



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-121

ON THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

Assembly of Republic of Kosovo,

Pursuant to Article 65, Paragraph 1 of the Constitution of the Republic of Kosovo,

With purpose to further regulate the organization and functioning of the Constitutional Court of the Republic of Kosovo,

hereby adopts the following:

LAW ON THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

CHAPTER I

ORGANIZATION OF THE CONSTITUTIONAL COURT

1. General provisions

Article 1
Scope

This Law further regulates the organization and functioning of the Constitutional Court of the Republic of Kosovo, procedures for submitting and reviewing referrals to the Constitutional Court, terms and procedures for appointment and dismissal of the Constitutional Court judges, basic procedural principles and rules and other organizational issues.

Article 2
Organization of the Work of the Constitutional Court

1. The Constitutional Court shall enjoy organizational, administrative and financial independence in performing duties assigned by the Constitution of the Republic of Kosovo ('Constitution') and the Law.
2. The Constitutional Court shall determine its internal organization, rules of procedure, decision-making processes and other organizational issues pursuant to law.

Article 3
Office and Symbols

1. The Office of the Constitutional Court shall be in Pristina.
2. The Constitutional Court shall hold its meetings in its Office, but exceptionally, on its decision may hold meetings in other places of the Republic of Kosovo.
3. The Constitutional Court shall have its symbol and stamp which shall be determined in the Rules of Procedure.

2. Judges of the Constitutional Court

Article 4
Additional Conditions for Appointment of Judges

1. Judges of the Constitutional Court shall be:
 - 1.1. citizens of the Republic of Kosovo;
 - 1.2. distinguished jurists with an excellent professional reputation with no less than ten (10) years of professional work experience, particularly in the field of public and constitutional law, which, *inter alia*, is proved through professional work as judges, prosecutors, lawyers, civil servants or university professors and other relevant working experience in the legal field;
 - 1.3 individuals with excellent moral reputations who can act in full capacity and who have not been convicted of any criminal offence.

Article 5
Incompatibility of function

1. During his/her mandate, a judge of the Constitutional Court shall not have the right to be:
 - 1.1. member of a party, movement or any other political organization;
 - 1.2. member of a steering board of a publicly owned enterprise; trade association or non-governmental organization;
 - 1.3. member of a trade union.
2. In addition to the prohibitions referred to in Paragraph 1 of this Article, a judge of the Constitutional Court shall not hold any other public or professional office with remuneration, except the performance as lecturer of legal sciences in an accredited university. For the purposes of this Law, public or professional office shall not be considered if the judge without payment engages in scientific activities, or if he/she becomes a member of an institute or jurists association, humanitarian, cultural, sports and other organizations without remuneration, provided that such activities are not related to the work of any political party.
3. A judge proposed by the Assembly of Republic of Kosovo shall not be appointed by the President of Republic of Kosovo if he/she does not present the evidence that he/she has resigned from all relevant functions defined in Paragraphs 1 and 2 of this Article.
4. Each judge shall be obliged to inform the President of the Constitutional Court in writing about any activity he/she wish to perform outside the office of judge of the Constitutional Court for which he/she is paid honorariums or any other forms of remuneration. In case the President of the Constitutional Court expresses his/her opposition, the judge is entitled to request that the decision of the President of the Constitutional Court be reconsidered by all judges of the Constitutional Court. The said decision of the President can be overturned by a majority of all judges of the Constitutional Court.

Article 6
Procedure for Review of Candidates for Appointment to the Constitutional Court

1. A Special Committee for the Review of Candidates for Appointment to the Constitutional Court (hereinafter referred to as the “Committee”) is hereby established. . The said Committee shall present to the Assembly a shortlist of qualified candidates for Judges of Constitutional Court in accordance with the procedure set forth in this Article.
2. The Committee shall be composed of the following members:
 - 2.1. The President of the Assembly of the Republic of Kosovo or a member of the Assembly acting as his/her designated representative;

2.2. Leaders of each Parliamentary Group of the Assembly of the Republic of Kosovo or members of the Assembly acting as their designated representative;

2.3. President of the Kosovo Republic Judicial Council;

2.4. Ombudsperson;

2.5. A representative of the Consultative Committee for Communities;

2.6. A representative of the Constitutional Court.

3. The Committee shall be summoned and chaired by the President of the Assembly of the Republic of Kosovo or his/her designated representative. The Committee shall have two vice chairs selected from its members, one of which shall be from the deputies of a Community different from the Community of the Chair.

4. The Committee shall decide with simple majority of votes. In case of equal vote, the vote of the President of the Assembly of the Republic of Kosovo or his/her designated representative will be decisive.

5. In case that one of members of the Committee has a conflict of interest in relation to a case, he/she shall not take part or otherwise participate in any aspect of the committee proceedings on that case.

6. The procedure for determining the short list of judges of the Constitutional Court shall be instituted by the Committee. The Committee shall publish an invitation/call published in the written and electronic media including those widely read by the Communities not in the majority in Republic of Kosovo, in the Assembly, in the judicial institutions, law faculties, chamber of attorneys, judges and prosecutors associations, political parties, and other relevant legal persons and individuals to propose candidates for the election of one or more judges of the Constitutional Court (hereinafter: invitation/call). An individual may propose himself as candidate.

7. The invitation/call shall define the conditions for electing a judge of the Constitutional Court determined by the Constitution and this Law, the deadline for proposing a candidate to the Committee, which should not be less than fifteen (15) or longer than twenty (20) days, and the enclosures that shall be delivered with the proposal.

8. After the deadline provided in the previous Paragraph expires, the Committee, within fifteen (15) days, shall investigate whether the candidates comply with the conditions for being elected judge of the Constitutional Court as determined by the Constitution and this Law, and shall reject invalid candidacies. In carrying out this responsibility, the Committee shall adopt practices developed for the selection and appointment of other members of the judiciary in Kosovo.

9. The Committee shall conduct an interview with each of the candidates who comply with the conditions for being elected judge of the Constitutional Court and, on the basis of presented data

and interview results, shall prepare a short list of qualified candidates for judges of the Constitutional Court.

10. The said short list shall include more candidates than the number of judges, who will be appointed, but not more than five (5) candidates for one vacant position.

11. The Committee shall submit to the Assembly of the Republic of Kosovo, together with its short list, the list of all the candidates who comply with conditions for being elected judge of the Constitutional Court.

12. The proposal of the Committee shall include the reasons showing why the Committee gave a particular candidate priority over the other candidates.

Article 7 **Appointment and commencement of mandate**

1. Procedure for appointment of a new judge, pursuant to this Law, commences at least three (3) months before the expiry of mandate of previous judge.

2. The mandate of new judge shall begin on the day the mandate of previous judge expires. A new judge shall be appointed by the President and shall take the oath in front of the President before commencement of his/her mandate. In case the mandate of judge expires pursuant to Article 8 of this law, mandate of replacing judge shall begin upon the appointment by the President and taking the oath in front of the President.

3. As exception from paragraphs 1 and 2 of this Article, mandate of first judges of the Constitutional Court shall begin upon the appointment by the President and taking the oath in front of the President.

4. The text of oath of a Constitutional Court judge shall be as follows:

“I solemnly swear that in performing duties as judge of the Constitutional Court of the Republic of Kosovo I shall uphold the Constitution of the Republic of Kosovo and shall perform the function of judge honorably, responsibly and impartially, respecting rules of professional ethics.”

Article 8 **Termination of mandate**

1. The mandate of a judge of the Constitutional Court shall end upon:

1.1. expiry of regular period for which he/she is elected;

1.2. prior termination of the mandate pursuant to Article 9 of this Law.

2. Six (6) months before the mandate of a judge of the Constitutional Court terminates, pursuant to Paragraph 1, 1.1 of this Article, the President of the Court shall inform the Assembly of the Republic of Kosovo in order for the Assembly to initiate the procedure for proposing a new judge.

Article 9 **Prior termination of the mandate**

1. The mandate of a judge of the Constitutional Court shall end prior to the expiry of regular period for which he/she is elected in case of:

1.1. resignation;

1.2. death;

1.3. permanent loss of ability to act as determined by the competent court;

1.4. illness or any other health problem, which makes it impossible for him/her to exercise his/her functions as a judge of the Constitutional Court;

1.5. dismissal pursuant to Article 118 of the Constitution.

2. The termination of a mandate pursuant to item 1.4. of Paragraph 1 of this Article shall be based upon a decision taken by the judges of the Constitutional Court following the examination of all relevant medical examination and findings. The said decision shall require a two thirds (2/3) majority of the judges of the Constitutional Court excluding the judge whose mandate is under consideration.

Article 10 **Duties of judges**

1. The judges of the Constitutional Court are obliged to perform their functions with conscience and impartiality, to decide with their own free will in compliance with the Constitution.

2. Judges of the Constitutional Court are obliged to preserve the reputation and dignity of the Constitutional Court.

3. Each judge is obliged to participate in the work and decision-making process of the Court, and to perform any other duties as defined in this Law and Rules of Procedure.

Article 11 **President and Deputy President**

1. The President of the Constitutional Court shall:

- 1.1 coordinate activities of the Constitutional Court and the work of judges of the Constitutional Court;
- 1.2. summon and chair sessions of the Constitutional Court;
- 1.3. represent the Constitutional Court;
- 1.4.sign acts of the Constitutional Court;
- 1.5.perform other duties defined in this Law or in Rules of Procedure of the Constitutional Court.

2. The Deputy President of the Constitutional Court shall perform the duties of the President of Constitutional Court when the latter is absent or for any other reason is unable to perform his/her duties. The President of the Constitutional Court may delegate to the Deputy President certain duties to support the President in performing his/her duties.

3. Administration of the Constitutional Court

Article 12 Secretariat

1. The Constitutional Court shall have its Secretariat which shall be chaired by the Secretary General of the Constitutional Court.
2. The Secretariat performs administrative works and is obliged to support the work of the Constitutional Court. The Secretariat:
 - 2.1.receive and sends all documents and other official communications;
 - 2.2. maintains the registry of the Court;
 - 2.3. ensures recording as defined in the Law;
 - 2.4.prepares transcripts and minutes;
 - 2.5.performs public information works and replies to requests for information about the work of the Constitutional Court
 - 2.6.keeps the stamp of the Constitutional Court; and

2.7. performs other works as defined in the law and Rules of Procedure of the Constitutional Court.

3. The organization and the work of the Secretariat shall be further regulated by the Rules of Procedure of the Constitutional Court.

4. The Secretary General is responsible for the organization and administration of the Secretariat. The Secretary General is elected and appointed by judges of the Constitutional Court with a simple majority vote. Details about election, appointment, terms of work and salary of the Secretary General shall be defined in the Rules of Procedure of the Constitutional Court. The Secretary General reports to the President of the Constitutional Court and shall be accountable for his/her work to all the judges of the Constitutional Court.

5. The Secretary General appoints and dismisses employees of the Secretariat in compliance with the applicable law on civil service. Legal provisions foreseen for civil servants shall apply for employees of the Secretariat.

Article 13

Legal Advisors

Legal advisors shall support the professional work of the judges of the Constitutional Court. The terms of appointment, dismissal and status of legal advisors shall be defined in the Rules of Procedure of the Constitutional Court. Salaries of legal advisors shall be defined in accordance with applicable legislation.

Article 14

Budget

1. The Constitutional Court shall be funded from the Kosovo Republic budget.

2. Notwithstanding provisions of other laws, the Constitutional Court shall prepare its annual budget proposal and forward the said budget proposal to the Assembly of the Republic of Kosovo for adoption. Neither the Government nor any other budget organization shall be entitled to amend or otherwise modify or influence the budget proposal prepared by the Constitutional Court. The budget proposed by the Constitutional Court shall be included in its entirety in the Republic of Kosovo Consolidated Budget submitted to the Kosovo Republic Assembly for adoption.

3. The Constitutional Court shall manage its budget independently and shall be subject to internal audit as well as external audit by the General Auditor of Republic of Kosovo.

Article 15
Remuneration of Judges

The remuneration of Constitutional Court judges shall be 1.3 times that of the judges of the Supreme Court of the Republic of Kosovo.

CHAPTER II

PROCEDURE

1. General procedural provisions

Article 16
General Rule

1. Provisions of this chapter shall apply for all court proceedings of the Constitutional Court, except if stated otherwise by this Law.
2. In the event of a lack of procedural provisions, the Court shall apply, in a reasonable and analogue manner relevant provisions of other procedural laws, taking into consideration the nature of each matter and procedural specificities of the Constitutional Court.

Article 17
Principle of Publicity

1. Sessions, including the issuance of judgments are open to public.
2. The Constitutional Court may decide to exclude the public when it deems it necessary to protect:
 - 2.1.national secret, public order or morals;
 - 2.2.secret information which would be put at risk by public hearing;
 - 2.3. private life or business secret of the party to the proceedings.
3. The procedure for exclusion of the public, provided in Paragraph 2, may be initiated upon the request of a party.
4. Only judges participate in the work of the Constitutional Court during consultation and voting when taking a decision.

Article 18
Exclusion of a Judge

1. A judge is excluded from participation in a proceeding *ex officio* or upon the request of any party when the judge:

1.1. is involved in the case that is subject of consideration by the Constitutional Court, or;

1.2. is in marital or extramarital relationship or family relationship with any party in the proceeding, in accordance with applicable law; or

1.3. in his/her official capacity has dealt before with the case before it was referred to the Constitutional Court.

2. Judge is not included in the case, as per paragraph 1, item 1.1., only because he belongs to a certain social or gender group, a profession or political entity, the interest of which may be affected by the outcome of the process in the Constitutional Court.

3. Paragraph 1, item 1.3. does not include participation in legislative procedures and expressions of professional or academic opinion on a legal matter which could be important for the process in the Constitutional Court.

4. The decision for exclusion of a judge should be reasoned.

5. Any judge who is aware that he fulfills at least one of the conditions for exclusion from proceedings should inform the President of the Constitutional Court in writing and should request his/her exclusion from the proceedings. In such a case, Paragraphs 3 and 4 shall apply as appropriate.

Article 19
Taking of the decisions

1. The Constitutional Court decides as a court panel consisting of all Constitutional Court judges that are present.

2. The Constitutional Court shall have a quorum if seven (7) judges are present.

3. The Constitutional Court decides with majority of votes of judges present and voting.

4. Each judge is obliged to vote for or against the decision.

Article 20

Decisions

1. The Constitutional Court shall decide on a case after completion of the oral session. Parties have the right to waive their right to an oral hearing.
2. Notwithstanding Paragraph 1 of this Article, the Court may decide, at its discretion, the case that is subject of constitutional consideration on the basis of case files.
3. Decisions of the Constitutional Court shall be in writing, justified and shall be signed by the President of the Constitutional Court and the judge reporter. The conclusions reached by the majority of the judges of the Constitutional Court shall determine the decision of the Court. Decisions shall be announced publicly.
4. The Decision is sent to each party ex officio and is published in Official Gazette.
5. A Decision enters into force on the day of its publication in the Official Gazette, unless the Constitutional Court has defined it otherwise in a decision.

Article 21

Representation

During the process in the Constitutional Court, parties are either represented in person or by a person authorized by the party.

Article 22

Processing Referrals

1. The initiation of proceeding before the Constitutional Court is made through a referral to the Court. Referrals are submitted in writing to the Secretariat of the Constitutional Court. The Secretariat immediately registers each referral in the register of the Constitutional Court according to its order of submission. Referrals should be justified and necessary supporting information and documents should be attached.
2. The Secretariat shall send copies of the referral to the opposing party and other party (ies) or participants in the procedure. The opposing party or participant has forty-five (45) days from the reception of the referral to submit to the Secretariat its reply to the referral together with justification and necessary supporting information and documents.
3. The Secretary shall send the referral and the reply to the referral to a judge Rapporteur, who prepares the preliminary report concerning facts, admissibility and grounds of the referral. The Judge Rapporteur is appointed by the President of Constitutional Court pursuant to the procedure established under the Rules of Procedure of the Constitutional Court.

4. If the referral or reply to the referral is not clear or is incomplete, the Judge Rapporteur informs the relevant parties or participants and sets a deadline of not more than fifteen (15) days for clarifying or supplementing the respective referral or reply to the claim. The Judge Rapporteur may request additional facts that are required to assess the admissibility or grounds for the claim.

5. Within thirty (30) days from receiving the referral and the reply to the referral, the Judge Rapporteur submits the preliminary report to the Review Panel. If the reply to the referral was not submitted within the set deadline, or if the nature of a special procedure does not require a reply to the referral, the Judge Rapporteur prepares a preliminary report based only on the referral.

6. The Review Panel assesses the admissibility of the referral. The Review Panel is composed of three judges appointed by the President of the Constitutional Court according to the procedure established in the Rules of Procedure.

7. If the Review Panel unanimously concludes that the referral does not meet formal requirements for further proceeding and is therefore inadmissible, the panel sends to all judges a draft decision that rejects the referral due to the lack of admissibility. The Review Panel shall take all necessary measures to ensure that a copy of the draft decision is effectively sent to judges who may not be on the territory of the Republic of Kosovo.

8. If, within a period of ten (10) days from receiving the draft decision, judges who are not members of Review Panel do not oppose the draft decision, then the President of the Constitutional Court signs and issues the decision rejecting the claim on the basis of inadmissibility.

9. If the Review Panel concludes that the claim is admissible, or if one or more of the judges not on the Review Panel opposes the draft decision to reject the claim, the case shall be referred to the Court. The Court during the oral hearing then considers admissibility and the grounds for the claim in its entirety and decides according to the provisions of this law.

Article 23

Withdrawal of a party

The Constitutional Court shall decide on matters referred to it in a legal manner by authorized parties notwithstanding the withdrawal of a party from the proceedings.

Article 24

Oral Hearing

The President of the Constitutional Court presides over the oral hearing. The procedure of the oral hearing shall be defined in the Rules of Procedure of the Constitutional Court.

Article 25
Evidence

The procedure for evidence administration and consideration shall be defined in the Rules of Procedure of the Constitutional Court.

Article 26
Cooperation with other Public Authorities

All courts and public authorities of the Republic of Kosovo are obliged to support the work of the Constitutional Court and to fully cooperate with the Constitutional Court upon request of the Constitutional Court.

Article 27
Interim Measures

1. The Constitutional Court *ex-officio* or upon the referral of a party may temporarily decide upon interim measures in a case that is a subject of a proceeding, if such measures are necessary to avoid any risk or irreparable damages, or if such an interim measure is in the public interest.
2. The duration of the interim measures shall be reasonable and proportionate.

Article 28
Procedural Costs

1. Parties cover their own procedural costs, unless otherwise decided by the Constitutional Court.
2. The party that has made a referral pursuant to Article 113, Paragraph 7 of the Constitution shall be exempted from the obligation to cover procedural costs, if the Constitutional Court decides that such a referral is admissible and grounded.

CHAPTER III
SPECIAL PROCEDURES

1. Procedure for cases defined under Article 113, Paragraph 2, items 1 and 2 of the Constitution.

Article 29
Accuracy of the Referral

1. A referral pursuant to Article 113, Paragraph 2 of the Constitution, shall be filed by either one fourth ($\frac{1}{4}$) of the deputies of the Assembly of the Republic of Kosovo, the President of the Republic of Kosovo, the Government or the Ombudsperson.
2. A referral that a contested act by virtue of Article 113, Paragraph 2 of the Constitution shall indicate, inter alia, whether the full content of the challenged act or certain parts of the said act are deemed to be incompatible with the Constitution;
3. A referral shall specify the objections put forward against the constitutionality of the contested act.

Article 30
Deadlines

A referral made pursuant to Article 29 of this Law shall be filed within a period of six (6) months from the day upon which the contested act enters into force.

2. Procedure for cases defined under Article 113, Paragraph 3 item 1 of the Constitution.

Article 31
Accuracy of referral

A referral made pursuant to Article 113, Paragraph 3 item 1 of the Constitution shall be filed by any authorized party in conflict or from any authorized party directly affected from the said conflict. The referral shall include any relevant information in relation to the alleged conflict as further determined by the Rules of Procedures of the Constitutional Court.

Article 32
Deadline

A referral made pursuant to Article 31 of this Law shall be submitted within six (6) months from the day upon which the alleged conflict started.

3. Procedure for cases arising under Article 113, Paragraph 3 item 2 of the Constitution.

Article 33
Accuracy of referral

A referral made pursuant to Article 113, Paragraph 3, item 2 of the Constitution shall be filed by either the Assembly of the Republic of Kosovo, the President of the Republic of Kosovo or the Government. The referral shall include any relevant information in relation to the alleged incompatibility with the Constitution and the proposed referendum as further determined by the Rules of Procedures of the Constitutional Court.

Article 34
Deadline

1. The Constitutional Court shall decide on the constitutionality of the proposed referendum within thirty (30) days after receipt of the referral.
2. A referendum that is subject of a referral made pursuant to Article 33 of this Law shall be held only after the Constitutional Court decides on the constitutionality of the proposed referendum.

4. Procedure for cases defined under Article 113, Paragraph 3 item 3 of the Constitution.

Article 35
Deadline

The Decision of the Constitutional Court rendered pursuant to Article 113, Paragraph 3 item 3 of the Constitution, may be rendered within 24 hours after the entry into force of a declaration or action referred to therein.

5. Procedure for cases defined under Article 113, Paragraph 3 item 4 of the Constitution.

**Article 36
Suspension Effect**

A referral filed pursuant to Article 113, Paragraph 3 item 4 of the Constitution shall have a suspensive effect. The Assembly of the Republic of Kosovo shall act upon the contested amendment only after a decision of the Constitutional Court has been rendered.

**Article 37
Deadline**

The Constitutional Court shall decide, pursuant to Article 113, Paragraph 3 item 4 of the Constitution, on the referral filed by authorized parties within thirty (30) days from the day after receipt of a referral.

6. Procedure for cases defined under Article 113, Paragraph 3, item 5 of the Constitution.

**Article 38
Accuracy of the Referral**

1. In a referral made pursuant to Article 113, Paragraph 3, item 5 of the Constitution the following information shall, *inter alia*, be submitted:

- 1.1. description of facts of the alleged violation;
- 1.2. concrete provisions of the Constitution allegedly violated; and
- 1.3. presentation of evidence that supports the allegation for violation of the Constitution.

**Article 39
Deadlines**

The referral should be filed within a period of thirty (30) days from the day when all other legal remedies are exhausted.

7. Procedure in the case defined under Article 113, Paragraph 4 of the Constitution.

Article 40 Accuracy of the Referral

In a referral made pursuant to Article 113, Paragraph 4 of the Constitution, a municipality shall submit, *inter alia*, relevant information in relation to the law or act of the government contested, which provision of the Constitution is allegedly infringed and which municipality responsibilities or revenues are affected by such law or act.

Article 41 Deadlines

The referral should be submitted within one (1) year following the entry into force of the provision of the law or act of the government being contested by the municipality.

8. Procedure for cases defined under Article 113, Paragraph 5 of the Constitution.

Article 42 Accuracy of the Referral

1. In a referral made pursuant to Article 113, Paragraph 5 of the Constitution the following information shall, *inter alia*, be submitted:

- 1.1. names and signatures of all deputies of the Assembly contesting the constitutionality of a law or decision adopted by the Assembly of the Republic of Kosovo;
- 1.2. provisions of the Constitution or other act or legislation relevant to this referral; and
- 1.3. presentation of evidence that supports the contest.

Article 43 Deadline

1. A law or decision adopted by the Assembly of the Republic of Kosovo shall be sent to the President of the Republic of Kosovo for promulgation after the expiry of the deadline prescribed by Article 113, Paragraph 5 of the Constitution.

2. In the event that a law or decision adopted by the Assembly of the Republic of Kosovo is contested in accordance with Article 113, Paragraph 5 of the Constitution, such a law or decision

shall be sent to the President of the Republic of Kosovo for promulgation in accordance with modalities determined in the final decision of the Constitutional Court on this contest.

3. In the event that a law or decision adopted by the Assembly is contested in accordance with Article 113, Paragraph 5 of the Constitution, the Constitutional Court shall render a final decision on this contest no later than sixty (60) days following the submission of the referral.

9. Procedure in the case defined under Article 113, Paragraph 6 of the Constitution.

Article 44 Accuracy of the Referral

1. In a referral made pursuant to Article 113, paragraph 6 of the Constitution, the following information shall, *inter alia*, be submitted:

- 1.1.description of facts of the alleged violation;
- 1.2.concrete provisions of the Constitution allegedly violated by the President; and
- 1.3. presentation of evidence that supports the allegation for serious violation of the Constitution by the President of the Republic.

Article 45 Deadlines

The referral should be filed within a period of thirty (30) days starting from the day the alleged violation of the Constitution by the President has been made public.

10. Procedure for cases defined in Article 113, Paragraph 7 of the Constitution.

Article 46 Admissibility

The Constitutional Court receives and processes a referral made in accordance with Article 113, Paragraph 7 of the Constitutional, if it determines that all legal requirements have been met.

Article 47
Individual Requests

1. Every individual is entitled to request from the Constitutional Court legal protection when he considers that his/her individual rights and freedoms guaranteed by the Constitution are violated by a public authority.
2. The individual may submit the referral in question only after he/she has exhausted all the legal remedies provided by the law.

Article 48
Accuracy of the Referral

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.

Article 49
Deadlines

The referral should be submitted within a period of four (4) months. The deadline shall be counted from the day upon which the claimant has been served with a court decision. In all other cases, the deadline shall be counted from the day when the decision or act is publicly announced. If the claim is made against a law, then the deadline shall be counted from the day when the law entered into force.

Article 50
Return to the Previous Situation

If a claimant without his/her fault has not been able to submit the referral within the set deadline, the Constitutional Court, based on such a request, is obliged to return it to previous situation. The claimant should submit the request for returning to previous situation within 15 days from the removal of obstacle and should justify such a request. The return to the previous situation is not permitted if one year or more have passed from the day the deadline set in this Law has expired.

11. Procedure for case defined under Article 113, Paragraph 8 of the Constitution.

Article 51
Accuracy of referral

1. A referral pursuant to Article 113, Paragraph 8 of the Constitution shall be filed by a court only if the contested law is to be directly applied by the court with regard to the pending case and

if the lawfulness of the contested law is a precondition for the decision regarding the case pending with the court.

2. A referral shall specify which provisions of the law are considered incompatible with the Constitution.

Article 52 Procedure before a court

After the submission of a referral pursuant to Article 113, Paragraph 8 of the Constitution, the procedure before the referring court shall be suspended until a decision of the Constitutional Court is rendered.

Article 53 Decision

The Constitutional Court shall decide only about the compliance of the legal provision with the Constitution and shall not decide on other factual or legal matters related to the dispute before the referring court.

12. Procedure for cases defined under Article 113, Paragraph 9 of the Constitution.

Article 54 Deadline

A decision of the Constitutional Court shall, to the extent possible, be rendered within sixty (60) days after receipt of the request.

CHAPTER IV

FINAL AND TRANSITIONAL PROVISIONS

Article 55 Provisional Composition of the Constitutional Court

1. The Constitutional Court shall be composed as set forth in Article 152 of the Constitution during the period prescribed therein.

2. Nothing in this Law, including provisions regulating eligibility criteria, professional qualifications and remuneration of judges, shall not apply to, restrict or otherwise limit the competences and responsibilities of competent authorities for the appointment of international judges foreseen by the Constitution and the Comprehensive Proposal for the Republic of Kosovo Status Settlement of 26 March 2007. These responsibilities and competences shall be exercised in accordance with applicable instruments notwithstanding any provision of this Law.

Article 56
Earlier Cases

The deadlines defined in this Law for the initiation of procedures on matters that fall under the jurisdiction of the Constitutional Court and which have arisen before the entry into force of this Law shall begin to be counted on the day upon which this Law enters into force.

Article 57
Interim Secretariat of the Constitutional Court

An Interim Secretariat is hereby established. The Interterm Secretariat shall be established until such time as the Secretariat of the Constitutional Court referred to in Article 12 of this Law is functional. The Interim Secretariat shall exercise its responsibilities in accordance with applicable instruments until such time as the Secretary General appointed in accordance with Article 12 of this Law decides that the Secretariat is functional.

Article 58
Entry into force

This law shall enter into force upon publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-121
16 December 2008

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI