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REPORT

OF

OMBUDSPERSON

R. no. 1326/2024

on the negative impact of municipal waste on the private life of citizens

To: Mr. Përparim Rama, Mayor
Municipality of Prishtina

Prishtina, July 23rd, 2025

Purpose of the Report

This Recommendation Report aims to address the concerns of citizens regarding environmental and air pollution caused by the operation of municipal waste containers placed near citizens' residences at "Afrim Loxha" Street, 3/1, Prishtina.

The Report seeks to highlight the fundamental rights of citizens to enjoy quality living in a clean, safe, and healthy environment, and reflects the positions and findings of the Ombudsperson regarding the State's positive obligations to act toward a sustainable solution for waste management.

This Report is based on the individual complaint submitted by Mr. Nexhat Xharra to the Ombudsperson Institution, on the information received from the Municipality of Prishtina, as well as on the data from the report of the National Institute of Public Health of Kosovo (NIPHK), dated March 28, 2025, regarding the risk assessment of air pollution and odour caused by the accumulation of municipal waste near residential buildings at "Afrim Loxha" Street 3/1, in Prishtina.

Legal Basis of the Ombudsperson

According to Law No. 05/L-019 on the Ombudsperson, the Ombudsperson, among others, has the following competencies and responsibilities:

- *"The Ombudsperson has the power to investigate complaints received from any natural or legal person related to assertions for violation of human rights envisaged by the Constitution, Laws and other acts, as well as international instruments of human rights, particularly the European Convention on Human Rights, including actions or failure to act which present abuse of authority."* (Article 16, paragraph 1).
- *"to draw attention to cases when the institutions violate human rights and to make recommendation to stop such cases and when necessary to express his/her opinion on attitudes and reactions of the relevant institutions relating to such cases."* (Article 18, paragraph 1, sub-paragraph 1.2).

Summary of Facts and Actions of the Ombudsperson

1. On December 31, 2024, based on Article 16, paragraph 1, of Law No. 05/L-019 on the Ombudsperson, the Ombudsperson received the complaint of Mr. Nexhat Xharra, filed against the Municipality of Prishtina for failure to respond to his request. According to the complainant's statements and the documentation submitted to the Ombudsperson Institution (OI), on August 12, 2024, Mr. Xharra addressed the Municipality of Prishtina, namely the Directorate of Public Services, Protection and Rescue, with Request No. 07-352/13-105168/24, requesting the removal of five waste containers placed by the Municipality of Prishtina near his residence at "Afrim Loxha" Street 3/1 in Prishtina. According to the complainant, the containers placed near his home have made life difficult for him and his family due to the odour and air pollution. Furthermore, the situation, according to Mr. Xharra's claims, has made it impossible to naturally ventilate the apartment through the windows. The complainant stated that, by the time the complaint was submitted to the OI, he had not received any response from the Municipality of Prishtina regarding his request.

2. On February 1, 2025, the Ombudsperson addressed a letter to the Mayor of the Municipality of Prishtina, requesting information on the actions taken or planned to be taken by the Municipality of Prishtina regarding the issue raised by the complainant.
3. On March 18, 2025, the Ombudsperson received a response from the Mayor of the Municipality of Prishtina, which informed the Institution about the reply that the Municipality had addressed to the complainant on December 23, 2024. In the response addressed to the complainant, the Head of the Waste Management Sector, through the Directorate of Public Services, stated that after reviewing Mr. Xharra's request, despite the willingness to assist, such a request could not be fulfilled, as the containers belong to the residential block and the location where they were placed was deemed most suitable for container placement.
4. On March 20, 2025, based on the circumstances of the case, the representative of the OI sent a request via email to the National Institute of Public Health of Kosovo (NIPHK), asking, in accordance with the competencies defined by Law No. 02/L-78 on Public Health, under which: *"The NIPHK researches the environment factors which harm public health and proposes the protection measures for preventing the health harmful effects"*, to assess the impact on the environment and the health of the residents of the building at "Afrim Loxha" Street 3/1 in Prishtina from the containers placed near their residences.
5. On March 28, 2025, the Ombudsperson received a response from the NIPHK, which, through the report from the site inspection conducted on March 26, 2025, identified the following findings:

"The findings on the ground are as follows:

- *The five containers in this neighbourhood are also used for waste disposal from other neighbourhoods such as Taslixhe, Kacallarët, Kolovica, Sofalia, the public kindergarten, and nearby kebab shops.*
 - *Near the containers, there is a children's playground, and during warm days, there is a foul odour, insects, rodents, cats, and dogs.*
 - *Around the containers, ash from businesses and inert waste have been dumped, which the "Pastrimi" company does not collect.*
 - *Residents showed us recordings indicating that waste in the containers is often set on fire.*
 - *During the visit, we encountered staff from the day-care centre disposing of children's waste (leftover food, diapers, soaked mattresses) in the same containers, as the preschool facility does not have its own containers for waste disposal."*
6. Based on the on-site findings, the NIPHK assessed the health effects resulting from exposure to waste. The assessments of the NIPHK are outlined below:
 - *Improper disposal of urban waste contributes to soil, water, and air pollution. The health effects of exposure to waste include:*
 - *Potential health risks for workers handling waste.*
 - *Potential risk to residents, as waste serves as a suitable environment for the growth and reproduction of insects and rodents, which act as vectors for the transmission of various infectious diseases.*

- *Potential risk of attacks from stray dogs and cats searching for food in and around the waste containers.*
- *Stray dogs and cats scatter the waste, further increasing the risk of infectious diseases.*
- *The presence of stray dogs and cats potentially increases the noise level in the neighbourhood.*
- *Potential risk of mechanical injuries (from glass, sharp and pointed objects) found in the waste around the containers, especially for children playing in the nearby park and for individuals collecting recyclable waste.*
- *Potential risk for children playing in the nearby playground, due to the hazards mentioned above.*
- *The lids of the containers are open and exposed to weather conditions.*
- *The unpleasant odour from the waste is constantly present.*
- *Burning the contents of the containers further deteriorates air quality.*

7. Based on the on-site findings and assessments, the NIPHK has presented recommendations for the Municipality of Prishtina, which are reflected in the final part of the report.

Legal Basis

Provisions of the Constitution of the Republic of Kosovo and of the European Convention on the Protection of Human Rights and Fundamental Freedoms, relevant to the present case.

Constitution of the Republic of Kosovo

Article 7 [Values]

“1. The constitutional order of the Republic of Kosovo is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, the right to property, the protection of environment, [...]”

Article 21 [General Principles]

“1. Human rights and fundamental freedoms are indivisible, inalienable and inviolable and are the basis of the legal order of the Republic of Kosovo.

2. The Republic of Kosovo protects and guarantees human rights and fundamental freedoms as provided by this Constitution. [...]”

Article 52 [Responsibility for the Environment]

“1. Nature and biodiversity, environment and national inheritance are everyone’s responsibility.

2. Everyone should be provided an opportunity to be heard by public institutions and have their opinions considered on issues that impact the environment in which they live.

3. The impact on the environment shall be considered by public institutions in their decision making processes.”

Article 53 [Interpretation of Human Rights Provisions]

“Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights.”

The European Convention on the Protection of Human Rights and Fundamental Freedoms and its Protocols

Article 13 [Right to an effective remedy]

“Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

Article 8 [Right to respect for private and family life]

“1. Everyone has the right to respect for his private and family life, his home and his correspondence. [...]”

Legal Analysis

8. The assessments, conclusions, and findings of the Ombudsperson regarding case R. no. 1326/2024 are based on the rights guaranteed by the Constitution of the Republic of Kosovo, the relevant applicable laws in force, the European Convention on Human Rights (ECHR), and the case-law of the European Court of Human Rights (ECtHR).
9. The Constitution of the Republic of Kosovo guarantees the protection of the living environment in Chapter II [Fundamental Rights and Freedoms], and further ranks the environment and its protection among the core values of the constitutional order. Article 7 [Values] states: *“1. The constitutional order of the Republic of Kosovo is based on the principles of ..., respect for human rights and freedoms and the rule of law, non-discrimination, the right to property, **the protection of environment**, [...]”*
10. Furthermore, the Constitution sets out the responsibility for the living environment under Article 52 [Responsibility for the Environment], which in paragraph 1 expressly provides: *“Nature and biodiversity, environment and national inheritance are everyone’s responsibility.”* This article, as an important part of the legal framework, defines the responsibility of the State and of every individual to preserve the environment and to protect citizens’ rights to a clean and healthy environment.
11. The respect for private and family life is guaranteed by Article 36 of the Constitution [Right to Privacy] *“1. Everyone enjoys the right to have her/his private and family life respected, ...”*
12. The right to a clean and healthy environment, clean air, and the protection of health is safeguarded not only by the Constitution but also by international standards directly applicable in Kosovo, and in particular through the case-law of the ECtHR.
13. The constitutional provisions related to sustainable development and the protection of the living environment – specifically the protection of air from pollution and the protection of public health as a consequence of air pollution, including the responsibilities and legal obligations of public authorities – are regulated by the applicable laws in force, as follows:
 - Law no. 08/L-025 on Environmental Protection, Article 2 – General Provisions [...]: *“1. This law shall regulate the integral system of environmental protection, risk reduction for life and human health, according to the concept of sustainable development.”*
 - Law no. 08/L-025 on Protection of Air from Pollution, Article 1 [Purpose]: *“1. This Law aims to determine the competencies and responsibilities of the institutions in order*

to ensure the right of citizens to live in an environment with clean air, by protecting the human health, fauna, flora and natural and cultural values of the environment from air pollution.”

- Law No. 03/L-040 on Local Self-Government, in Article 17 [Own Competencies], explicitly states: “Municipalities shall have full and exclusive powers, insofar as they concern the local interest, while respecting the standards set forth in the applicable legislation in the following areas: [...] e) *local environmental protection*; f) *provision and maintenance of public services and utilities, including water supply, sewers and drains, sewage treatment, waste management, local roads, local transport, and local heating schemes*; i) *promotion and protection of human rights*; m) *public health*; p) *provision and maintenance of public parks and spaces*; [...].”
- Law no. 04/L-060 on Waste, clearly specifies in Article 1: “*This law aims to: [...] 1.4. prevention of negative effects of the waste in environment and in human health.*” Article 2 [Scope] of the law regulates waste management, plans for environmental management, rights and obligations of licensed persons who deal with waste management, manner and conditions of waste collection, transport, treatment, [...]. Article 15 [Responsibilities and duties of municipalities]: “*1. Responsibilities and duties of municipalities to implement the provisions of this law are: [...] 1.1. establishment of waste management system under the principle of waste management hierarchies for their territory, the development of local plans for waste management under Article 10 of this Law and the creation of conditions and care for its implementation. [...] 1.3. municipalities shall be responsible for implementation of municipal plan; [...] 1.9. identification of contaminated sites on their territory and develop projects for their rehabilitation, which includes notes about the location, spatial geometric features, type of pollution and waste quantity, the deadlines for improving the situation and other important data for the implementation of projects. [...] 3. Municipality exercises supervision and control measures and waste management activities in its territory, through the municipal inspectors on environment. [...] 5. The municipality is obliged to provide care and remove wastes that are dumped in public spaces or in waste dumps outside its territory. 6. If the responsible person for waste management in accordance with legal responsibility does not care for thrown wastes by unknown person, the responsibility for those wastes will take the municipality. [...].*” Article 22 [Organization of waste management]: “*1. Waste management is organized in ways to not appear damages and risks to a human health and the environment, in accordance with this law. [...].*”
- Law no. 02/L-78 on Public Health, Article 1 [Defining of the used Terms in Law]: “[...] p) *Pollution: means the abnormal and undesired changes of the physical, chemical and biological characteristics of the water, **air**, land and food that affect or may affect negatively in the human and other living organisms. [...].*” Article 4, point 4.2: “*National Institute for Public Health of Kosovo (NIPHK) is a public institution which exercises referral activities in the area of public health as follows: [...] 1) Analysing and evaluating the areolation; [...].*” Article 8: “*The NIPHK supervises, inspects and researches the causes and consequences of air pollution, which harm public health, and proposes the protection measures. [...].*”

14. Within the framework of the European Convention on Human Rights, states are obliged to establish conditions that ensure fundamental rights, including the right to a healthy environment and the right to health. This obligation has been affirmed in the jurisprudence of the ECtHR, which has interpreted it as a “*positive obligation*” that the state must fulfil in order to protect the life and well-being of individuals.
15. The Ombudsperson, based on Article 53 [*Interpretation of Human Rights Provisions*] of the Constitution, according to which: “*Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights.*”, brings to attention the practice of the ECtHR, whereby the Court, through its jurisprudence, has interpreted environmental protection and environmental rights in the spirit of the ECHR, namely Article 2 [Right to Life] and Article 8 [Right to Respect for Private and Family Life].
16. Regarding the failure of the competent authorities to fulfil their waste management obligations, the Ombudsperson recalls the case of *Di Sarno and Others v. Italy* (2012), which concerned pollution and citizen distress caused by poor waste collection, treatment and disposal management in the Campania region of Italy. In that case, the Court found a violation of Article 8 of the Convention and pointed out that the state was required to adopt reasonable and appropriate measures to fulfil individuals’ right to a healthy and protected environment, since the effects of mismanagement and environmental harm directly affected the residents’ personal well-being.
17. The importance of citizens’ right to enjoy a healthy environment is also emphasised in the case *Băcilă v. Romania* (2010), where the Court held: “[...] *The existence of severe and proven consequences for the health of the population constitutes a positive obligation for the state to adopt and implement reasonable and adequate measures capable of protecting their well-being.*” Meanwhile, in *Öneryıldız v. Turkey* (2004), the Court addressed the state’s obligation to take operational measures when it knew or ought to have known of the existence of such a risk. (See *Opinion A. no. 173/2021 of the Ombudsperson, paragraph 55*).
18. The right to an effective remedy is also guaranteed by Article 13 of the ECHR, which states: “*Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.*” This provision implies that individuals who believe that their rights have been infringed or violated must have the opportunity to seek an effective remedy before a national authority, regardless of who is responsible for the violation, including officials.
19. Regarding the right to an effective remedy, the Ombudsperson notes that in the case of *Cordella and Others v. Italy* (2019), the Court found a violation of Article 8 and a violation of Article 13 of the Convention. The Court held that the persistence of an environmental pollution situation endangered the health of the applicants and the general health of the population living in the affected areas. It concluded that the national authorities had not taken all necessary measures to provide effective protection of the applicants’ right to respect for their private lives and found that the applicants had no effective legal remedy available to address the issue before competent national authorities and to obtain an effective solution.

Implementation of the above-mentioned principles in the present case

20. In the context of analysing the merits of the specific case, the Ombudsperson initially points out that the core of the dispute in this case is i) the negative impact of municipal waste on the private life of the complainant and other residents, due to the proximity to their homes, ii) improper management of municipal waste, iii) the possible negative impact on the health of residents, and iv) the failure to find an effective solution by the municipality following the complainant's relevant request.
21. According to the legal basis emphasized above, the management of municipal waste is the exclusive responsibility of the municipality; in this specific case, it is the responsibility of the Municipality of Prishtina. Aside from other responsibilities and obligations of the municipality, the primary legal obligation in managing municipal waste is to create a system that sustainably manages waste while preventing the negative impact of waste on the environment and human health. Paragraph 1 of Article 22 [Organization of Waste Management] of Law No. 04/L-060 on Waste expressly states: "*Waste management is organized in ways to not appear damages and risks to a human health and the environment, in accordance with this law. [...].*"
22. The Ombudsperson has observed that the complainant addressed the Municipality of Prishtina with a request, informing them about the situation caused by the operation of 5 waste containers placed by the municipality near his residence, and requested the municipality to relocate the containers to a more suitable location that would not pose an obstacle to the residents. Furthermore, the complainant notified the municipality about the negative impact of the waste on the private life of residents due to the odour released and environmental pollution caused by the improper disposal and exposure of waste outside the containers, which were not regularly cleaned by the respective company.
23. In the response that the Municipality of Prishtina returned to the complainant, the municipality emphasized that the relocation of the containers was impossible because they belong to the residential block and the current location is more suitable for placing the containers. The municipality's response did not contain any reasoning for rejecting the complainant's request. The municipality's stated inability to remove the obstacle of municipal waste for the residents of the neighbourhood had no sustainable justification.
24. Consequently, although the complainant had the opportunity to address the competent authority to express concerns, the municipality, by failing to assess the situation, did not provide any sustainable justification and did not take any action to offer an effective solution to the residents' concerns. In similar circumstances, the ECtHR in the case *Cordella and Others v. Italy* (2019) found a violation of Article 13 of the ECHR, as the individuals had no possibility to obtain an effective remedy at the national level.
25. Considering the negative impact of air pollution on human health, upon the Ombudsperson's request, on March 26, 2025, the National Institute of Public Health of Kosovo (NIPHK) conducted an assessment of the possible impact of the waste situation on the health of residents at the respective address, as a result of the proximity of the waste to residents' homes. In the NIPHK report addressed to the Ombudsperson on March 28, 2025, following the site inspection, the situation was assessed as follows: "*Waste from other neighbourhoods such as Taslixhja, Kacallarët, Kolovica, Sofalia, the public kindergarten, and nearby kebab shops was emptied into the 5 containers of this*

neighbourhood. Near the containers, there is a children's playground, and during warm days, there is an unpleasant odour, insects, rodents, cats, and dogs. Ash from businesses and inert waste, which the company 'Pastrimi' does not collect, has been dumped around the containers. Residents showed us recordings that waste in the containers is often set on fire. At the time of the visit, we encountered kindergarten staff throwing children's waste (leftover food, diapers, wet mattresses) into the same containers, as the preschool facility itself did not have separate containers for waste disposal."

26. Based on the findings and evaluations of the NIPHK report, the Ombudsperson assesses that the situation presented constitutes a sufficiently concerning condition for the welfare and health of residents, particularly children who stay at the nearby kindergarten.
27. Furthermore, the Ombudsperson draws attention to the fact that air pollution caused by waste and its burning has numerous consequences for public health, and improper waste management exclusively affects citizens' quality of life. It should be especially noted that the exposure or proximity of children to waste is a serious concern, as children are more sensitive from a health perspective to air pollution. The uncontrolled burning of waste poses a serious health risk, as scientifically proven by the World Health Organization.
28. The possible health effects assessed by the NIPHK, based on the condition as a result of exposure to waste, include but are not limited to the following: *"Potential health risks for workers handling waste; potential risks for residents as waste serves as a suitable breeding ground for insects and rodents that act as vectors for the transmission of various infectious diseases; potential risk of attacks from stray dogs and cats searching for food near the containers; stray dogs and cats spread the waste, which further increases the risk of infectious diseases; the presence of stray dogs and cats potentially increases noise levels in the neighbourhood; potential risk of mechanical injuries (glass, sharp and pointed objects) found in the waste around the containers, especially for children playing in the park near the waste as well as for persons collecting recyclable waste; potential risk for children playing in the nearby playground due to the above-mentioned factors; container lids are open and exposed to weather conditions; unpleasant odour from the waste is constantly present; burning of the containers further deteriorates air quality."*
29. The Ombudsperson expresses concern about the potential health risks assessed in the NIPHK report, due to the exposure of citizens to waste, with particular emphasis on the current situation near the complainant's residence, and considers these to constitute an alarming state for the well-being of citizens and an urgent need for action by the competent authority. In the case *Di Sarno and Others v. Italy*, the ECtHR emphasized that due to mismanagement in the municipality where the complainants lived, waste was not collected and had remained in the streets for months. The Court found that the environmental damage complained of directly affected their personal well-being.
30. Based on the findings on site and the assessment of the situation, the NIPHK, through its relevant report, recommended as follows:
 - *"The Municipality of Prishtina should relocate the containers to another location because improper collection of urban waste not only negatively affects the aesthetics and landscape of a street, neighbourhood, or settlement but also undoubtedly lowers*

the quality of life for residents in that area and seriously risks environmental pollution and the health of citizens;

- *The possibility of distributing waste containers according to residential buildings in neighbourhoods, for the public kindergarten and nearby businesses should be considered;*
- *Regular removal of waste in that neighbourhood should be ensured;*
- *The lids of the waste containers should be made functional;*
- *The area around the waste containers should be regularly cleaned;*
- *The disposal of inert waste, which the waste removal company “Pastrimi” does not collect, should be regulated;*
- *The disposal of construction materials and similar waste in areas designated for urban waste should be prohibited, and for this purpose, each collection point should have a sign stating that such disposal is forbidden;*
- *Containers should be removed from the vicinity of the children’s playground.”*

Findings of the Ombudsperson

31. In this specific case, based on the findings presented in this Report and the analysis of local and international legal standards, including the case law of the ECtHR, the Ombudsperson finds that the competent municipal bodies have failed to fulfill their positive obligations to take reasonable and appropriate measures to respect the rights of citizens – in this case, the Xharra family – to a healthy and safe environment guaranteed by Article 52 of the Constitution.
32. Furthermore, the Ombudsperson assesses that the effects of mismanagement and the environmental damage caused by waste and its odour, as also confirmed by the NIPHK Report, have directly impacted the personal well-being of the family and generally of the residents, violating the right to private and family life guaranteed by Article 36 of the Constitution [Right to Privacy].
33. The Report points out that the management of municipal waste in the complainant’s neighbourhood, specifically at “Afrim Loxha” street 3/1, Prishtina, has not been carried out in accordance with the legal obligations outlined above. The Municipality of Prishtina, in this case, demonstrates that it has not yet managed to establish a sustainable municipal waste management system in all relevant points of the capital, nor a standard that would respect the right to a safe and healthy environment as well as the privacy of citizens.
34. The Ombudsperson considers that the waste management evidenced in this case does not contribute to the legal principle of preventing the negative impact of waste on the environment and human health, as provided in Article 22 of Law no. 04/L-060 on Waste, which expressly states in paragraph 1: *“Waste management is organized in ways to not appear damages and risks to a human health and the environment, [...]”*
35. The Ombudsperson notes that despite the reasonable arguments of the complainant addressed to the Municipality of Prishtina requesting effective measures to eliminate the negative impact of waste on residents, the Municipality of Prishtina has failed to respect

its constitutional and legal obligation to ensure residents an effective remedy regarding the concern they raised.

36. The Ombudsperson finds that air pollution, including pollution from the odour released by municipal waste, poses a risk to individuals' health. The negative impact of air pollution, including pollution from waste on human health, has been confirmed by the World Health Organization. Referring to international standards and ECtHR case law, living in an environment with high levels of air and environmental pollution infringes on human rights to a safe and healthy environment and constitutes an interference with private and family life and their personal well-being.

37. The Ombudsperson finds that the proximity of children to waste disposal sites, especially when waste is dumped in uncategorized and uncontrolled manners, constitutes a serious concern for the health and well-being of children. Therefore, taking measures by the municipality in this case should be a priority.

Based on the circumstances described above, the Ombudsperson, in accordance with Article 135, paragraph 3, of the Constitution of the Republic of Kosovo: "[...] *is eligible to make recommendations and propose actions when violations of human rights and freedoms by the public administration and other state authorities are observed.*"; and based on the above legal analysis, as a recommending body, referring to the aforementioned arguments, with the aim of improving the work of the administrative system of Kosovo,

RECOMMENDS

To the Municipality of Prishtina:

- *In accordance with its legal competencies and authorizations, to take the necessary actions with immediate effect for the proper management of municipal waste at "Afrim Loxha" street 3/1, Prishtina.*
- *To act in accordance with the recommendations of the NIPHK.*
- *Until the period when waste is managed and disposed of in a classified manner, to ensure that the current containers have a closing system and that the surrounding areas are maintained properly.*

In accordance with Article 132, paragraph 3 of the Constitution of the Republic of Kosovo ("*Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law.*") and Article 28 of Law No. 05/L-019 on the Ombudsperson ("*Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, [...], must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question.*"), we kindly request that you inform us of the actions you will undertake concerning this matter.

Respectfully,

Naim Qelaj
Ombudsperson