



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**File number:** KSC-CC-2020-11

**Before:** **The Specialist Chamber of the Constitutional Court**  
Judge Vidar Stensland, Presiding  
Judge Antonio Balsamo  
Judge Roumen Nenkov

**Registrar:** Fidelma Donlon

**Date:** 20 October 2020

**Language:** English

**File name:** Referral on proposed amendments to the Constitution of Kosovo

**Classification:** Public

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**Decision on the Requests for Extension of the Time Limit  
for Filing Written Submissions**

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**President of the Assembly of Kosovo**  
Vjosa Osmani - Sadriu

**High Representative of the Union  
for Foreign Affairs and Security  
Policy/  
Vice-President of the European  
Commission**  
Josep Borrell Fontelles

**Head of the European Union Rule  
of Law Mission in Kosovo  
(EULEX Kosovo)**  
Lars-Gunnar Wigemark

## I. BACKGROUND TO THE PROCEEDINGS

1. The Panel refers to the background of the present proceedings as stated in its decision of 5 October 2020.<sup>1</sup> Further, the Panel recalls that, on 24 August 2020, the President of Kosovo proposed amendments to Article 162 of the Constitution of the Republic of Kosovo (the “Constitution”), which governs the Specialist Chambers and Specialist Prosecutor’s Office (the “Proposed Amendment”).<sup>2</sup>

## II. REFERRAL

2. On 18 September 2020, the President of the Assembly of Kosovo conveyed the Proposed Amendment to the President of the Specialist Chambers pursuant to Articles 144(3) and 162(3) of the Constitution (the “Referral”).<sup>3</sup>

3. In particular, the President of the Assembly of Kosovo requested the President of the Specialist Chambers to assign the Referral to the Specialist Chamber of the Constitutional Court for a review as to whether the Proposed Amendment does not diminish the rights and freedoms guaranteed by Chapter II of the Constitution.

4. On 22 September 2020, the President of the Specialist Chambers assigned the above Panel to decide on the Referral.<sup>4</sup>

## III. NOTIFICATION AND REQUEST FOR INFORMATION

5. On 5 October 2020, the Panel decided to notify certain authorities of the Referral with a possibility for them to file, by 19 October 2020, written submissions, should they wish so to do, on the admissibility and/or merits of the Referral. These authorities

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<sup>1</sup> KSC-CC-2020-11, F00004, Decision on notification of the Referral and request for information, public, 5 October 2020 (the “Decision on notification”), paras 1-8.

<sup>2</sup> KSC-CC-2020-11, F00001, A01 Proposal for Amendments to the Constitution (filed on the record on 21 September 2020).

<sup>3</sup> KSC-CC-2020-11, F00001, Letter from the President of the Assembly of Kosovo, public, 18 September 2020, with annex A01 (filed on the record on 21 September 2020).

<sup>4</sup> KSC-CC-2020-11, F00002, Decision assigning a Constitutional Court Panel, public, 22 September 2020.

included also the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (the “High Representative”) and Head of the European Union Rule of Law Mission in Kosovo (EULEX Kosovo). The Panel also requested the President of Kosovo to submit certain information to the Panel.<sup>5</sup>

#### IV. REQUESTS FOR EXTENSION OF THE TIME LIMIT

6. On 19 October 2020, the High Representative<sup>6</sup> and Head of EULEX Kosovo<sup>7</sup> requested the Panel to extend to 2 November 2020 the time limit for filing written submissions on the admissibility and/or merits of the Referral. They referred to the need to duly examine the Referral and the required internal procedures.

7. With regard to these requests, the Panel recalls that, pursuant to Rule 15(2) of the Rules of Procedure for the Specialist Chamber of the Constitutional Court (the “Rules”), the Panel may request additional information or submissions, as deemed necessary, in relation to the Referral. Further, it follows from Rule 15(3) of the Rules that submissions directed by the Panel shall be filed within the time limits set by the Panel.

8. In view of the reasons stated in the requests of the High Representative and Head of EULEX Kosovo respectively for extension of the time limit (see paragraph 6 above), the Panel finds it appropriate to grant these requests and thus extend to 2 November 2020 the time limit for filing written submissions on the admissibility and/or merits of the Referral.

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<sup>5</sup> Decision on notification.

<sup>6</sup> KSC-CC-2020-11, F00011, Letter on behalf of the High Representative, public, 19 October 2020.

<sup>7</sup> KSC-CC-2020-11, F00010, Letter from Head of EULEX Kosovo, public, 19 October 2020.

FOR THESE REASONS, THE CONSTITUTIONAL COURT PANEL

1. *Grants* the requests of the High Representative and Head of EULEX Kosovo for extension of the time limit for filing written submissions on the admissibility and/or merits of the Referral, and *extends* this time limit for the High Representative and Head of EULEX Kosovo to 2 November 2020.
2. *Directs* that the written submissions should not exceed 10 pages.



**Judge Vidar Stensland**  
**Presiding Judge**

Done in English on Tuesday, 20 October 2020

At The Hague, the Netherlands