

Based on Article 113 of the Constitution of the Republic of North Macedonia, the Constitutional Court of the Republic of North Macedonia, at its session held on 27 May 2024, adopted the following

**ACT
OF THE CONSTITUTIONAL COURT
OF THE REPUBLIC OF NORTH MACEDONIA**

I. GENERAL PROVISIONS

Subject of regulation

Article 1

This Act regulates matters concerning the mode of operation of the Constitutional Court of the Republic of North Macedonia (hereinafter: the Constitutional Court), including its functional and financial independence, administrative autonomy, publicity in its work, internal organisation, acts of the Court, their legal effect and enforcement, the rights and duties of the President of the Court and the judges arising from the performance of their functions, as well as the procedures before the Court through which its competence is exercised and other matters related to its operations and procedure before the Court.

Independence and Autonomy

Article 2

The Constitutional Court is independent and autonomous from all state authorities and exercises its competence in accordance with the Constitution of the Republic of North Macedonia (hereinafter: the Constitution), this Act, and other acts of the Court.

Guarantee and Realisation of Independence and Autonomy

Article 3

The independence and autonomy of the Constitutional Court are guaranteed and realised through respect for its functional and financial independence, administrative autonomy, as well as the status of the judges, which ensures their independence and impartiality.

The seat of the Constitutional Court

Article 4

The seat of the Constitutional Court is in Skopje.

Emblems of the Constitutional Court

Article 5

- (1) The emblems of the Court include a seal and a logo.
- (2) The Court has a seal in a shape of a circle featuring the coat of arms of the Republic of North Macedonia in the centre, surrounded by concentric circles containing the inscription: "Republic of North Macedonia - Constitutional Court of the Republic of North Macedonia - Skopje."
- (3) The Court also has a small seal with the same content as the seal described in Paragraph 2 of this Article.
- (4) The Court has a logo featuring an open book as the primary symbol - representing a visual depiction of the Constitution. The name of the institution is inscribed on a label ribbon at the bottom, with oak branches extending in a circular form from both sides of the ribbon, while at the top, the state flag is displayed on label ribbon.

Obligation to Provide Data, Information, and Materials

Article 6

Everyone is obliged to provide the Constitutional Court with data, information, and materials on matters of interest for conducting proceedings.

Publicity in operations

Article 7

- (1) The work of the Constitutional Court is public.
- (2) Matters related to the public nature of the work, as well as instances in which it may be excluded, are regulated by this Act.

Use of Languages and Scripts

Article 8

The Constitutional Court ensures the use of languages and scripts in accordance with the Constitution and the law within its operations.

II. MODE OF OPERATION OF THE CONSTITUTIONAL COURT

Submissions

Article 9

- (1) The Constitutional Court exercises its competence upon previously received submission.
- (2) The submissions upon which the Court acts include:

- An initiative to review the constitutionality of a law;
 - An initiative to review the constitutionality and legality of another regulation or a collective agreement;
 - An initiative to review the constitutionality of a programme and statute of a political party or a statute of an association of citizens;
 - A request for the protection of freedoms and rights under Article 110, Paragraph 3 of the Constitution;
 - A proposal for resolving a conflict of competence between the holders of legislative, executive, and judicial authority;
 - A proposal for resolving a conflict of competence between state authorities and units of local self-government;
 - A proposal for determining the answerability of the President of the Republic;
 - A proposal for revoking the immunity of the President of the Republic;
- and
- A proposal for revoking the immunity of a judge of the Constitutional Court.

(3) Submissions are filed in person at the Registry of the Court, by mail, or electronically.

(4) If a submission is sent by registered mail, the date of the delivery is considered the date of submission to the Court.

(5) If a submission is sent to an authority without competence before the expiry of the deadline and reaches the Court after the expiry of the deadline, it shall be considered timely submitted.

(6) The electronic submission of documents is regulated by a separate act of the Court.

Designation of the Cases

Article 10

Cases formed upon receipt of submissions or in instances where the Constitutional Court acts by official duty, bear the following designations:

- “U” (Y) for proceedings reviewing the constitutionality of a law;
- “UZ” (Y3) for proceedings reviewing the constitutionality and legality of another regulation or a collective agreement;
- “UPSPZG” (YΠCΠ3Γ) for proceedings reviewing the constitutionality of a programme and statute of a political party or the statute of an association of citizens;
- “BZSP” (B3CΠ) for proceedings concerning requests for the protection of freedoms and rights under Article 110, Indent 3 of the Constitution;
- “SN-I” (CH-I) for proceedings resolving conflict of competence between the holders of legislative, executive, and judicial authority;

- “SN-II” (CH-II) for proceedings resolving a conflict of competence between state authorities and units of local self-government;
- “OIPR” (OИПР) for proceedings concerning the revocation of immunity, determination of answerability, and determination of the applicability of conditions for cessation of the office of the President of the Republic and
- “OISS” (OИСС) for proceedings concerning the revocation of immunity and determination of permanent incapacity to perform the function of a judge of the Constitutional Court.

Formation and Allocation of Cases

Article 11

(1) The Secretary-General of the Constitutional Court forms and allocates cases according to the time of receipt of the submission and the alphabetical order of the surnames of the judges.

(2) The allocation of cases formed upon requests for the protection of freedoms and rights under Article 110, Paragraph 3 of the Constitution, as well as cases in which the Court acts by official duty, are carried out separately in the same manner as set out in Paragraph 1 of this Article.

Acting by Official Duty

Article 12

The Constitutional Court exercises its competence by official duty in cases provided for by the Constitution and this Act.

Monitoring the Implementation of Constitutionality, Legality, and Freedoms and Rights

Article 13

The Constitutional Court monitors the implementation of constitutionality, legality, and the freedoms and rights of individuals and citizens as established by the Constitution and, at its discretion, may adopt a special report indicating the need for measures to ensure their realisation and protection, which will be submitted to the authority with competence.

Costs in Proceedings

Article 14

- (1) Participants in proceedings bear their own costs.
- (2) No fees are payable in proceedings before the Constitutional Court.

Sessions of the Constitutional Court

Article 15

- (1) The Constitutional Court decides on matters within its competence at a session.
- (2) The session is convened and chaired by the President of the Court.
- (3) Any judge may propose the holding of a session by submitting a proposal in written or electronic form to the President of the Court, of which the judges are informed accordingly.
- (4) A session may be held if at least five judges of the Constitutional Court are present.
- (5) If the agenda of the session includes matters requiring a two-thirds majority vote of the total number of judges, the session may be held if at least six judges are present.

Working Meetings

Article 16

- (1) To discuss specific matters concerning the operation of the Constitutional Court, the President of the Court convenes working meetings once a month.
- (2) Any judge of the Constitutional Court may propose the convening of a working meeting.
- (3) The proposal is submitted to the President of the Court and includes the matters to be discussed along with an explanation.
- (4) The President of the Court is obliged to convene a working meeting based on the submitted proposal.
- (5) Working meetings are attended by the judges and the Secretary-General of the Court, and, if necessary, by expert staff of the Court.
- (6) Minutes of the course of the working meeting are kept, which are not available to the public.
- (7) The minutes of the working meeting are adopted at the next working meeting.

Election of the President of the Constitutional Court

Article 17

- (1) The Constitutional Court elects a President from among the judges at a session by a two-thirds majority of the total number of judges, through a secret ballot.
- (2) Any judge may nominate a candidate for President of the Constitutional Court.

(3) The nomination of a candidate for President of the Court is determined by a commission consisting of three judges elected by a majority of the total number of judges.

(4) If the candidate does not obtain the required majority of votes, the election process is repeated.

Rights and Duties of the President of the Constitutional Court

Article 18

(1) The President of the Constitutional Court:

- Represents the Court;
- Signs decisions, resolutions, and other acts of the Court;
- Ensures the implementation of this Act; and
- Performs other duties as prescribed by this or another act of the Court.

(2) In the event of absence or incapacity, the President is replaced by a judge according to the schedule determined by the Court, following the alphabetical order of the surnames of the judges.

Standing and Ad Hoc Commissions

Article 19

(1) The Constitutional Court has standing and ad hoc commissions.

(2) The standing commissions are:

- The Commission on Organisational and Personnel Matters;
- The Commission on Information and Cooperation;
- The Editorial Commission.

(3) Ad hoc commissions are established as needed.

(4) The composition of the commissions may include the President of the Constitutional Court, judges, the Secretary-General, and expert staff of the Court.

(5) The work of a commission is chaired by a president elected from among the judges.

(6) If the President of the Court is a member of a commission, they preside over it.

(7) The Constitutional Court elects the members of the standing commissions upon the proposal of the President of the Court for a term of three years.

(8) The composition and duration of ad hoc commissions are determined by the decision on their establishment.

Commission on Organisational and Personnel Matters

Article 20

The Commission on Organisational and Personnel Matters:

- Reviews matters and prepare proposals for improving the organisation and functioning of the Constitutional Court;
- Examines and makes proposals regarding the appointment and dismissal of the Secretary-General of the Court;
- Develops proposals for the adoption of acts on organisation and systematisation and other acts related to the work of the Service of the Constitutional Court; and
- Performs other tasks assigned by the Court.

Commission on Information and Cooperation

Article 21

(1) The Commission on Information and Cooperation:

- Edits the publications of the Constitutional Court;
- Ensure the regular provision of the library of the Constitutional Court with professional literature, periodicals, other publications, official gazettes, and daily press; and
- Monitors media reports regarding the work of constitutional courts, academic and professional publications and matters of interest related to constitutionality and legality, informing the Court accordingly.

(2) Based on its findings when considering significant legal matters, issues of importance for the protection and promotion of the freedoms and rights of the individuals and citizens, and the development of constitutional-judicial thought and practice, the Commission proposes to the Court the adoption of positions and opinions and the establishment of cooperation with constitutional courts of other countries.

Editorial Commission

Article 22

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

III. PROCEDURE BEFORE THE CONSTITUTIONAL COURT

1. Proceeding for reviewing the conformity of laws with the Constitution, the conformity of other regulations and collective agreements with the Constitution and laws, and the conformity of the programmes and statutes of political parties and association of citizens with the Constitution

Initiative

Article 23

(1) Any person may submit an initiative for reviewing the conformity of laws with the Constitution, the conformity of other regulations and collective agreements with the Constitution and laws and the conformity of programmes and statutes of political parties and associations of citizens with the Constitution.

(2) The initiative under Paragraph 1 of this Article is submitted in written form in two copies or electronically and shall contain: identification of the law, regulation, or other general act, or specific provisions being challenged, the reasons for challenging them, the provisions of the Constitution, i.e., the law violated by the act in question, the name and address, i.e., the name and registered office of the submitter of the initiative, as well as the signature of the submitter or the signature of their authorised representative, along with a stamp.

(3) If the initiative is submitted on behalf of another person, an authorisation must be provided.

(4) The Constitutional Court may, on its own initiative, decide to form case to review the constitutionality of a law, the constitutionality and legality of a regulation or other general act, or the constitutionality of a programme or statute of a political party or association of citizens.

Handling of Incomplete Initiatives by an Anonymous Submitter, containing Offensive Allegations, or Matters Beyond the Competence of the Court

Article 24

(1) If the initiative does not contain the elements specified in Article 23, Paragraph 2 of this Act, or if an authorisation has not been provided, the Secretary-General of the Constitutional Court notifies the submitter of the deficiencies and sets a deadline for their rectification, which does not exceed 30 days.

(2) Upon the proposal of the Secretary-General, the Court determines that the initiative has not been submitted if:

- The deficiencies have not been rectified within the specified deadline;
- The initiative has been submitted by an anonymous submitter; or
- The initiative contains offensive allegations.

(3) If the initiative requests an opinion, explanation, or intervention before other bodies, the Secretary-General of the Constitutional Court informs the submitter in writing that the Court has no competence to decide on such matters.

Handling of Initiatives Submitted by Multiple Participants

Article 25

(1) If, during the proceedings, it is determined that multiple participants have submitted separate initiatives requesting the review of the constitutionality, or the

constitutionality and legality, of the same provisions of the same law, other regulation, or general act, all such initiatives are consolidated with the first submitted initiative, and a single procedure is conducted, resulting in single decision.

(2) If multiple separate initiatives for the review of the constitutionality, or the constitutionality and legality, of the same law, other regulation, or general act have led to the formation of separate cases before the Court, all subsequently formed cases may be merged with the first formed case, so that a single proceeding is conducted, and single decision is adopted.

Examination of the Initiative

Article 26

When examining the initiative referred to in Article 23 of this Act, the Constitutional Court is not limited by the claims or provisions contested in the initiative.

Participants in the Proceeding

Article 27

The submitter of the initiative and the adopter of the contested act are participants in the proceeding before the Constitutional Court.

Preliminary Proceeding

Article 28

(1) The judge and the advisor assigned to the case conduct the preliminary proceeding in accordance with the provisions of this Act.

(2) When examining initiatives requesting a review of constitutionality, or constitutionality and legality, the advisor shall collect the necessary data and information required for a decision on whether to initiate proceedings.

(3) No later than seven days from the assignment of the case, the judge and the advisor must begin taking actions in the preliminary proceeding.

(4) During the preliminary proceeding, the judge and the advisor may summon any participant in the proceedings and other individuals for a consultative discussion, request necessary information and explanations from them, and, if necessary, provide the adopter of the contested act with a copy of the initiative.

Report for the Session

Article 29

(1) No later than six months from the date the case was assigned to consideration, a report for the session is submitted, otherwise, the Court is informed of the reasons for exceeding the deadline.

(2) The report for the session contains: the date the initiative was submitted, what request was submitted and by whom, the preparatory actions undertaken, what disputable legal and factual issues that have arisen during the work on the case, a description of the constitutional and judicial case-law, a legal opinion, and a proposal for the manner of resolving the submitted request.

Review of Case Files

Article 30

(1) The participants in the proceeding, as well as their representatives and authorised agents, have the right to review the case files in the presence of a designated employee of the Constitutional Court.

(2) The report, the draft decision and resolution are not available for inspection to the participants in the proceeding or any other persons, except for reports prepared for a public hearing, a preparatory session, or a session at which they have been invited to participate.

Convening a Session

Article 31

(1) The President of the Constitutional Court notifies the judges of the date and time of the session, along with the proposed agenda items for discussion.

(2) The written notification is delivered to the judges no later than seven days before the session, however, in exceptional cases requiring urgent action on specific cases, the President may schedule the session within a shorter timeframe.

(3) The written notification for the session is accompanied by reports, draft decisions, i.e., resolutions, and, where necessary, other relevant materials.

(4) The President of the Court must propose the submitted reports for review within 30 days, otherwise, the judges are informed of the reasons for exceeding the deadline during a working meeting.

Agenda and Course of the Session

Article 32

(1) The session of the Constitutional Court commences with the determination of the agenda.

(2) For each agenda item, the judge-rapporteur first presents the case, after which a discussion is opened on the legal and factual issues in dispute, followed by a decision.

(3) A judge who is unable to attend the session may submit a written opinion on the case no later than three days before the session, which is communicated to the judges.

(4) If, during the discussion of a particular issue, the Court determines that there are grounds for changing an already established position or that additional study of the case is required, it postpones the decision to allow for a reassessment of the previously adopted position or further examination, providing guidelines for this purpose.

(5) In cases referred to in Paragraph 4 of this Article, the case is presented before the Court no later than the third subsequent session.

Adoption of Decisions and Resolutions

Article 33

Decisions, i.e., resolutions are adopted by a majority vote of the total number of judges of the Constitutional Court, unless otherwise provided by the Constitution or this Act.

Separate Opinion

Article 34

(1) A judge who voted against a decision or resolution, or who believes that it should be based on different legal grounds, may express a separate opinion and provide a written explanation.

(2) The separate opinion is submitted to the President of the Constitutional Court no later than 30 days from the date on which the text of the decision, i.e., resolution was finalised.

(3) The separate opinion is published in the official gazette in which the decision, i.e., resolution of the Court is published.

(4) If the written explanation of the separate opinion is not submitted within the deadline specified in Paragraph 2 of this Article, it is published additionally.

Minutes of the Session

Article 35

(1) Minutes are kept of the proceedings of the session and are adopted at the next session.

(2) The minutes includes: the date and place of the session, the names of the attending judges and other attendees - listed alphabetically by surname, the

adopted agenda, and the decision or conclusion on each agenda item, indicating the judges who voted in favour or against the decision.

(3) The minutes referred to in Paragraph 1 of this Article is not available to the public.

Initiation of Proceedings

Article 36

(1) Proceedings for reviewing the conformity of laws with the Constitution, the conformity of other regulations and collective agreements with the Constitution and laws, and the conformity of the programmes and statutes of political parties and association of citizens with the Constitution is initiated by a resolution of the Constitutional Court.

(2) In cases referred to in Paragraph 1 of this Article, the Court may, at its discretion, grant the adopters of the contested acts a deadline of no more than six months to amend the act in accordance with the reasoning of the Court expressed in the resolution.

(3) If the adopters fail to comply within the deadline set by the Court, the proceedings will continue.

Suspension of Execution

Article 37

(1) Upon the proposal of the submitter or at its own discretion, the Constitutional Court may, after initiating proceeding, until adopting a final decision, adopt a resolution to suspend the execution of individual acts or actions taken on the basis of a law, other regulation, or general act whose constitutionality or legality is being reviewed, if their execution could cause consequences that are difficult to eliminate.

(2) The resolution referred to in Paragraph 1 of this Article takes legal effect from the date of its adoption and will be published in the "Official Gazette of the Republic of North Macedonia."

(3) In cases referred to in Paragraph 1 of this Article, the Court is obliged to decide within three months.

(4) In its final decision, the Court will take out of force the resolution referred to in Paragraph 1 of this Article.

Rejection of an Initiative

Article 38

The Constitutional Court shall reject an initiative if:

- it does not have the competence to decide on the request;

- it has already decided on the same matter, and there are no grounds for a different decision; or
- there are other procedural obstacles to deciding on the initiative.

Termination of Proceedings

Article 39

The Constitutional Court shall terminate proceedings if:

- during the proceedings, the law, other regulation, or general act has ceased to be in force, and there are no grounds for reviewing its constitutionality, i.e, constitutionality and legality during its period of validity;
- during the proceedings, the initiative for reviewing constitutionality or legality is withdrawn, and the Constitutional Court does not find grounds to continue the proceedings on its own initiative;
- it is established that the initiation of proceedings was based on an incorrect factual situation;
- after determining the factual and legal circumstances, the grounds for questioning the constitutionality and legality are no longer present at the public hearing;
- the adopter of the act has acted within the specified deadline in accordance with the positions of the Court (Article 36, paragraph 2); and
- during the proceedings, the procedural prerequisites for its continuation cease to exist.

Preparatory Session

Article 40

(1) In order to clarify the factual and legal circumstances of specific cases, the Constitutional Court may, before initiating proceedings, decide to hold a preparatory session, inviting participants in the proceedings, expert bodies and organisations, as well as scholars and legal experts determined by the Court.

(2) The invitation to the preparatory session includes the claims from the initiative to initiate proceedings for reviewing the constitutionality of a law or the constitutionality and legality of a regulation or general act, as well as the legal situation and the disputed legal matters raised in the preliminary proceeding.

(3) The preparatory session is chaired by the President of the Constitutional Court.

(4) The judge-rapporteur on the case informs those present of the factual and legal situation, as well as the disputed matters raised in the preliminary proceeding. The President of the Court then invites the attendees to express their views and opinions, i.e., the views and opinions of the bodies and organisations they represent.

(5) During the preparatory session, judges may ask questions regarding the disputed legal and factual matters relevant to the decision of the Court.

Public Hearing

Article 41

(1) The Constitutional Court decides at a session for holding a public hearing, in which, in addition to the participants in the proceeding, determines which bodies, organisations, scholars, and legal experts should be invited to the hearing, along with notifying the media.

(2) A public hearing may be held after proceedings have been initiated to review the constitutionality of a law or the constitutionality and legality of a regulation or other general act.

(3) The public hearing is scheduled and chaired by the President of the Constitutional Court.

(4) The President of the Court notifies the judges in writing of the date and time of the hearing no later than ten days before it is held. In exceptional cases requiring urgent action, a shorter notice period may be applied.

Report for the Public Hearing

Article 42

The report for the public hearing includes: the essence of the request set out in the initiative, a brief summary of the response and other notifications from the participants in the proceedings, the legal and factual situation established up to the public hearing, and the disputed legal matters.

Invitation to the Public Hearing

Article 43

(1) The invitation to the public hearing is delivered to the participants in the proceedings, or their representatives or authorised agents, as well as to other invited persons, bodies, and organisations.

(2) At least ten days must elapse between the delivery of the invitation and the date of holding the public hearing, however, in exceptional cases requiring urgent action, a shorter period may be determined.

(3) The invitation to the public hearing contains the essence of the request set out in the initiative, the legal and factual situation established up to the public hearing, and the disputed legal matters.

Quorum for Holding a Public Hearing

Article 44

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

Course of the Public Hearing

Article 45

(1) At the beginning of the hearing, the President of the Constitutional Court informs those present about the case to be discussed and which of the invited persons are in attending the hearing.

(2) The judge-rapporteur presents an introductory statement on the case of the hearing. In the event of their inability to do so, the President of the Constitutional Court designates another judge. If multiple judges participated in the preliminary proceedings, the judge-rapporteur is the one assigned to the case according to the work schedule unless the judges agree otherwise.

(3) Following the presentation of the judge-rapporteur, the participants in the hearing present and explain their opinions and facts of interest for clarifying the state of the case.

(4) During the public hearing, the judges of the Constitutional Court may ask questions and request clarifications from the participants in the proceedings and other invited persons regarding the matters that are subject of the public hearing, without expressing their own opinions.

(5) Depending on the course of the hearing, upon the proposal of the President or a judge, the Court may decide to suspend the hearing.

Presentation of Evidence at the Public Hearing

Article 46

(1) The Constitutional Court decides whether the evidence presented in the preliminary proceedings shall also be presented at the hearing.

(2) If new evidence, which was not presented in the preliminary proceedings, is identified during the hearing, such evidence shall be presented at the hearing.

Postponement of the Public Hearing and Preparatory Session

Article 47

(1) The Constitutional Court may decide, either at the proposal of the participants in the proceedings or on its own assessment, to postpone the public hearing or the preparatory session for a definite or indefinite period to obtain necessary data, notifications, or opinions.

(2) If, during the public hearing, the Constitutional Court decides to review the constitutionality and legality of provisions of a general act that were not contested in the initiative or were not covered by the resolution to initiate proceedings, the Constitutional Court shall postpone the public hearing and set a deadline for the adopter of the act to provide a response.

Continuation of the Public Hearing and Preparatory Session

Article 48

If the submitter withdraws the initiative for initiating proceedings during the public hearing or the preparatory session, the Constitutional Court shall continue with the public, i.e., preparatory session if the matter is of broader constitutional-legal significance.

Conclusion of the Public Hearing

Article 49

When the Constitutional Court determines that the discussion on the case has been exhausted, the President of the Court concludes the public hearing and inform the participants in the proceedings about the manner in which the decision will be announced.

Minutes of the Public Hearing

Article 50

(1) Minutes are kept regarding the course of the discussion.

(2) The minutes contain: the time and place of the public hearing, the composition of the Constitutional Court, the participants present and other invited persons, a brief summary of the statements made by the participants in the proceedings and other invited persons, newly proposed evidence, questions asked, and answers provided during the hearing.

(3) The minutes are recorded by the advisor working on the case and signed by the President of the Constitutional Court and the person taking notes of proceedings.

(4) If stenographic notes are taken or the hearing is audio recorded, the stenographic notes form an integral part of the minutes.

(5) The minutes referred to in Paragraph 1 of this article are not available to the public.

Deliberation and Voting

Article 51

(1) When, following the public hearing, i.e., the session, the Constitutional Court determines that the case has been sufficiently clarified, deliberation and voting takes place.

(2) Deliberation and voting are conducted without the presence of the public.

(3) Judges of the Constitutional Court who did not attend the public hearing, i.e., the session may also participate in the deliberation and voting.

(4) During deliberation, the Constitutional Court may decide to postpone the decision-making process or to hold a new hearing.

(5) Before deciding on the essence of the case, if necessary, the judges of the Constitutional Court vote on individual matters that are essential for adopting a decision.

Minutes of the Deliberation and Voting

Article 52

(1) Separate minutes are prepared for the deliberation and voting.

(2) The minutes of the deliberation and voting contain: the date of the deliberation and voting, the names of the judges of the Constitutional Court who participated in the deliberation and voting, the key content of the deliberation, the voting results, the adopted decision, and the names of the judges who voted in favour and against the decision.

(3) The minutes of the deliberation and voting shall be signed by the President of the Constitutional Court and the person taking down notes of proceedings.

(4) The minutes of the deliberation and voting are kept in a sealed envelope, which may only be opened by decision of the Court.

2. Proceedings for the Protection of Freedoms and Rights Established by Article 110, Indent 3 of the Constitution

Request for the Protection of Freedoms and Rights under Article 110, Indent 3 of the Constitution

Article 53

(1) Any natural or legal person who considers that an individual act or action by a state authority, a body of a unit of local self-government, or another entity exercising public authority has violated their freedom or right as established by Article 110, Indent 3 of the Constitution, may submit a request to the Constitutional Court for their protection.

(2) The request on behalf of and in the name of another person may be also submitted by the Ombudsman.

(3) The request may be submitted after all regular and extraordinary legal remedies against the individual act have been exhausted, within 60 days from the receipt of the act exhausting legal remedies, or within 60 days from the date the applicant became aware of the action taken, but no later than one year from the date of the action.

(4) The request mandatory contains: the full name of the applicant, i.e., the name of the legal entity if the applicant is a legal person; the unique identification number of the applicant, i.e., the unique identification number of the subject of registration (EMEC) for legal entities; the place of residence of the applicant, i.e., registered seat if a legal entity; the name and surname of the authorised agent; information about the individual act that the applicant claims has violated their freedoms and rights, i.e., a description of the action that, according to the applicant, constitutes a violation of freedoms and rights; a reference to the freedoms and rights established under Article 110, Indent 3 of the Constitution that the applicant considers to have been violated; claims detailing the nature of the violation; the signature of the applicant, i.e., the person holding a special authorisation for submitting the request to the Constitutional Court.

(5) The request is accompanied by the contested individual act, evidence proving that legal remedies have been exhausted, as well as other relevant evidence significant for the decision-making process.

Submission of a Response

Article 54

(1) The request is forwarded for a response to the adopter of the individual act or to the authority, i.e., entity exercising public authority that undertook the action, within five days from the date the case was assigned for processing.

(2) The deadline for submitting a response is 15 days from the date of receipt.

Report for the Session

Article 55

(1) A report for the session is submitted no later than 90 days from the date the case was assigned for processing, or the Court is informed of the reasons for exceeding the deadline.

(2) The report referred to in Paragraph 1 of this Article, as a rule, includes an overview of the case law of the European Court of Human Rights relevant to the case.

Public Hearing

Article 56

(1) The Constitutional Court, as a rule, decides on the protection of freedoms and rights based on a public hearing.

(2) Participants in the proceedings and the Ombudsman are invited to the public hearing, and if necessary, other persons, bodies, or organisations may also be summoned.

(3) The public hearing may proceed even if some of the participants in the proceedings or the Ombudsman are absent, provided they have been duly invited.

Decision on the Protection of Freedoms and Rights Established by Article 110, Indent 3 of the Constitution

Article 57

(1) By the decision on the protection of freedoms and rights under Article 110, Indent 3 of the Constitution, the Constitutional Court shall determine whether a violation has occurred or shall reject the request.

(2) In the decision establishing a violation of the freedoms and rights provided by Article 110, Indent 3 of the Constitution, the Court shall also determine the manner of eliminating the consequences resulting from the application of the individual act or action that violated those rights and freedoms.

Suspension of the Execution of an Individual Act or Action

Article 58

During the proceedings initiated upon a request for the protection of freedoms and rights established by Article 110, Indent 3 of the Constitution, the Constitutional Court may adopt a resolution to suspend the execution of the individual act or action until a final decision is adopted, if it determines that its execution could cause consequences that are difficult to eliminate.

Termination of Proceedings

Article 59

The Constitutional Court shall terminate the proceedings initiated upon a request if:

- the applicant withdraws the request;

- due to the death of the applicant or
- other procedural obstacles exist that prevent further action and decision-making on the request.

3. Proceedings for Revocation of Immunity, Determination of Answerability, and Determination of the Applicability of Conditions for Cessation of the Office of the President of the Republic

Revocation of Immunity

Article 60

(1) The Constitutional Court decides on the revocation of the immunity of the President of the Republic upon the proposal of authority with competence before which a request for a detention measure has been submitted.

(2) Upon receiving the proposal referred to in Paragraph 1 of this Article, the President of the Court, as soon as possible, schedules a session to establish the Commission referred to in Article 63 of this Act.

(3) The Commission reviews the proposal and submits a report to the President of the Court within two days.

(4) The Court session at which the proposal is decided upon is held within two days of receiving the report referred to in Paragraph 3 of this Article.

(5) The President of the Republic is also notified of the session.

Establishment of the Answerability of the President of the Republic

Article 61

(1) The procedure for establishing the answerability of the President of the Republic for violations of the Constitution and laws in the exercise of their rights and duties is considered initiated from the date the proposal is submitted by the Assembly of the Republic of North Macedonia.

(2) The proposal contains a description and evidence of the violation of the Constitution and the law that is attributed to the President of the Republic of North Macedonia.

(3) The Constitutional Court shall request the President of the Republic to respond to the allegations contained in the proposal submitted by the Assembly of the Republic of North Macedonia.

(4) The President of the Republic participates in the proceedings before the Court regarding the establishment of answerability.

(5) If the Constitutional Court determines the answerability of the President of the Republic, their term in office is terminated by virtue of the Constitution, effective from the date of adoption of the decision establishing their answerability.

(6) The Constitutional Court is obliged to decide within 30 days from the date the proposal is submitted by the Assembly of the Republic of North Macedonia.

Determination of Applicability of the Conditions for the Cessation of Office

Article 62

(1) The Constitutional Court determines, by official duty, the applicability of conditions for the cessation of the office of the President of the Republic due to death, resignation, permanent incapacity to perform the office, or expiration of the mandate by virtue of the Constitution.

(2) The occurrence of permanent incapacity to perform the office, as referred to in Paragraph 1 of this Article, is determined at a session of the Court, based on acts, findings, and expert opinions from medical or other institutions or authorities.

(3) Based on the determination of the applicability of conditions for the cessation of the office of the President of the Republic, the Court shall also determine the date on which the office was terminated.

Commission

Article 63

The Constitutional Court, by lot, appoints a commission composed of three judges of the Court to examine the circumstances, facts, and evidence relevant to the decision of the Court in the cases referred to in Articles 60 to 62 of this Act.

4. Procedure for Resolving Conflict of Competence

Proposal for Resolving a Conflict of Competence

Article 64

(1) A proposal for resolving a conflict of competence between the holders of legislative, executive, and judicial power, as well as between the authorities of the Republic and the units of local self-government, may be submitted by any of the bodies involved in the dispute.

(2) A proposal may also be submitted by any person who, due to the acceptance or rejection of competence by certain authorities, is unable to exercise their right.

(3) The deadline for submitting the proposal referred to in Paragraph 1 of this Article is three months from the entry into force or finality of the act by which the competence was accepted or rejected.

Prerequisites for Submitting a Proposal for Resolving a Conflict of Competence

Article 65

(1) The authorities referred to in Article 64 of this Act may submit a proposal for resolving a conflict of competence once one of the authorities has, by a final or legally binding act, accepted or rejected competence to decide on the same case.

(2) The entities referred to in Article 64 of this Act, who are unable to exercise their right due to the acceptance or rejection of competence, may submit a proposal for resolving the conflict of competence once both authorities have either accepted or rejected competence by a final or legally binding act.

Elements of the Proposal for Resolving a Conflict of Competence

Article 66

The proposal for resolving a conflict of competence contains: the subject matter of the dispute that led to the conflict, the bodies between which the conflict has arisen, and an indication of the final, i.e., legally binding acts by which the authorities have accepted or rejected competence over the same case.

Decision on the Proposal for Resolving a Conflict of Competence

Article 67

By its decision resolving the conflict of competence, the Constitutional Court determines the authority with competence for deciding on the case.

Suspension of the Execution of Individual Acts

Article 68

During the proceeding, the Constitutional Court may adopt a resolution to suspend the execution of individual acts of the authorities involved in the conflict of competence until a final decision is adopted.

5. Procedure for Revocation of Immunity and Determination of Permanent Incapacity to Perform the Office of a Judge of the Constitutional Court

Proceedings of the Constitutional Court

Article 69

(1) The Constitutional Court decides, at a session by a two-thirds majority of the total number of judges, on the determination of a permanent incapacity of a judge to perform their function, as well as on the revocation of their immunity.

(2) The permanent incapacity referred to in Paragraph 1 of this Article is determined by official duty, based on acts, findings, and expert opinions from medical and other institutions and authorities that establish the health or other incapacity.

(3) The Court, by lot, appoints a commission composed of three judges of the Constitutional Court to examine the circumstances, facts, and evidence relevant to decision-making in the cases referred to in Paragraph 1 of this Article.

(4) The provisions governing the procedure for revocation of the immunity of the President of the Republic are adequately applied to the procedure for revocation of the immunity of a judge of the Constitutional Court.

6. Application of the Provisions of This Act in the Court Proceedings

Corresponding Application

Article 70

The provisions of this Act concerning the proceeding for reviewing the conformity of laws with the Constitution, the conformity of other regulations and collective agreements with the Constitution and laws, and the conformity of the programmes and statutes of political parties and associations of citizens with the Constitution apply correspondingly to procedures for the protection of freedoms and rights established in Article 110, Indent 3 of the Constitution; the revocation of immunity, determination of answerability, and determination of the applicability of the conditions for the cessation of the office of the President of the Republic; the resolution of conflict of competence; and the revocation of immunity and determination of the permanent incapacity to perform the office of a judge of the Constitutional Court, unless otherwise provided by this Act.

IV. ACTS OF THE CONSTITUTIONAL COURT

Types of Acts

Article 71

The Constitutional Court adopts decisions and resolutions.

Decisions

Article 72

The Constitutional Court adopts a decision when decides on the substance of a case, specifically:

- to annul or repeal a law and other regulation, programme or statute of a political party or associations of citizens, or other general act;

- for the protection of freedoms and rights established in Article 110, Indent 3 of the Constitution;
- for resolving conflict of competence;
- for revocation of immunity, determination of answerability, and determination of the applicability of the conditions for the cessation of the office of the President of the Republic of North Macedonia;
- for immunity and conditions for dismissal from office of a judge of the Constitutional Court of the Republic of North Macedonia; and
- for determining the unconstitutionality of a law, i.e., the unconstitutionality and illegality of a regulation or other general act during its validity, even if it ceased to be in force after the initiation of the proceeding.

Resolutions

Article 73

The Constitutional Court adopts a resolution:

- to initiate proceedings for reviewing the constitutionality of a law, the constitutionality and legality of a regulation or other general act, and the constitutionality of a statute and programme of a political party or association of citizens;
- to terminate proceedings;
- to reject initiatives, proposals, and requests;
- to suspend the execution of individual acts or actions adopted based on a law, regulation, or other general act whose constitutionality, i.e., constitutionality and legality, is under review; and
- in other cases where it does not rule on the substance of the matter.

Circumstances for Decision-Making

Article 74

When deciding whether to annul or repeal a law, regulation, or other general act, the Constitutional Court takes into account all circumstances that are relevant to the protection of constitutionality and legality, particularly the gravity of the violation, its nature and significance for the exercise of freedoms and rights of the citizens or for the relations established based on those acts, legal certainty, and other circumstances relevant to the decision-making process.

Content of Decisions and Resolutions

Article 75

(1) The decisions and resolutions of the Constitutional Court include a designation stating that they are issued by the Constitutional Court of the Republic of North Macedonia, the names of the judges who participated in adopting the

decision, i.e, the resolution, the name, i.e., the title and registered office of the submitter of the initiative, i.e., the proposal, the dispositive part, explanation, and the majority by which they were adopted.

(2) The draft text of the decision, i.e., the ruling is prepared by the judge-rapporteur and the advisor who conducted the preliminary proceedings.

(3) As a rule, the draft resolution, i.e., the draft decision is submitted no later than three days before the session.

Finalisation of the Text

Article 76

(1) The text of the decision, i.e., the resolution is finalised no later than the second subsequent session of the Constitutional Court and is edited by the Editorial Commission.

(2) The text of the decision, i.e., the resolution finalised in session is edited by the Editorial Commission, as a rule, within seven days.

(3) If, during the editing process, the Editorial Commission identifies obvious errors in the text of the decision or resolution, it shall inform the Court at the next session.

Signing of Decisions and Resolutions

Article 77

The finalised text of the decision, i.e., the resolution is signed by the President of the Constitutional Court and the judge-rapporteur.

Delivery of Decisions and Resolutions

Article 78

A copy of the final text of the decision, i.e., the resolution is delivered to the participants in the proceedings and for publication within three days from the date of signing.

Publication of Decisions and Resolutions

Article 79

(1) The decisions of the Constitutional Court are published in the “Official Gazette of the Republic of North Macedonia.”

(2) The Constitutional Court may also decide to publish specific resolutions in the “Official Gazette of the Republic of North Macedonia.”

Corrections to Decisions and Resolutions

Article 80

(1) If the original text of a decision, i.e., the resolution contains technical errors or if the copy does not correspond to the original text, the Court makes a correction by resolution, based on a notification from the judge-rapporteur.

(2) The correction is delivered to the participants in the proceedings and published in the same manner as the decision, i.e., the resolution if it had previously been published.

V. LEGAL EFFECT OF THE DECISIONS OF THE CONSTITUTIONAL COURT

Legal Effect of Decisions

Article 81

The decisions of the Constitutional Court are final, executive, and legally binding on all legal entities.

Repeal

Article 82

A decision of the Constitutional Court of the Republic of North Macedonia repealing a law, regulation, or other general act takes legal effect from the date of its publication in the "Official Gazette of the Republic of North Macedonia."

Enforcement of Final Individual Acts Adopted on the Basis of a Repealed or Annulled Law or Other General Act

Article 83

The enforcement of final individual acts adopted on the basis of a law, regulation, or other general act that has been repealed or annulled by a decision of the Court is not permitted or implemented, and If enforcement has already commenced, it shall be halted.

Exercise of Rights Violated by an Individual Act Adopted on the Basis of an Annulled Law or Other General Act

Article 84

Any person whose right has been violated by a final or legally binding act adopted on the basis of a law, regulation, or other general act that has been annulled by a decision of the Constitutional Court has the right to request the authority with competence to annul that individual act within five years from the date of publication of the decision of the Court in the "Official Gazette of the Republic of North Macedonia."

VI. ENFORCEMENT OF THE DECISIONS OF THE CONSTITUTIONAL COURT

Commencement of Enforceability and Impossibility of Delayed Execution

Article 85

(1) The obligation to enforce the decisions of the Constitutional Court commences from the date of their publication in the "Official Gazette of the Republic of North Macedonia."

(2) The decisions of the Constitutional Court shall be executed without any delay.

Monitoring the Enforcement of Decisions

Article 86

The Constitutional Court, by official duty, monitors the enforcement of its decisions and may request data and information from any person regarding the measures taken to implement the decision.

Request for the Enforcement of Decisions

Article 87

Any person with a legal interest may request the enforcement of the decisions of the Constitutional Court.

Determination of the Manner of Enforcement of Decisions

Article 88

The Constitutional Court may, at its discretion, specify the manner and deadline for enforcement in its decision or to adopt a separate resolution on the method of enforcement.

Enforcement by the Adopters of Acts and Authorities in Case of Violation of Freedoms and Rights under Article 110, Indent 3 of the Constitution

Article 89

(1) The decisions of the Constitutional Court are enforced by the adopter of the law, other regulation, or general act that has been annulled or repealed by a decision of the Court.

(2) The decisions by which the Court has established a violation of the freedoms and rights stipulated in Article 110, Indent 3 of the Constitution are enforced by the body or entity exercising public powers that adopts the individual act or undertook the action that the Constitutional Court has prohibited by its decision.

Ensuring Enforcement

Article 90

If necessary, the Constitutional Court requests public authorities to ensure the enforcement of its decision.

Determination of Non-Enforcement of a Decision of the Constitutional Court

Article 91

Based on previously obtained data and reports, the Constitutional Court may issue a separate resolution establishing that its decision has not been enforced and shall notify the public prosecutor's office with competence, as well as the authority that appointed or elected the head of the authority or body that has not enforced the decision of the Court.

VII. PUBLICITY OF THE WORK OF THE CONSTITUTIONAL COURT

Ensuring Publicity in the Work of the Constitutional Court

Article 92

(1) The publicity of the work of the Constitutional Court is ensured by informing the public through the media about the holding of sessions, public hearings, and preparatory meetings, by allowing the presence of participants in proceedings, other persons, authorities, organisations, and media representatives regarding decisions of the Court on matters of public interest.

(2) The Constitutional Court, as needed, but at least twice a year, organises press conferences.

(3) The Constitutional Court publishes collections of its decisions as a permanent source of information for the public regarding its decisions, expert opinions, and positions, as well as other publications when necessary.

(4) The agenda for the sessions of the Court is published in advance of their scheduled date.

Exclusion of the Public

Article 93

(1) The public may be excluded from a public hearing, session, or preparatory meeting of the Court if required by the interests of national security and defence, the protection of state, official, or professional secrets, or the safeguarding of morality.

(2) The public may also be excluded in other justified cases, as decided by the Court by a majority vote of all judges.

VIII. RIGHTS, DUTIES, AND STATUS OF JUDGES OF THE CONSTITUTIONAL COURT

Immunity

Article 94

(1) Judges enjoy the same immunity as members of the Assembly of the Republic of North Macedonia, as defined by the Constitution.

(2) A judge may not be detained without the approval of the Court, except if they are found in the act of committing a criminal offence punishable by at least five years of imprisonment.

(3) The Court may decide to apply immunity to a judge even if they have not invoked it, if necessary for the performance of his function.

(4) The proceeding for deciding on immunity of the judges is regulated by this Act.

Exemption from Liability for Voting or Position

Article 95

A judge may not be held criminally or otherwise liable, nor be detained, for any opinion expressed or vote cast in the Court.

Rights and Duties in the Performance of the Office

Article 96

A judge of the Constitutional Court:

- participates in the work and decision-making at the discussions and sessions of the Court;
- as a judge-rapporteur, leads the preliminary procedure on the assigned case and reports to the Court in session on the positions regarding the case;
- monitors and studies laws, other regulations, and general acts and may propose the initiation of proceedings for the review of the constitutionality of a specific law or the constitutionality and legality of a specific regulation or general act; and
- performs other duties prescribed by this and other acts of the Court.

Independence and Autonomy in Decision-Making

Article 97

A judge decides based on personal conviction and is free and independent in decision-making.

Guarantee for Procedural Conduct and Decision-Making

Article 98

(1) The information on which judge-rapporteur has been assigned a case remains confidential until the case is first presented at a session of the Court.

(2) The secrecy of the voting of the judges during the decision-making process of the Court is guaranteed.---

Prohibition of Influence

Article 99

No one may influence on the procedural conduct and decision-making of the judges of the Constitutional Court.

Exemption

Article 100

(1) If a judge becomes aware of circumstances indicating a conflict of interest as defined by law, they are obliged to request exemption from acting as a judge-rapporteur or from participating in the discussion and decision-making on the case.

(2) Another judge may also propose the exemption of a judge due to circumstances indicating a conflict of interest as defined by law, and must provide a justification for such a proposal.

(3) The Constitutional Court decides on the request for exemption under Paragraph 1 and the proposal under Paragraph 2 of this Article within three days.

(4) A request for the exemption of a judge may also be submitted by the applicant for the protection of freedoms and rights under Article 110, Indent 3 of the Constitution, as well as by the submitter of a proposal for resolving a conflict of competence.

(5) The Court decides on the exemption by a majority vote of all judges, and the judge whose exemption is sought does not participate in the decision-making.

Public Expression of Opinions on Matters that are the subject of dispute

Article 101

A judge does not publicly express opinions on matters that are the subject of a dispute before the Constitutional Court.

Special Rights

Article 102

The special rights of a judge of the Constitutional Court in the performance of office include protection of their person, family and property, upon their request or at the request of the President of the Court to the police in their place of residence, whenever serious reasons exist for their safety and the right to reimbursement of travel expenses if their place of residence is outside the seat of the Court.

Identification Document

Article 103

(1) The Constitutional Court issues an identification document to the appointed judge.

(2) The form and content of the judicial identification document, as well as the procedure for its issuance and revocation, are regulated by a separate act of the Court.

IX. FINANCIAL INDEPENDENCE OF THE CONSTITUTIONAL COURT

Provision of Funds

Article 104

The funds for the operation and functioning of the Constitutional Court are provided from the state budget.

Use of Budgetary Funds

Article 105

(1) The Constitutional Court has full autonomy in managing, allocating, and determining the purpose of the funds provided in the section of the Budget of the Republic of North Macedonia designated for the Constitutional Court.

(2) The funds allocated to the Court in the state budget may not be reduced, nor their execution be suspended, delayed, or restricted without the consent of the Court.

Mandatory Consultation

Article 106

When proposing and determining the maximum amounts of approved funds for the next three fiscal years for budget users within the central government and for the funds, the Ministry of Finance and the Government of the Republic of North Macedonia consult the Court regarding the section of the budget pertaining to the Court.

Legal Regulation

Article 107

The proceeding for determining the draft budget request of the Court is regulated by this act.

Draft Budget Request

Article 108

(1) The Court determines the draft budget request in accordance with the regulations and submit it to the Ministry of Finance for review.

(2) The minister in charge of the administrative body referred to in Paragraph 1 of this Article provides the Court with a reasoned opinion on the draft budget request.

(3) If there are objections to the draft budget request of the Court, consultations may be held.

(4) Based on the received opinion and held consultations, the Court determines the final draft budget request and submit it to the Government of the Republic of North Macedonia.

(5) The Government of the Republic of North Macedonia incorporates the final proposal from Paragraph 4 of this Article into the Draft Budget of the Republic of North Macedonia.

X. COOPERATION WITH CONSTITUTIONAL COURTS OF OTHER STATES, INTERNATIONAL ORGANISATIONS AND BODIES, AND HIGHER EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

Cooperation

Article 109

(1) In the exercise of its competence and duties, the Court cooperates with constitutional courts of other states, international organisations and bodies, and higher educational and scientific institutions on matters of significance for the development and advancement of constitutional-judicial thought and practice.

(2) In implementing the cooperation referred to in Paragraph 1 of this Article, the Court may initiate discussions on specific matters, participate in their resolution through joint conferences and other professional gatherings, exchange opinions, information, and other materials, and engage in other forms of cooperation.

XI. INTERNAL ORGANISATION AND OPERATIONS

Decision-Making on Internal Organisation and Operations

Article 110

Regarding matters within the domain of internal organisation and operations, the Constitutional Court:

- adopts acts regulating the organisation of work and procedures before the Court;
- establishes general opinions on matters of significance for the protection of constitutionality, legality, and the freedoms and rights enshrined in the Constitution;
- adopts acts on internal organisation and systematisation of job positions, as well as other acts concerning the Service of the Court;
- adopts an act regulating the salaries of employees within the Service;
- adopts an act on the procedures for employment and promotion within the Service;
- appoints and dismisses the Secretary-General of the Constitutional Court;
- decides on employment and promotion within the Service; and
- designates representatives of the Court to participate in consultations, other professional gatherings, and discussions to which the Court is invited.

XII. SECRETARY-GENERAL

Conditions for Appointment, Term in office, and Accountability

Article 111

(1) The Constitutional Court has a Secretary-General (hereinafter: Secretary).

(2) The Court appoints the Secretary from among the advisors of the Court for a term in office of four years, with the possibility of reappointment to the same position.

(3) The Secretary are accountable to the Court for their work and the operations of the Service, as well as to the President of the Court for the tasks assigned to them.

Powers and Responsibilities

Article 112

The Secretary:

- manages the Service and ensure the improvement of its operations;
- oversees orderliness and efficiency in case management and the preparation of other materials and, for that purpose, convene and chair working meetings of the Service;
- decides on the rights, duties, and responsibilities of employees arising from their employment relationship;
- monitors the implementation of the decisions of the Constitutional Court and reports to the Court thereon;
- acts as the authorising officer for the execution of the revenue and expenditure calculations of the Court; and
- performs other duties as prescribed by this act, other acts of the Court, and tasks assigned by the Court and the President of the Court.

Deciding on the Secretary's Employment Rights and Obligations

Article 113

The President of the Court decides on the rights and obligations arising from the Secretary's employment relationship.

Substitution of the Secretary

Article 114

In case of absence or inability to perform duties, the Secretary may authorise one of the advisors of the Court to act as their substitute in exercising their powers.

XIII. SERVICE OF THE CONSTITUTIONAL COURT

Service

Article 115

(1) The professional and other administrative tasks within the Court are performed by the Service of the Constitutional Court.

(2) The Service consists of the Secretary, advisors of the Court, independent advisors, advisors, expert associates, junior associates, and administrative and technical staff.

(3) Organisational units are established within the Service, where job positions and the number of employees are systematised.

(4) The Court has full autonomy in regulating the organisation of the Service, determining its tasks, prescribing the conditions and responsibilities for positions

within the Service, deciding on employment and promotion, regulating the disciplinary responsibility of employees, and determining their salaries, without being subject to decisions by any other authority.

Status of Employees in the Service

Article 116

(1) Employees of the Service have the status of public sector employees.

(2) The classification of the group, subgroup, category and levels, and job codes within the Service, in accordance with the applicable regulations, are determined by a special act of the Court and incorporated into the Catalogue of Job Positions in the Public Sector maintained by the ministry with competence.

(3) In adopting the act referred to in Paragraph 2 of this Article, the Court takes into consideration the responsibility, objectives, type and complexity of the work and duties, the required professional qualifications, relevant work experience in the profession, and other criteria significant for the job position.

Functions Performed by the Service

Article 117

The Service:

- conducts theoretical, comparative, and other types of research and analyses on legal matters relevant to constitutionality and legality;
- performs preliminary analytical processing of initiatives and proposals upon which cases are formed;
- monitors the constitutional-judicial case-law of constitutional courts in other countries;
- prepares reports, draft decisions and resolutions, and other acts of the Court;
- carries out administrative, financial, organisational-technical, documentary, and other tasks required by the Court; and
- performs other duties in accordance with the organisational and systematisation acts and other regulations concerning the Service.

Adequate and Equitable Representation

Article 118

During recruitment and promotion within the Service, the principle of adequate and equitable representation of citizens belonging to all communities shall be observed.

Method of Work Execution

Article 119

The professional-analytical functions of the Service are executed directly, through working groups and professional collegiums, depending on the significance of the legal matters arising in the work of the Constitutional Court.

Applicable Regulations

Article 120

The general regulations on employment relations, collective agreements, this act, and other acts of the Court are applied to employment-related matters concerning the employees of the Service.

Authority of Second Instance with Competence

Article 121

The State Commission for Decision-Making in Administrative Procedures and Employment Procedures in Second Instance is the authority with competence for appeals and complaints related to employment matters of the employees of the Service.

XIV. LIBRARY AND INFORMATION SYSTEM OF THE CONSTITUTIONAL COURT

Provision of Conditions

Article 122

(1) The Constitutional Court ensures the necessary conditions for the operation of its library and information system.

(2) The proposed budget request of the Court mandatorily includes funds for the functioning of the library and information system.

XV. TRANSITIONAL AND FINAL PROVISIONS

Proceedings for Cases Formed Before the Entry into Force of This Act

Article 123

The proceedings for cases initiated in accordance with the Rules of Procedure of the Constitutional Court of the Republic of North Macedonia ("Official Gazette of the Republic of Macedonia" No. 70/1992 and "Official Gazette of the Republic of North Macedonia" No. 202/2019, 256/2020, and 65/2021) shall continue and be concluded in accordance with the provisions of this Act.

Application of Acts

Article 124

The acts concerning the Service shall remain in force after the entry into force of this Act until the adoption of new acts.

Delayed Application

Article 125

(1) The provisions of this Act concerning the procedure for the protection of freedoms and rights established in Article 110, Indent 3 of the Constitution, as well as Articles 10 and Article 11, Paragraph 2 of this Act, shall apply from 1 January 2025.

(2) Electronic submission of applications shall commence on 1 January 2025.

Termination of Validity

Article 126

As of the date of entry into force of this Act, the Rules of Procedure of the Constitutional Court of the Republic of North Macedonia cease to apply, except for the provisions of Chapter IV of this Act, which remains in effect until 31 December 2024.

Publication and Entry into Force

Article 127

This Act shall be published in the "Official Gazette of the Republic of North Macedonia" and shall enter into force on 1 September 2024.

Su. No. 639/24
Skopje, 28 May 2024

President of the Constitutional Court
of the Republic of North Macedonia
Dobriła Kacarska