

# RULES OF PROCEDURE OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF MACEDONIA

## I. GENERAL PROVISIONS

### Article 1

These Rules of Procedure regulate the way of working and the procedure in front of the Constitutional court of the Republic of Macedonia (hereinafter: Constitutional court).

### Article 2

The head office of the Constitutional court is in Skopje.

On the building of the Constitutional court, the following inscription is written: "CONSTITUTIONAL COURT OF THE REPUBLIC OF MACEDONIA – SKOPJE" .

### Article 3

The Constitutional court has its own seal in a circular form, with a diameter of 32 mm.

The seal contains the coat of arms of the Republic of Macedonia, circled by the inscription: "Republic of Macedonia – Constitutional court of the Republic of Macedonia – Skopje".

The seal of the Constitutional court is put on the decisions and resolutions of the Constitutional court as well as on other official documents.

The Constitutional court has a small seal with a diameter of 20 mm.

The small seal is the same as the above-mentioned seal and is being used for accounting documents and for certifying employee booklets and medical-care booklets.

## II. WAY OF PROCEEDING OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF MACEDONIA

### Article 4

For the procedures of its competence, defined with the Constitution of the Republic of Macedonia, the Constitutional court decides on a meeting.

### Article 5

The meeting is scheduled and run by the President of the Constitutional court.

The President of the Constitutional court schedules a meeting upon a request of any judge.

### Article 6

The meeting may be held if, at least 5 judges of the Constitutional court are present.

If the Agenda of the meeting comprises issues for which, according to the Constitution of the Republic of Macedonia, the Constitutional court decides with a two-thirds majority of votes of the total numbers of judges, the meeting may be held if, at least 6 judges are present.

### Article 7

On a meeting, the Constitutional court elects a president of the Constitutional court from among the judges, with a two-thirds majority of the total number of judges, by secret voting.

Any judge may suggest a candidate for a president of the Constitutional court.

The proposal for a candidate for a president of the Constitutional court is confirmed by a commission of three judges elected by a majority of the total number of judges.  
If the candidate does not obtain the necessary majority of votes, the procedure for an election of a president will be repeated.

#### Article 8

The president of the Constitutional court:

- represents the Constitutional court;
- signs the decisions, resolutions and other documents of the Constitutional court;
- is in charge of implementing the Rules of Procedure of the Constitutional court, and
- does other activities defined with these Rules of Procedure.

In case of absence or prevention, the president replaces the judge according to the schedule defined by the Constitutional court, upon an alphabetical order of the surname of the judges.

#### Article 9

The judge of the Constitutional court:

- participates in the work and in the decision-making during the discussions and on the meetings of the Constitutional court;
- as a judge-informer administers the preceding procedure upon the case which was given to him and informs the Constitutional court on a meeting about the attitudes upon that case;
- follows and studies the laws, other regulations and common acts and may give an initiative for initiating a procedure for assessment of the constitutionality of a special law, in other words, the constitutionality and legality of a certain regulation or a common act, and
- does other activities defined with these Rules of Procedure and the program and schedule for work of the Court.

#### Article 10

The judges of the Constitutional court enjoy the immunity like the members of Parliament of the Republic of Macedonia, defined by the Constitution of the Republic of Macedonia.

The judge may not be called upon to a criminal responsibility or arrested for the said attitude or voting in the Court.

The judge can not be arrested without an approval by the Court, unless he/she is caught in a criminal act, for which a sentence- prison of at least 5 years is prescribed.

The Court may decide for applying an immunity for the judge, although he/she has not cited it himself, if it is necessary for executing his/her function.

### III. CONSTITUTIONALITY OF LAWS AND CONSTITUTIONALITY AND LEGALITY OF REGULATIONS AND OTHER COMMON ACTS ASSESSMENT PROCEDURE

#### 1) Initiating a procedure

## Article 11

The constitutionality of a law and the constitutionality of a regulation or other common act assessment procedure is being initiated by a decision of the Constitutional court upon a submitted initiative.

## Article 12

Anyone can submit an initiative for initiating constitutionality of law and constitutionality and legality of a regulation or other common act assessment procedure.

## Article 13

The submitter of the initiative and the legislator of the denied act, are participants in the procedure in front of the Constitutional court.

## Article 14

The Constitutional court may itself initiate constitutionality of a law, that is constitutionality and legality of a regulation or other common act assessment procedure.

During the investigation of the constitutionality of a law that is the constitutionality and the legality of a regulation or other common act, the Constitutional court may also assess the constitutionality and the legality of the regulation or other common act, which are not denied with the initiative.

## Article 15

The initiative is submitted in front of the Constitutional court in written and in two copies.

The initiative for initiating an assessment procedure of the constitutionality of a law and a constitutionality and legality of a regulation and other common act, contains: an indication of the law, regulation or the common act, that is, its certain provisions which are being denied, reasons for their denying, the provisions of the Constitution, that is, the law, which are being violated with that act, and the name, that is the title and the head office of the submitter of the initiative.

## Article 16

If the initiative does not contain the data mentioned in paragraph 2 of art.15 of the Rules of Procedure, the Secretary of the Constitutional court will point out the shortcomings to the submitter and will determine a time-frame for their elimination, which may be no longer than 30 days.

If the shortcomings are not solved within the defined time-frame or if the initiative is submitted by an unknown submitter, it will be considered that it is not submitted, and the secretary will indicate that on the submitted document.

If the initiative requires opinion, explanation or an intervention in front of other entities, the secretary of the Constitutional court will inform the submitter, in a written way, that the Constitutional court is not competent to decide for such issues.

## 2) Preceding procedure

## Article 17

Received initiatives are registered in corresponding registers and appropriate files are formed.

The files are distributed to the professional employees according to the field defined in the schedule for work.

When the initiative requires initiating a procedure for an assessment of the constitutionality of a law, program or statute of a political party, the file is also distributed to a judge according to the alphabetical order of the surname.

If the judge is being assigned a case, and if he/she or the Constitutional court considers that there are justified reasons for he/she not to carry out the preceding procedure, the case is given to another judge, according to the defined order.

#### Article 18

The judge and the professional employee to whom the case has been given, carry out the preceding procedure according to the provisions of these Rules of Procedure.

When investigating the initiatives for an assessment of the constitutionality and legality, the professional employee will collect the data and the notices, which are necessary for making the decision related to the request for initiating a procedure.

Within 10 days at the latest, and when in the initiative the citizen calls upon to protection of freedom and rights defined with the Constitution, within 3 days from the day of receiving the case, the judge and the professional employee are obliged to take over the activities of the preceding procedure.

During the preceding procedure, the judge and the professional employee may call any participant in the procedure and other interested persons, to a consultative conversation and ask them for the necessary information and explanations, and, if necessary, send the initiative to the submitter of the denied act.

#### Article 19

The decision for initiating a procedure is being submitted to the entity which has passed the denied regulation or other common act and a time-frame for an answer is being determined, no longer than 30 days.

If the entity which has passed the denied regulation or other common act, does not send an answer within the determined time-frame, the Constitutional court will decide for the further course of the procedure.

#### Article 20

Everyone is obliged to give data and notices to the Constitutional court, upon issues which are of interest for conducting the investigation.

#### Article 21

If during the course of the procedure, it has been found that a number of participants with special initiatives have requested for an assessment of the constitutionality, that is constitutionality and legality of the same provisions of one and the same law, other regulation or common act, all initiatives will be attached to the firstly submitted one, and for all of them a unique procedure is being carried and one decision is made.

If there are a number of files in the Court for several separate initiatives for judging the constitutionality, that is the constitutionality and the legality of one and the same law, other regulation or common act, all files formed later may be attached to the firstly established one, a unique lawsuit may be carried out for all of them and one decision will be made.

#### Article 22

The participants in the procedure and their representatives and agents, have a right, in the presence of a corresponding employee in the Constitutional court, to consider the papers of the case in procedure.

To the participants in the procedure and to the interested persons, the corresponding employee gives

information about the case, which refer to the data in the registers.

To the participants in the procedure, as well to other persons, a report, a draft decision and other conclusions which are being prepared for making a decision in front of the Court, can not be made available, except the reports for public hearing, for a preparatory meeting or for a meeting on which they are invited to participate.

### Article 23

After completing the preceding procedure, within three months at the latest from the day when the case is given, a report is being submitted for a meeting or the Court is being informed about the course of the procedure.

When in an initiative for an assessment of the constitutionality and the legality of a regulation or other common act, the citizens call upon for protection of freedom and rights defined by the Constitution, the time-frame from paragraph 1 of this article is 30 days.

The report for a meeting contains particularly: when the initiative is being submitted and what kind of request is placed, what preparations are being performed, what denied legal and factual issues have occurred during the course of work upon the case, presentation of the constitutional-court practice, and by rule, an opinion and proposal for the way of solving the placed request.

### 3) Meeting

### Article 24

The President of the Constitutional court informs the judges in a written way, for the day and the hour of the meeting to be held, on which the reports proposed for a meeting will be discussed.

The written notice is being delivered to the judges seven days at the latest before the day of the meeting, and only in exceptional cases, when the urgency of procedure for certain cases requires it, the president may decide the meeting to be held in a shorter time-frame.

The reports with the draft-decisions are enclosed to the written notice for holding the meeting, and if necessary other materials, too.

### Article 25

The meeting of the Constitutional court begins with defining the Agenda.

For each case a judge-informer is assigned, except for cases which are being given to a judge in the preceding procedure.

For each item of the Agenda, a discussion is held for the disputable legal and factual issues and a decision is being made. If the Court during the discussion finds that there are basis for changing the already taken position or if additional studying of the case is needed, it will postpone the decision-making for re-investigating the already taken position, that is for additional studying, and will define instruction for that.

The resolution, that is the decisions are made with a majority votes of the total number of judges of the Constitutional court, unless otherwise regulated by the Constitution or by these Rules of Procedure.

The judge of the Constitutional court which is prevented to participate on the meeting, may give written opinion about the case.

The judge who voted against the decision or who considers that it should be based on other legal basis, may separate his/her opinion and explain it in written. The separated opinion is published in the "Court Bulletin" and in the official magazine in which the decision of the Court is being published.

### Article 26

A Minutes is made for the course of the meeting.

The Minutes contains: time and place of the meeting, names of the judges attending the meeting,

according to the alphabetical order of the surname and other attendants, the adopted Agenda, the decision, that is the conclusion for each item of the Agenda, with the names of the judges who voted for and against the decision.

For certain cases in which more significant constitutional-legal issues are placed, a stenography is provided, that is a tape recording of the course of the discussion.

#### Article 27

The Constitutional court may, during the discussion, until the adoption of final decision, take a resolution for cessation of the execution of certain acts or activities which are undertaken on the basis of a law, other regulation or a common act whose constitutionality i.e. legality is being assessed, if with its performance the occurred consequences could not be easily eliminated.

In the cases from paragraph 1 of this article, the Constitutional court is obliged to finalize the procedure as soon as possible.

#### Article 28

The Constitutional court will refuse the initiative:

- if it is not competent to decide upon the request;
- if it has already dealt with the same matter, and there are no basis for different decision and
- if there are other procedure obstacles for deciding upon the initiative.

#### 4) Preparatory meeting

#### Article 29

For clarifying the factual and legal status of certain cases in each phase of the procedure, the Constitutional court may decide a preparatory meeting to be held.

On the preparatory meeting the participants in the procedure, professional entities and organizations and scientific and professional workers are being invited, who will be defined by the Court.

#### Article 30

Along with the invitation for the preparatory meeting, a report is submitted for the preparatory meeting, in which the reasons are stated in the initiative for initiating a procedure for an assessment of the constitutionality of a law, that is a constitutionality and the legality of the regulation or the common act, legal status, disputable legal issues and legal attitudes which were stated in the preceding procedure.

#### Article 31

The preparatory meeting is governed by the president of the Constitutional court.

The judge-informer for the case informs the attendants about the factual and legal status, as well as about the disputable legal issues which are put in front of the Court during the preceding procedure, and afterwards the president of the court invites the attendants to give their attitudes and opinions, i.e. the attitudes and opinions of the entities and organizations which they represent.

During the discussion of the preparatory meeting, the judges may set questions, give opinions and comments in connection with the disputable legal and factual issues and for other circumstances of importance for the Court decision.

## Article 32

After completing the procedure for the case upon which a preparatory meeting is being held, a copy of the decision, i.e. the resolution with which the Constitutional court has completed the procedure for an assessment of the constitutionality and the legality, is given to the participants in the preparatory meeting.

## 5) Public hearing

## Article 33

The Constitutional court decides on a meeting for public hearing to be held, during which, apart from the participants in the procedure, also defines the entities and the organizations and the scientific and professional workers who are to be invited on the hearing.

The mass media are also informed about the public hearing.

The public hearing may be held after the initiated procedure for an assessment of the constitutionality of a law, i.e. the constitutionality and the legality of a regulation or other common act.

## Article 34

The report for a public hearing contains: an essence of the request placed in the initiative, brief contents of the answer and other notices of the participants in the procedure, the legal and the factual status defined by the public hearing, disputable legal issues and possible attitudes upon them with a corresponding legal argumentation.

## Article 35

The public hearing is scheduled by the president of the Constitutional court.

The president of the Constitutional court sends a written invitation to the judges for the date and time of the hearing.

The written invitation is delivered to the judges within ten days at the latest, before the scheduled hearing, and only in exceptional cases, when the urgency requires it, in a shorter time-frame.

The report of the judge-informer and of the professional employee, and other materials if necessary, are enclosed to the written invitation.

## Article 36

The written invitation for a public hearing is send also to the participants in the procedure, that is to their representatives or agents, as well as to other invited persons, entities and organizations.

From the day of delivering the invitations until the day of holding the public hearing, at least ten days should pass, and only in exceptional cases, when the urgency requires it, a shorter time-frame may be defined.

A copy of the report for public hearing is send together with the invitation.

## Article 37

The public hearing is held in the premises of the Constitutional court. The Constitutional court may decide the hearing to be held in other premises within the headquarters of the Court or outside it.

## Article 38

The public hearing may be held if at least five judges of the Constitutional court are present.

The hearing is administered by the president of the Constitutional court.

## Article 39

At the beginning of the hearing, the president of the Constitutional court informs the attendants which case is to be discussed and which of the invited persons attend the hearing.

The judge-informer will present the introductory report for the case of the hearing.

Judge-informer of the hearing is the judge who leads the preceding procedure. In case of his/her prevention, the president of the Constitutional court assigns another judge-informer.

If in the preceding procedure, more judges participate, a judge-informer is the judge who according to the schedule for work has been given the case, unless otherwise agreed by the judges.

After the report of the judge-informer, the participants on the hearing present and explain the opinions and the facts which are of interest for the clarification of the case status.

During the public hearing, the judges of the Constitutional court may ask questions and request an explanation from the participants in the procedure and from other invited persons for issues which are subject to the public hearing, without giving their opinion.

With respect to the course of the hearing, on a proposal of the president or a judge, the Court may decide to end the hearing.

## Article 40

During the public hearing, the participants in the procedure give and explain their attitudes, proposals and legal opinions and answer to the statements for the facts and legal issues which are quoted in the public hearing.

The representatives of the invited entities and organizations give the attitudes of the entities, i.e. the organizations they represent and give explanation and legal argumentation for the issues which are subject of the hearing.

The scientific and professional workers, as well as other persons who are invited on the hearing, give their opinion and legal argumentation for the issues which are subject of the hearing.

The participants in the public hearing from the paragraphs 1, 2 and 3 of this article, have right to give additionally their attitudes and opinions in connection with the subject of the hearing.

## Article 41

The Constitutional court decides whether the evidences which are presented in the preceding procedure will be performed on the hearing.

If during the hearing new evidences are quoted, which are not being presented in the preceding procedure, the same will be performed on the hearing.

## Article 42

The Constitutional court may decide, upon a proposal of the participants in the procedure or upon its own evaluation, to postpone the public hearing for a definite or indefinite period of time, due to gathering necessary data, notices or opinions.

## Article 43

If during the public hearing, the submitter of the initiative cancels the initiative for initiating a procedure, the Constitutional court may continue with the public hearing, if the issue is of a wider constitutional-legal importance.

If on the public hearing the Constitutional court decides to assess the constitutionality and the legality of provisions of a common act, which constitutionality and legality are not being denied in the initiative, i.e. which is not comprised with the resolution for initiating a procedure, the Constitutional court, on a request of



the participants in the procedure, will postpone the public hearing and will determine a time-frame for providing an answer from the legislator of the act.

#### Article 44

When the Constitutional court evaluates that the hearing upon the case is being exhausted, the president of the Court concludes the public hearing and informs the participants in the procedure for the way of announcing the decision.

If the Constitutional court has decided for the constitutionality and the legality immediately after the public hearing, the president of the Court announces the decision to the participants in the procedure, giving the basic reasons for its adoption.

#### Article 45

A Minutes is being made for the course of the hearing, for each case separately.

The Minutes contains: time and place of the public hearing, composition of the Constitutional court, present participants and other invited persons, brief contents of the reports of the participants in the procedure and other invited persons, proposed new evidences, set questions and given answers during the hearing.

The Minutes is made by a professional employee who has cooperated in the case, and signed by the president of the Constitutional court and the court clerk.

If during the hearing stenography notes are being taken or if the hearing is recorded with a tape recorder, the stenography notes, i.e. the tape are the composing part of the Minutes.

#### Article 46

The participants in the procedure bear the expenses by themselves in the procedure in front of the Constitutional court.

The scientific and the professional workers, as well as other persons, who upon an invitation of the Court participate in its work, have right on a compensation according to the criteria determined by a Court decision.

### 6) Ending the procedure

#### Article 47

The Constitutional court will end the procedure:

- if during the procedure, the law, other regulation or common act ceased to be effective, and there are no basis for the assessment of their constitutionality, i.e. constitutionality and legality during the effectiveness;
- if during the procedure the initiative for constitutionality, i.e. constitutionality and legality assessment is being withdrawn, and the Constitutional court does not find basis to carry out the procedure by its own initiative;
- if it is determined that the initiating of the procedure was based on an improper factual condition;
- if after determining the factual and legal status of the public hearing, there are no basis for doubting in the constitutionality and legality, and
- if during the procedure the process assumptions for its further continuing have ceased.

### 7) Consultation and voting

#### Article 48

When after the held public hearing, that is, the held meeting, the Constitutional court concludes that the case is sufficiently clarified, consultation and voting will be taken up. Consultation and voting is done without the presence of public.

#### Article 49

On the consultation and voting, the judges of the Constitutional court, who did not participate on the public hearing, i.e. the meeting, also participate.

During the consultation, the Constitutional court may decide to postpone the adoption of the decision or to hold another hearing.

Before deciding for the essence of the matter, if necessary, the judges of the Constitutional court vote for special issues on which the decision adoption depends.

#### Article 50

For consultation and voting, a special Minutes is being made.

The Minutes for the consultation and voting contains: date of the consultation and voting, names of the judges of Constitutional court who participated in the consultation and voting, important contents of the consultation, the result of voting, adopted decision and names of the judges who voted for and against the decision. The opinions explained in written are attached to this Minutes.

The Minutes for the consultation and voting is being signed by the president of the Constitutional court and the court clerk.

The Minutes for the consultation and voting is kept in a sealed envelope, which may be opened only if the Court decides.

### IV. PROCEDURE FOR PROTECTION OF FREEDOM AND RIGHTS OF ARTICLE 110

#### PARAGRAPH 3 OF THE CONSTITUTION OF THE REPUBLIC OF MACEDONIA

#### Article 51

Any citizen considering that an individual act or action has infringed his/her right or freedom, as provided in article 110 paragraph 3 of the Constitution of the Republic of Macedonia, he/she may request protection by the Constitutional court within 2 months from the day of delivery of the final or legally enforced individual act, namely from the date on which he/she became aware of the activity undertaken creating such an infringement, but not later than 5 years from the day of the undertaking.

#### Article 52

In the request from article 51, it is necessary to state the reasons due which a protection is being asked, the acts or the actions with which they are infringed, facts and evidences on which the request is based, as well as other data necessary for the decision of the Constitutional court.

#### Article 53

The request for protection of freedoms and rights is being delivered for an answer to the submitter of the individual act, namely the entity which has undertaken an action of their infringement, within 3 days from the day of delivery.

The time-frame for an answer is 15 days.

#### Article 54

Within 30 days at the latest from the day when the case has been given for work, a report is being submitted for a meeting or the Court is being informed for the course of the procedure.

#### Article 55

For the protection of freedoms and rights, the Constitutional court decides, by rule, on the basis of a held public hearing.

The participants in the procedure and the public attorney, and if necessary other persons, entities or organizations are being invited on the public hearing.

The public hearing may be held although some of the participants in the procedure or the public attorney who have been duly invited, do not attend.

#### Article 56

With the decision for protection of freedoms and rights, the Constitutional court will define whether there is an infringement and depending on that, it will annul the individual act, prohibit the action causing the infringement or refuse the request.

#### Article 57

During the procedure, the Constitutional court may pass a resolution for ending the execution of the individual act or action until adopting final decision.

### V. PROCEDURE FOR DEPRIVING OF IMMUNITY FOR REGULATING THE RESPONSIBILITY AND FOR REGULATING THE OCCURRENCE OF CONDITIONS FOR A CESSATION OF THE FUNCTION PRESIDENT OF THE REPUBLIC

#### Article 58

For depriving of the immunity of the President of the Republic, the Constitutional court decides upon a proposal of a competent organ in front of which a request for initiating criminal charges is being submitted. When deciding, the Constitutional court will be at least led by the contents of the immunity of the members of the Parliament of the Republic of Macedonia, regulated by law.

#### Article 59

The procedure for an assessment of the responsibility of the President of the Republic for violating the Constitution and the law, is considered as initiated on the day of submitting the proposal from the Parliament of the Republic of Macedonia.

The proposal contains a description, as well as evidences for the violation of the Constitution and the law, which is to be borne by the President of the Republic of Macedonia.

The Constitutional court will ask for an opinion from the President of the Republic for the statements from

the proposal of the Parliament of the Republic of Macedonia. The President of the Republic also participates in the procedure in front of the Court for an assessment of the responsibility.

#### Article 60

The occurrence of the conditions for a cessation of the function President of the Republic due to death, resignation permanent prevention for executing the function or a cessation of the mandate according to Constitution, are regulated by the Constitutional court upon an official duty.

The occurrence of the permanent prevention for executing the function from paragraph 1 of this article, is regulated on the basis of acts, findings, expert and professional opinions of medical or other institutions or organs, in accordance with a law.

#### Article 61

The Constitutional court establishes a commission composed of three judges of the Constitutional court, which investigates the circumstances, facts and evidences which are of importance for the decision of the Court in the cases of article 58 and 60 of these Rules of Procedure.

### VI. PROCEDURE FOR COMPETENCE COLLISION SETTLEMENT

#### Article 62

A proposal for a competence collision settlement among the legislators of the legislative, executive and court authority and among the Republic organs and self-government units, may be submitted by any of the organs between which the collision has occurred. A proposal may be submitted by anyone who due to non-acceptance or refusal of the competence of separate organs can not achieve his right.

#### Article 63

The organs from article 62 of these Rules of Procedure, may submit the proposal for a competence collision settlement, after one of the organs with a definite or legally enforced act accepts or refuses the competence for the settlement of a same case.

The subjects from article 62 of these Rules of Procedure, who due to acceptance or refusal of the competence can not achieve their right, may submit the proposal for the competence collision settlement after both organs accept or refuse the competence with a final or legally enforced act.

#### Article 64

The proposal for a competence collision settlement contains: case of the dispute due which the collision has occurred, organs between which the collision has occurred and an indication for the final, that is the legally enforced acts with which the organs have accepted or refused the competence to decide upon a same case.

#### Article 65

With the decision for a competence collision settlement, the Constitutional court defines the competent organ for deciding upon the case.

#### Article 66

During the procedure, the Constitutional court may adopt a resolution for ending the execution of individual acts of the organs on the occasion of which the competence collision has been caused, until adopting a final decision.

## VII. PROCEDURE FOR DEPRIVING OF IMMUNITY AND FOR AN ASSESSMENT OF PERMANENT LOSS OF CAPABILITY FOR PERFORMING THE FUNCTION JUDGE OF THE CONSTITUTIONAL COURT

### Article 67

For an assessment of a permanent loss of capability of the judge of the Constitutional court to perform his/her function, as well as for depriving his/her immunity, the Constitutional court decides on a meeting. The permanent loss of the capability from paragraph 1 of this article, is determined on the basis of acts, findings, expert and professional opinions of medical and other institutions and organs, with which the health or other incapability is determined, in accordance with a law. The Constitutional court establishes a commission composed of three judges of the Constitutional court, which investigates the circumstances, facts and evidences of importance for the decision of the Court upon cases from paragraphs 1 and 2 of this article.

## VIII. APPLYING PROVISIONS OF THESE RULES OF PROCEDURE

### Article 68

The provisions of these Rules of Procedure, which refer to the procedure for an assessment of the constitutionality of laws and constitutionality and legality of regulations and other common acts (Chapter III) are being applied accordingly to the procedures regulated in Chapters IV, V and VI, unless otherwise regulated by these Rules of Procedure.

## IX. CONSTITUTIONAL COURT ACTS

### Article 69

The Constitutional court makes decisions, resolutions and conclusions.

### Article 70

The Constitutional court decides when to make a decision for the essence of work, namely:

- for revoking or repealing a law or other provision, program and statute of a political party or other common act;
- for protection of freedoms and rights from article 110 paragraph 3 of the Constitution;
- for competence collision settlement;

- for depriving of immunity, for the responsibility and for an assessment of the occurrence of conditions for a cessation of the function President of the Republic of Macedonia;
- for the immunity and conditions for releasing from the duty of a judge of the Constitutional court of the Republic of Macedonia, and- for an assessment of non-constitutionality of a law, that is a non-constitutionality and illegality of a provision and other common act within the period when they are in effect, which has ceased to be valid during the procedure, if the conditions for their annulling are fulfilled.

#### Article 71

The Constitutional court adopts a resolution:

- for initiating a procedure for an assessment of constitutionality of a law, that is constitutionality and legality of a provision and other common act;
- for ending the procedure;
- for rejecting the initiatives, proposals and requests;
- for ending the execution of individual acts or action, adopted on the basis of a law, regulation or other common act, whose constitutionality, that is constitutionality and legality it assesses, and
- in other cases when it does not decides for the essence of the work.

#### Article 72

The Constitutional court makes conclusions for the activities which are undertaken during the procedure.

#### Article 73

When deciding whether to revoke or repeal the law, provision or a common act, the Constitutional court, will take into account all the circumstances which are of importance for the protection of constitutionality and legality, and particularly the height of the violation and its nature and importance for achieving the freedoms and rights of the citizens or for the relations which are being established on the basis of those acts, legal security and other circumstances important for making the decision.

#### Article 74

The decisions and resolutions of the Constitutional court contain an indication that they have been adopted by the Constitutional court of the Republic of Macedonia, the names i.e. the name and the headquarters of the submitter of the initiative, i.e. the proposal, disposition, explanation, names of the judges who participated in the adoption of the decision, i.e. the resolution, as well as the type of majority they are being adopted with.

The draft-text of the decision, i.e. the resolution is made by the judge-informer and the professional employee who have carried out the preceding procedure.

#### Article 75

The text of the decision, that is the resolution is being defined on a meeting of the Constitutional court, and is being edited by the editorial commission.

#### Article 76

The text of the decision, that is the resolution, defined on a meeting, is being edited by the editorial commission, within 7 days.

If the editorial commission, while editing, finds that in the text of the decision or resolution there are improperly defined factual or legal circumstances or contradictions, it will inform the Court about that on the next meeting.

#### Article 77

The defined final text of the decision, i.e. resolution is being signed by the president of the Constitutional court, as well as the judge-informer.

#### Article 78

Copy of the decision, i.e. resolution is being delivered to the participants in the procedure.

The decision of the Constitutional court are published in the "Official newspaper of the Republic of Macedonia".

The Constitutional court may decide individual resolutions to be published in the "Official newspaper of the Republic of Macedonia".

The final text of the decision that is the resolution, is delivered to the participants in the procedure and for publishing within 3 days from the day of signing by the president.

### X. LEGAL EFFECT OF CONSTITUTIONAL COURT DECISIONS

#### Article 79

The decision of the Constitutional court of the Republic of Macedonia with which a law, regulation or other common act is being repealed or revoked, produces a legal action from the day of publishing in the "Official newspaper of the Republic of Macedonia".

#### Article 80

The execution of legality enforced individual acts passed on the basis of a law, regulation or other common act, which by a decision of the Court is revoked, can not be allowed, nor implemented, and if the execution is being started, it will be canceled.

#### Article 81

Anyone whose right has been infringed by a final or legally enforced act, adopted on the basis of a law, regulation or other common act which by a decision of the Constitutional court is being revoked, has right to ask from the competent organ to revoke that individual act, within 6 months from the day of publishing the decision of the Court in the "Official newspaper of the Republic of Macedonia".

If by changing the individual act with respect to paragraph 1 of this article, the consequences from applying the law, regulation or the common act which by a decision of the Constitutional court is revoked, can not be eliminated, the Court may determine the consequences to be eliminated by their returning in the previous condition, with a compensation of damage or in another way.

The execution of the legally enforced individual acts adopted on the basis of a law, regulation or other common act, which by a decision of the Constitutional court is being annulled, can not be allowed, nor implemented, and if the execution has been started it will be canceled.

#### Article 82

By a decision with which the Constitutional court decides for protection of freedoms and rights from art. 110 paragraph 3 of the Constitution, the Constitutional court will determine the way of eliminating the consequences from applying the individual act or action, with which those rights and freedoms have been violated.

## XI. PUBLICITY IN THE CONSTITUTIONAL COURT WORK

### Article 83

The work of the Constitutional court is public.

### Article 84

The publicity in the work of the Constitutional court is provided by informing the public through the mass media for holding the public hearing, and by an estimation of the Court for holding the meeting and the preparatory meeting, with the attendance of participants in the procedure, other persons, organs and organizations, and representatives of the mass media on a public hearing, preparatory meeting and meeting, as well as with announcements through the mass media for the decisions of the Court upon issues of interest for the public.

The Constitutional court, if necessary, and at least twice a year, organizes press conferences.

The Constitutional court issues a Bulletin and a Collection of decisions as a permanent sources for acquainting the public with its decision, professional opinions and attitudes.

### Article 85

The public, in the Court activity on the public hearing, meeting and preparatory meeting, can be excluded if it is requested by the interests of country's security and defense, keeping state, official or business secret, protection of the public morality and in other justified cases defined by the Court.

## XII. EXECUTING THE DECISIONS OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF MACEDONIA

### Article 86

The decisions of the Constitutional court are executed by the entity which passes the law, other regulation or common act, which by a decision of the Court is being annulled, or repealed.

The decisions with which the Court decides for protection of freedoms and rights regulated by the Constitution, are executed by the organ or the organization which has adopted the individual act, which with a decision of the Court is annulled, that is the organ or the organization which has undertaken the activity forbidden with a decision of the Constitutional court.

### Article 87

The Constitutional court follows the execution of its decisions, and if necessary, will ask from the Government of the Republic of Macedonia to ensure their execution.

## XIII. COOPERATION WITH THE CONSTITUTIONAL COURTS OF OTHER COUNTRIES



## Article 88

When executing its functions, the Constitutional court of the Republic of Macedonia cooperates with the constitutional courts of other countries, upon issues of interests for protection and promotion of the human and citizens' freedoms and rights and of importance for the development and promotion of the constitutional-court thought and practice.

When realizing this cooperation, the Constitutional court of the Republic of Macedonia, raises an initiative for considering certain issues, participates in their solving on mutual consultancy meetings and other professional gatherings, exchanges opinions, information and other materials and establishes other forms of cooperation.

## XIV. INTERNAL ORGANIZATION

### 1) Constitutional court Meeting

#### Article 89

Upon issues of the domain for internal organization and work, the Constitutional court, on a meeting:

– adopts acts for the organization of work and for the procedure in front of the Constitutional court;- adopts a program and schedule for work in the Constitutional court;

– appoints and releases the secretary of the Constitutional court, councilor of the Court, independent councilor and the councilor and regulates their personal income;

– appoints representatives of the Constitutional court for participation on consultancy meetings and other professional gatherings and discussions, on which it has been invited, and

– adopts a decision for the amount and way of paying out the salary to scientific and professional workers, as well as other persons, who on an invitation of the Constitutional court, participate in its work.

#### Article 90

For considering certain issues of the Constitutional court activity, the president of the Court schedules working meetings.

The judges and the secretary of the Constitutional court participate on the working meetings, and according to the opinion of the Constitutional court president, some professional and other workers of the Court may also participate.

A Minutes is being made for the course of the working meeting, which contains the elements from article 26 paragraph 2 of these Rules of Procedure.

The Minutes of the working meeting is being adopted on the first following meeting of the Court.

### 2) Commissions

#### Article 91

The Constitutional court has permanent and temporary commissions. Permanent commissions are:

– Commission for organizational and personnel affairs;

– Commission for informing and cooperation and- Editorial commission.  
Temporary commissions are being established when necessary.  
Commissions are established from among the judges, secretary and professional workers.  
The president, who is being elected from among the judges, administers the work of the commission.  
The members of the permanent commissions are appointed in three years time.  
The composition and the period for which the temporary commissions are being elected are defined by a decision for their establishing.

#### Article 92

The Commission for organizational and personnel affairs:

- considers the issues and prepares proposals for improving the organization and the method of work of the Constitutional court;
  
- considers and gives proposals for appointing and releasing the secretary of the Court, the councilor of the Court, independent councilor and the councilor;
  
- defines proposals for adopting acts for organization and systematization and other acts for the work of Constitutional court, and
  
- performs other activities which will be assigned to the Constitutional court.

#### Article 93

The Commission for informing and cooperation:

- edits the bulletin and other occasional editions of the Constitutional court;
  
- takes care about regular, prompt and true informing the public for the activity of the Constitutional court ;
  
- organizes press conferences and other forms of informing the public for the activity of the Constitutional court;
  
- takes care about the regular provision of the Constitutional court library with vocational literature, periodical vocational magazines, other publications and official magazines and daily newspaper, and
  
- follows the articles for the activity of the constitutional courts in the mass media and in the scientific and professional publications and informs the Court for issues of interest for the constitutionality and legality. On the basis of the information during the consideration of more important legal issues, issues of importance for protection and promotion of freedoms and rights of citizens and of importance for promoting the constitutional-court thought and practice, the Commission suggests the Court to take attitudes and opinions and establish cooperation with the constitutional courts of other countries.

#### Article 94

The Editorial Commission edits the decisions, resolutions and other materials defined by the Court.

### 3) Constitutional court Secretary

#### Article 95

The Constitutional court has a secretary.

The secretary of the Constitutional court is appointed for four years and can be appointed again for the same duty.

For his work and for the work of the professional service the secretary of the Constitutional court is responsible in front of the Court, and for the assignments he has been given to the president of the Court. The secretary of the Constitutional court with regard to the working relations and administration of the work of the professional service of the Constitutional court has the rights and obligations of an official who runs a Republic organ of the Administration, unless otherwise regulated with these Rules of Procedure. In case of absence or prevention, the secretary of the Constitutional court is being replaced by one of the councilors of the Court, who will be appointed by the Court.

#### Article 96

The secretary of the Constitutional court:

- administers the professional service of the Constitutional court and takes care about the promotion of its activity;
  
- takes care about the regularity and promptness in the work upon cases and preparations of other materials and for that purpose schedules and runs the working meetings of the professional service and professional board meeting;
  
- follows the execution of decisions and conclusions of the Constitutional court and informs the Court about that;
  
- has a position of an official for the employees in the professional service, who runs the administration organ and is a commander for executing the accounting of revenues and expenditures of the Constitutional court, and
  
- does other activities regulated by the acts for the Court organization, which will be assigned by the Court and the president of the Court.

#### 4) Professional service

##### Article 97

Professional and other activities of the Constitutional court are executed by the Professional service of the Constitutional court.

Professional service consists of councilors of the Court, independent councilors, councilors and professional associates, administrative and administrative- technical employees.

##### Article 98

Professional service:

- performs theoretical, comparative and empirical investigations and analysis of legal issues of an importance for the constitutionality and legality;
  
- performs previous analytical processing of the initiatives and proposals upon which cases have been formed;- provides following of constitutional-court practice of constitutional courts in other countries;

- elaborates reports, draft-decisions and resolutions and other acts of the Court;
- performs administrative-financial, organizational-technical, documentary and other activities necessary for the Court, and
- does other activities in accordance with the common acts for organization and systematization.

#### Article 99

Professional-analytical part of the activities of the Professional service is done directly by the professional workers, with professional teams and professional board, depending on the importance of the legal issues which are placed in the Constitutional court work.

### XV. TRANSITIONAL AND FINAL PROVISIONS

#### Article 100

The procedure upon the cases established before these Rules of Procedure becomes effective, continues and will be completed according to the provisions of these Rules of Procedure.

#### Article 101

On the day when these Rules of Procedure become effective, the Rules of Procedure of the Constitutional court of Macedonia from October, 4th, 1982 ("Official newspaper of SRM" num. 43/82) cease to be effective.

#### Article 102

These Rules of Procedure become effective on the eighth day from the day of publishing in the "Official newspaper of the Republic of Macedonia".

Num. 394/92

President

November, 9th, 1992

of the Constitutional court of

Skopje

the Republic of Macedonia

Jordan Arsov, M. A