



REPUBLIKA E KOSOVËS – РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

**GJYKATA KUSHTETUESE  
УСТАВНИ СУД  
CONSTITUTIONAL COURT**

Pristina, 24 January 2013

Ref. No.: MP354/13

## **DECISION EXTENDING INTERIM MEASURES**

in

**Case No. KO 97/12**

Applicant

**The Ombudsperson**

**Constitutional Review of Articles 90, 95 (1.6), 110, 111 and 116 of the Law  
on Banks, Microfinance Institutions and Non-Bank Financial  
Institutions, No. 04/L-093, of 12 April 2012.**

**THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO**

composed of:

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

## **Introduction**

1. On 24 December 2012, the Constitutional Court granted interim measures in relation to the above Referral. In its decision, the Constitutional Court, inter alia, decided:

“ ...

- I. *TO GRANT interim measures;*
- II. *TO GRANT interim measures for a duration until 31 January 2013 from the date of the adoption of this Decision;*
- III. *TO IMMEDIATELY SUSPEND the implementation of the Articles 90, 95 (1.6), 110, 111 and 116 of the Law on Banks, Microfinance Institutions and Non-Bank Financial Institutions, No. 04/L-093, of 12 April 2012, for the same duration;*

...”

2. As to the extension of the above Interim Measures, the Court reiterates that the implementation of the Law No. 04/L-093 on Banks, Microfinance Institutions and Non-Bank Financial Institutions, more precisely the disputed Articles 90, 95 (1.6), 110, 111 and 116 could cause an unrecoverable damage to the functioning of the NGO's as well as to the civil society and the public interest in the Republic of Kosovo.
3. In this respect, bearing in mind that the time limit for Interim Measures imposed by the Court on 24 December 2012 will expire on 31 January 2013 and that the Court took on 24 January 2013 a decision to hold a public hearing, without prejudging the final outcome of the Referral the time limit of the Interim Measure is to be extended with three (3) months.

## **FOR THESE REASONS**

The Court, pursuant to Article 116(2) of the Constitution, Article 27 of the Law on the Constitutional Court and Rule 55 of the Rules of Procedure of the Constitutional Court, having deliberated on the matter on 24 January 2013, unanimously

## **DECIDES**

- I. **TO EXTEND** the time limit of the Interim Measures imposed by the Court in its original decision of 24 December 2012 by a further period of three (3) months until 30 April 2013;
- II. **TO REMAIN** seized of the matter;
- III. This Decision shall be notified to the Parties; and

IV. This Decision shall be published in accordance with Article 20(4) of the Law and is effective immediately.

**President of the Constitutional Court**

Prof. Dr. Enver Hasani

