Council Decision (CFSP) 2020/1135 of 30 July 2020 appointing the European Union Special Representative in KosovoThis designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

COUNCIL DECISION (CFSP) 2020/1135

of 30 July 2020

appointing the European Union Special Representative in Kosovo[1]

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 33 and Article 31(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) On 4 August 2016, the Council adopted Decision (CFSP) 2016/1338[2] extending the mandate of the European Union Special Representative (EUSR) in Kosovo and appointing Ms Nataliya APOSTOLOVA as the EUSR in Kosovo. The Council further extended that mandate by Decisions (CFSP) 2017/348[3], (CFSP) 2018/903[4] and (CFSP) 2020/249[5]. That mandate is set to expire on 31 August 2020.

(2) Mr Tomáš SZUNYOG should be appointed as the EUSR in Kosovo for the period from 1 September 2020 to 31 August 2021.

(3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

Mr Tomáš SZUNYOG is hereby appointed as the EUSR in Kosovo from 1 September 2020 until 31 August 2021. The Council may decide that the mandate of the EUSR be terminated earlier, on the basis of an assessment by the Political and Security Committee (PSC) and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2020/1135. (See end of Document for details)*

Article 2

Policy objectives

The EUSR's mandate shall be based on the policy objectives of the Union in Kosovo. These include: playing a leading role in promoting a stable, viable, peaceful, democratic and multi-ethnic Kosovo which cooperates with the region; strengthening stability in the region and contributing to regional cooperation and good neighbourly relations in the Western Balkans; promoting a Kosovo that is committed to the rule of law and to the protection of minorities and of cultural and religious heritage; supporting Kosovo's European perspective and rapprochement with the Union in line with the perspective of the region and in accordance with the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part[6] (hereinafter 'the Stabilisation and Association Agreement') and Council Decision (EU) 2015/1988[7], and in line with the relevant Council conclusions.

Article 3

Mandate

In order to achieve the policy objectives, the EUSR's mandate shall be to:

(a) offer the Union's advice and support in the political process;

(b) promote overall Union political coordination in Kosovo;

(c) strengthen the presence of the Union in Kosovo and ensure its coherence, effectiveness and visibility;

(d) provide local political guidance to the Head of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), including on the political aspects of issues relating to executive responsibilities;

(e) ensure consistency and coherence of Union action in Kosovo, including in guiding locally the EULEX KOSOVO transition for the eventual transfer of activities to the EUSR or the EU Office in Kosovo and/or the local authorities, as appropriate and if local circumstances permit;

(f) support Kosovo's European perspective and rapprochement with the Union, in line with the perspective of the region and in accordance with the Stabilisation and Association Agreement and Decision (EU) 2015/1988, and in line with the relevant Council conclusions, through targeted public communication and Union outreach activities designed to ensure a broader understanding and support from the Kosovo public on issues related to the Union, including the work of EULEX KOSOVO;

(g) monitor, assist and facilitate, by all the means and instruments at the disposal of the EUSR and with the support of the EU office in Kosovo, progress on political, economic and European priorities, in line with respective institutional competencies and responsibilities, and support the implementation of the Stabilisation and Association Agreement, including through the European Reform Agenda;

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2020/1135. (See end of Document for details)*

(h) contribute to the development and consolidation of respect for human rights and fundamental freedoms in Kosovo, including with regard to women and children and protection of minorities, in accordance with the Union's human rights policy and Union Guidelines on Human Rights;

(i) support, as required, the Belgrade-Pristina Dialogue facilitated by the Union, including operational support tasks that have to be eventually transferred from EULEX KOSOVO, in coordination with the EUSR for the Belgrade-Pristina Dialogue and other Western Balkans regional issues and with emphasis on promoting a conducive environment for the process;

(j) support the mandate of the Specialist Chambers and the Specialist Prosecutor Office, as appropriate, including through communication and outreach.

Article 4

Implementation of the mandate

1 The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.

2 The PSC shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

3 The EUSR shall work in close coordination with the European External Action Service (EEAS) and its relevant departments.

Article 5

Financing

1 The financial reference amount intended to cover the expenditure related to the EUSR's mandate for the period from 1 September 2020 to 31 August 2021 shall be EUR 3 300 000.

2 The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3 The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1 Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.

2 Member States, institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2020/1135. (See end of Document for details)*

the Member State, the institution of the Union concerned or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to work with the EUSR. International contracted staff shall have the nationality of a Member State.

3 All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS and shall carry out their duties and act in the interest of the EUSR's mandate.

Article 7

Privileges and immunities of the EUSR and the EUSR's staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EUSR's mission and the members of the EUSR's staff shall be agreed with the host parties, as appropriate. Member States and the EEAS shall grant all necessary support to such effect.

Article 8

Security of EU classified information

1 The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2013/488/EU[(8)].

2 The HR shall be authorised to release to NATO/KFOR EU classified information and documents up to the level 'CONFIDENTIEL UE/EU CONFIDENTIAL' generated for the purposes of the action, in accordance with the security rules for protecting EU classified information.

3 The HR shall be authorised to release to the United Nations and to the Organisation for Security and Cooperation in Europe, in accordance with the operational needs of the EUSR, EU classified information and documents up to the level 'RESTREINT UE/EU RESTRICTED' which are generated for the purposes of the action, in accordance with the security rules for protecting EU classified information. Local arrangements shall be drawn up for that purpose.

4 The HR shall be authorised to release to third parties associated with this Decision EU non-classified documents related to the deliberations of the Council with regard to the action covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure[(9)].

Article 9

Access to information and logistical support

1 Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2 The Union office and/or Member States, as appropriate, shall provide logistical support in the region.