions of the Law on Employment Relationship of SAP Kosovo, Official Gazette no. 12/89 [...]";*
    b. *"[...] whether the constitutional rights of all those parties were violated until 2013, that their cases were decided according to the provisions of UNMIK Regulation 2001/27?";*
    c. *"Whether legal uncertainty is created, by contradictory court decisions on identical matters?";*
    d. *"Is legal uncertainty created?";*
    e. *"Is inequality before the law created and are the constitutional principles violated, Equality before the law, provided by the provisions of Article 24 of the Constitution of the Republic of Kosovo, since the Judgment of the Supreme Court on identical issues (the same matter) for someone decides positively and for someone negatively"..*

Admissibility of the Referral

31. The Court first examines whether the Applicant has met all admissibility criteria as provided by the Constitution, and further specified by the Law and the Rules of Procedure.

32. In that respect, the Court refers to Articles 113 and 21 of the Constitution.

    Article 113 [Jurisdiction and Authorized Parties]

    1. The Constitutional Court decides only on matters referred to the court in a legal manner by authorized parties.
    (...)
    7. Individuals are authorized to refer violations by public authorities of their individual rights and freedoms guaranteed by the Constitution, but only after exhaustion of all legal remedies provided by law.

    Article 21 [General Principles]

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

33. The Court also refers to Article 48 of the Law, which provides that:

In his/her referral, the claimant should accurately clarify what rights and freedoms he/she claims to have been violated and what concrete act of public authority is subject to challenge.

34. In addition, the Court also take into account Rule 36 (1) c) and Rule 36 (2) of the Rules of Procedure, which provide:

"36 (1) The Court may only deal with Referrals if:
(c) the Referral is not manifestly ill-founded.

"36 (2) The Court shall reject a Referral as being manifestly ill-founded when it is satisfied that:

(a) the Referral is not prima facie justified, or
(b) the presented facts do not in any way justify the allegation of a violation of the constitutional rights, or
(c) the Court is satisfied that the Applicant is not a victim of a violation of rights guaranteed by the Constitution, or
(d) the Applicant does not sufficiently substantiate his claim."

35. The Court notes that the Applicant alleges mainly: (a) the violation of the principle of legal certainty, (b) the violation of Articles 31 and 102.3 of the Constitution, and (c) the violation of the legal provisions.

36. The Court, before entering into the Applicant's allegation, reiterates that it has decided several cases on labour disputes, namely KI 26/09, KI 39/09, KI 70/10 and KI 25/10 .

37. In case KI 26/09 (See case KI 26/09, *Applicant Ekrem Gashi*, Resolution on Inadmissibility of 14 December 2010), the Applicant alleged that the Judgment of the Supreme Court of 24 January 2006, violated his constitutional rights because it granted the request of the employer and amended the decisions of the Municipal Court of Pristina and the District Court of Pristina, to the effect that the claim of the Applicant was rejected as unfounded. The legal reasoning of the Supreme Court was based on the fact that a notification stating the reason for termination of the employment contract to the employee was enough and in accordance with UNMIK Regulation (2001/27), which overruled all legislation that was not in accordance with it. The Constitutional Court held that the Applicant's Referral was inadmissible, because incompatible *ratione temporis* with the Constitution. _

38. In case KI 39/09 (See case KI 39/09, *Applicant Avni Kumnova*, Judgment of 3 November 2011), the Applicant alleged that the Judgment of the Supreme Court of 27 May 2009, violated his constitutional rights because the Supreme Court found that the lower instance courts had erroneously applied the substantive law, since, in case of application of Article 11.2 of UNMIK Regulation 2001/27, the employer should only notify the employee in writing of his intentions to terminate the labour contract and that such notice should include the reasons for such termination. The Supreme Court considered that, *"according to the provisions of UNMIK Regulation 2001/27 on Essential Labour Law in Kosovo"*, it was provided that the termination of the labour contract might

occur without the obligation of initiating a disciplinary procedure, and that the employer was only under the obligation to notify the employee on his intention of terminating the labour contract in serious cases of misconduct, or unsatisfactory performance of job duties by the employee, and that such notice should include the reasons for such termination, as had been done by Iber-Lepenc. The Constitutional Court found that the Applicant's constitutional right had not been violated.

39. In case KI 70/10 (See case KI 70/10, *Applicant Fatime Kabashi*, Resolution on Inadmissibility of 3 November 2011), the Applicant alleged that the Judgment of the Supreme Court of 27 May 2009, violated her constitutional rights because on 30 June 2010, the Supreme Court quashed the judgments of the District and Municipal Court and rejected the claim of the Applicant as unfounded, stating that the lower instances had wrongly judged the factual situation as well as wrongly applied the substantive law (Rev.l.no. 28/2010). In the Supreme Court's opinion, the Applicant had been absent from work without authorization, even though she had been informed the day before that her request for unpaid leave had been rejected. The Supreme Court reiterated that UNMIK Regulation 2001/36 and Administrative Instruction 44/2004 were applicable instead of UNMIK Regulation 2001/27. The Constitutional Court declared the Referral as inadmissible, because the Applicant neither has substantiated her complaint regarding the alleged violations nor has she exhausted all legal remedies available to her under applicable law.

40. In relation to the Applicant's allegations on the violation of the principle of legal certainty, because the Supreme Court on identical issues for someone decides positively and for someone negatively, the Court reiterates that, in Case KI25/10 (See case KI 25/10, *Applicant Privatization Agency of Kosovo*, Judgment of 31 March 2011), the Court held that:

"...

57. Moreover, the Comprehensive Proposal for the Kosovo Status Settlement, the provisions of which shall take precedence over all legal provisions in Kosovo, provides, in its Annex IV [Justice System], Article 1.1, (...) that "The Supreme Court shall ensure the uniform application of the law by deciding on appeals brought in accordance with the law". The Special Chamber, as part of the Supreme Court, is, therefore, obliged to abide by this provision.

58. Finally, Article 145 [Continuity of International Agreements and Applicable Law] stipulates, that "Legislation applicable on the date of the entry into force of the Constitution shall continue to apply to the extent it is in conformity with this Constitution until repealed, superseded or amended in accordance with this Constitution". As the final interpreter of the Constitution, the Court holds that the legislation applicable on the date of the entry into force of this Constitution includes UNMIK Regulations and Administrative Decisions issued by the SRSG before 15 June 2008. In accordance with Article 145, such Regulations and Administrative Instructions as well as other legislation will only continue to apply to the extent they are in conformity with the Constitution until repealed, superseded or amended in accordance with the Constitution".

...

41. However, the Court notes that, in accordance with the principle of subsidiarity, it is up the Applicant to raise the alleged constitutional violation before the regular courts for them primarily to ensure observance of the fundamental rights enshrined in the Constitution.

42. In this respect, the Court notes that the Applicant has not raised with Supreme Court the alleged constitutional violation of the non-harmonized principled stances on identical issues and the Supreme Court's application in respect to identical issues for someone deciding positively and for someone negatively which according to the Applicant would have created legal uncertainty.

43. The Court further notes that, on 28 August 2013, the Applicant sent a letter to the President of the Supreme Court requesting harmonization of principled stances on identical issues. The Applicant namely requested the President of the Supreme Court to *"suggest us which action should KEK take to repair the consequences caused by the abovementioned judgment"*. However, this request should have been raised by the Applicant during the proceedings of review of the case and not after the Judgment of the Supreme Court was taken, i.e. 2 May 2013.

44. In relation to the Applicant's allegations on the violation of Article 31 of the Constitution [Right to a Fair and Impartial Trial], the Court notes that the Applicant has not clarified how and why the challenged decision, *"by applying other acts that were not in force"*, violated this specific constitutional right.

45. The Court recalls that the right to fair and impartial trial encompasses a number of elements, and represents key components in protecting basic individual rights from violations potentially committed by courts or public authorities by their rulings.

46. In this regard, the Court refers to Article 31 [Right to a Fair and Impartial Trial] of the Constitution, which establishes that:

> *"1. Everyone shall be guaranteed equal protection of rights in the proceedings before courts, other state authorities and holders of public powers".*

47. Article 6 of the European Convention on Human Rights (ECHR) also provides that:

> *"In the determination of his civil rights and obligations (...), everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".*

48. In this context, the Court observes that the Applicant does not accurately explain how and why the allegation *"applying other acts that were not in force"* substantiates a constitutional violation of his fundamental right to a fair and impartial trial. In fact, the Applicant only concludes that *"for the present case is*

not at all disputable that the legal provisions were violated by applying other acts that were not in force".

49. Moreover, the above quotation of the decision of the Supreme Court shows that the challenged decision provided extensive and comprehensive reasoning of the facts of the case and of its findings.

50. Furthermore, the dissatisfaction with the decision or merely mentioning articles or provisions of the Constitution is not sufficient for the Applicant to build an allegation on a constitutional violation. When alleging violations of the constitution, the Applicant must provide a compelling and well-reasoned argument in order for the Referral to be grounded.

51. In sum, the Court considers that the Applicant does not substantiate and prove that the Supreme Court, allegedly adjudicating *"based on laws that were not in force"*, violated his constitutional rights.

52. The Applicant also alleges a violation of Article 102 (3) of the Constitution, which establishes that *"courts shall adjudicate based on the Constitution and the law"*. The Court considers that the Applicant has not brought any argument or presented any evidence that the Supreme Court disrespected the provision in question. Therefore, the Court finds that the Applicant has yet again failed to argue the violation of such rights as provided by the Constitution in the aforementioned Article 102 (3) of the Constitution.

53. In addition, the Applicant alleges *"violations of legal provisions"*. The Court summarily considers that such allegation is of a legal nature. Thus, the Court finds that it does not represent any constitutional ground of violation of fundamental rights guaranteed by the Constitution.

54. In fact, the Court does not review decisions of the regular courts on matter of legality, nor does it review the accuracy of matter of facts, unless there is clear and convincing evidence that such decisions are rendered in a manifestly unfair and arbitrary manner.

55. Moreover, it is not the duty of the Court to decide whether the Supreme Court has appropriately reviewed arguments of applicants in resolving legal matters. This remains solely the jurisdiction of the regular courts. It is the duty of the regular courts to interpret and apply pertinent rules of procedural and material law. (See, *mutatis mutandis*, Garcia Ruiz v. Spain [GC], no. 30544/96, para. 28, European Court for Human Rights [ECtHR] 1999-I).

56. The duty of the Constitutional Court is to assess whether, during the proceedings of the regular courts, the courts have violated any fundamental rights as guaranteed by the Constitution.

57. In sum, the Court cannot observe arguments and evidence that the challenged Decision Rev.No. 368/2011 of the Supreme Court of Kosovo, dated 2 May 2013, was rendered in a manifestly unfair and arbitrary manner.

58. As a result, the Court finds that the Applicant's Referral does not meet the admissibility requirements, since the Applicant has failed to substantiate his allegation and submit supporting evidence on the alleged constitutional violation by the Challenged Decision.

59. Therefore, pursuant to Rule 36 (2) b) of the Rules of Procedure, the Referral of the Applicant must be rejected as manifestly ill-founded.

FOR THESE REASONS

The Constitutional Court, pursuant to Article 113 (7) of the Constitution, Article 48 of the Law and Rule 36 (2) b) and Rule 56 (2) of the Rules of Procedure, on 18 February 2014, unanimously/by majority

DECIDES

I. TO DECLARE the Referral as Inadmissible;

II. TO NOTIFY the Parties of this Decision;

III. TO PUBLISH this Decision in the Official Gazette, in accordance with Article 20 (4) of the Law;

IV. TO DECLARE this Decision immediately effective.

Judge Rapporteur | **President of the Constitutional Court**

Almiro Rodrigues | Prof. Dr. Enver Hasani