

Law No. 04/L-148

ON RATIFICATION OF THE INTERNATIONAL AGREEMENT BETWEEN THE REPUBLIC OF KOSOVO AND THE EUROPEAN UNION ON THE EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO

Assembly of Republic of Kosovo;

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Recognizing the dedication of Kosovo institutions to advance the rule of law in Kosovo, the need to increase their capacities, their willingness to cooperate with the European Union in this regard, and the continued support of the European Union through EULEX to achieve these objectives,

Approves

LAW ON RATIFICATION OF THE INTERNATIONAL AGREEMENT BETWEEN THE REPUBLIC OF KOSOVO AND THE EUROPEAN UNION ON THE EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO

**Article 1
Purpose**

1. This law ratifies the international agreement achieved through the exchange of instruments between the Republic of Kosovo and the European Union, on the European Union Rule of Law Mission in Kosovo, ("EULEX").

2. This law ratifies the International Agreement in its entirety, including, but not limited by:

- a) The extension of the EULEX mandate in areas envisaged by the Agreement until June 15, 2014, and with the exception of the Special Investigative Task Force;
- b) The delegation of the authority to nominate and appoint international judges and prosecutors, in accordance with the *Constitution, Article 20*, and the creation of a framework for the establishment of a system of registration for EULEX staff permitted to carry weapons; and
- c) The guaranteeing of the privileges and immunities of the offices and personnel of EULEX and the EU Special Representative, ("EUSR"), pursuant to *Law No. 03/L-033 on the Status, Immunities, and Privileges of the Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel*.

**Article 2
Scope**

The International Agreement between the Republic of Kosovo and the European Union shall be an integral part of the present Law (Annex 1) and shall be implemented by the Republic of Kosovo and the European Union.

**Article 3
Entry into force**

This law enters into force immediately upon promulgation by the President of the Republic of Kosovo.

Law No. 04/L-148
7 September 2012

Promulgated by Decree No.DL-039-2012, dated 07.09.2012, President of the Republic of Kosovo Atifete Jahjaga.

ANNEX 1.



REPUBLIKA E KOSOVËS – PRESIDENTI
REPUBLIC OF KOSOVO – THE PRESIDENT
REPUBLIKA KOSOVA – PREDSEDNIK

Prishtina, 4 September 2012

*H.E. Baroness Catherine Ashton,
High Representative of the Union for Foreign Affairs and Security Policy*

Your Excellency,

I would like to express to you our most sincere gratitude for the continued contribution of the European Union to the stability and prosperity of Kosovo.

In accordance with Articles 17(l), 18(l), and 20(1) of the Constitution of the Republic of Kosovo and with a view to the end of the supervised independence of Kosovo as set out in the Comprehensive Proposal for the Kosovo Status Settlement, we welcome the presence of the Rule of Law Mission of the European Union in Kosovo ("EULEX KOSOVO"). We continue to fully support its mandate as set out in Joint Action 2008/124/CFSP, adopted by the Council of the European Union on 4 February 2008 as amended; Annex IX, Article 2.3 of the Comprehensive Proposal for the Kosovo Status Settlement; and our mutual letters of 17 February 2008 and 08 August 2008.

With due regard to our aim to further strengthen the rule of law in Kosovo, we welcome EULEX KOSOVO's continuous support to the development of our authorities, and in particular our judiciary. Based on this, I invite Your Excellency, with this letter and under the authority of Articles 19 and 20 of the Constitution of the Republic of Kosovo, to reply with an expression of the EU's willingness to continue providing experienced and knowledgeable prosecutors, judges and police to serve in EULEX KOSOVO.

EULEX judges and prosecutors serving under EULEX KOSOVO as of the date of this letter were appointed pursuant to Annex IX, Article 2.3 of the Comprehensive Proposal for the Kosovo Status Settlement. I confirm those appointments. Furthermore, subsequent to the end of supervised independence, EULEX KOSOVO may wish to appoint EULEX judges and prosecutors to

replace those whose terms will expire. Such appointments shall be conducted in the manner described below.

Under Article 84 of the Constitution of the Republic of Kosovo, I am empowered to appoint or dismiss prosecutors and judges upon the proposal of nominating bodies. Article 20 of the Constitution of the Republic of Kosovo permits the Republic to delegate certain powers for specific matters to international organizations. As President, it is my duty to ensure that any such delegations are clearly enumerated. Therefore, I confirm that the following powers would be delegated to EULEX KOSOVO under Article 20 of the Constitution of the Republic of Kosovo: (a) to nominate and appoint judges under Articles 108 and 84 of the Constitution, respectively, subject to notification to the Kosovo Judicial Council and my office of the names and professional experiences of those judges and (b) to nominate and appoint prosecutors under Articles 110 and 84 of the Constitution respectively, subject to notification to the Kosovo Prosecutorial Council and my office of the names and professional experiences of those prosecutors. These EULEX judges and prosecutors would be authorized as described in Articles 104 and 109, respectively, of the Constitution of the Republic of Kosovo and other relevant law.

EULEX police officers shall also have authority, upon notification of their names to the Minister of Internal Affairs to operate at central (including ministerial), regional, and local levels. EULEX Staff are authorised to carry weapons where relevant. A system of registration of weapons carried by a limited number of authorized mission staff will be agreed between the Mission and the Ministry of Internal Affairs, keeping in mind the need to balance the requirements of transparency for the Ministry of Interior Affairs and protection of certain mission staff as a consequence of their functions.

EULEX judges, prosecutors, and police shall continue to serve in accordance with Kosovo law, as was previously required by Annex IX, Article 2.3 of the Comprehensive Proposal for the Kosovo Status Settlement. This invitation will support EULEX under its current mandate until 15 June 2014. Subject to joint assessment, this would be the expected end date for EULEX KOSOVO.

I hereby confirm that the work of the SITF, with dedicated EULEX prosecutors and support staff, shall continue until such time as Kosovo is notified by the Council of the European Union that the investigations have been concluded or any proceedings resulting there from have been concluded.

EULEX KOSOVO, its offices and personnel (including experts on mission), as well as the EU Special Representative (EUSR), his offices and personnel (including experts on mission), are granted the status, privileges and immunities equivalent to those set out in the Vienna Convention dated 18 April 1961 as implemented by *Law No. 03/L-033 on the Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel and of the International Military Presence and its Personnel in Kosovo*.

Upon your acceptance of the invitation contained herein, we will undertake, pursuant to Article 18 and other relevant provisions of the Constitution and applicable Kosovo law, and in continued coordination with EULEX Head of Mission and/or the EUSR, through the Joint Rule of Law Coordination Board (JRCB), any supplementary commitments and modalities necessary to facilitate the effective functioning of EULEX KOSOVO.

I would like to reiterate to you our full commitment to the rule of law for all our people. I thank you for your continued contribution to Kosovo's peace and stability and look forward to continuing our close cooperation to contribute to a multiethnic, democratic and prosperous Kosovo, and to bring Kosovo closer to full integration in the European Union.

Sincerely,

A handwritten signature in black ink, appearing to read 'Atifete Jahjaga', written over a horizontal line.

Atifete Jahjaga
President of the Republic of Kosovo

Brussels, 04 SEP. 2012
Ares (2012)995124

H.E. Mrs Atifete Jahjaga
President of Kosovo

Da stadi kundër

I accept the invitation contained in your letter dated 4 September 2012 to continue to implement the mandate of EULEX KOSOVO, in the spirit of mutual cooperation.

I would like to take this opportunity to express to you our most sincere gratitude for your commitment to facilitate all necessary assistance to EULEX KOSOVO for the efficient and effective discharge of its duties all over Kosovo.

EULEX will carry out its duties as defined in Joint Action 2008/124/CFSP, adopted by the Council of the European Union on 4 February 2008, on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO and as amended.

EULEX will assist the institutions, judicial authorities and law enforcement agencies in Kosovo in further strengthening an independent multi-ethnic justice system and multi-ethnic police and customs service in their progress towards fulfilling European Standards in their respective fields.

Kosovo shares the European perspective of the rest of the Western Balkans region. In carrying out its mandate EULEX will contribute to facilitating Kosovo's progress towards further integration with the EU.

Finally, I look forward to continuing our close co-operation contributing to strengthened stability and prosperity in the region.

Sincerely,


Catherine Ashton