



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-122

ON FOREIGN SERVICE OF THE REPUBLIC OF KOSOVO

Assembly of Republic of Kosovo,

In support of article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

LAW ON FOREIGN SERVICE OF THE REPUBLIC OF KOSOVO

CHAPTER I

GENERAL PROVISIONS

Article 1
The purpose

The purpose of this law shall be regulation of the Foreign Service operation, organization, coordination and function of the bodies that exercise Foreign Service and the status of the personnel within the diplomatic mission.

Article 2
Definitions

For the purposes of this Law, expressions used in this law have the following meaning:

“Members of the diplomatic personnel” are members of the diplomatic personnel that work in administrative service, technical staff and the service personnel.

“Members of the foreign service” are permanent members of the Ministry as well as members of a certain Ministry appointed to diplomatic and consular missions in other countries and international organizations;

“Diplomatic and Consular Ranks” are the titles awarded or earned of the diplomatic representatives and consuls, in order of advantage or hierarchy superiority;

“Rank and Disciplinary Commission” is the commission in charge of awarding, except ambassador rank, diplomatic and consular ranks to foreign service staff, and also proposition of disciplinary measures against foreign service officers and reviewing the complaints upon disciplinary measures taken against them;

“Ministry” it is the Ministry of Foreign Affairs of the Republic of Kosovo;

“Minister” is the Minister of the Ministry of Foreign Affairs of the Government of the Republic of Kosovo;

“Diplomatic mission” is an embassy or other office representing the Republic of Kosovo to another state or in an international organization consistent with the Vienna Convention on Diplomatic Relations (1961) or Vienna Convention on Consular Relations (1963); or which represents the Republic of Kosovo as part of a mission of two or more states and to which office are given all privileges and immunities, which according to law, enjoy diplomatic missions according to Vienna Convention on Diplomatic Relations;

“Administrative and technical personnel” are the members of the mission personnel employed at the administrative and technical service of the mission;

“Diplomatic personnel” are the Foreign Service officers with diplomatic ranks;

“Service staff members” are the members of the mission in domestic service of the mission;

“Diplomatic representative” is the head of mission or a member of the mission’s diplomatic personnel;

“Head of mission” is the ambassador or another person charged by the institutions with the duty of acting in that capacity;

“Citizen of the Republic of Kosovo” is a natural person who holds a citizenship of Kosovo as defined according to the Law on Citizenship in Kosovo.

Article 3
Legal basis of the Foreign Service bodies activities

The President of the Republic of Kosovo leads the foreign policy of the country pursuant to powers vested in him under the Constitution.

The Minister of Foreign Services and other sub-ordinate structures which exercise activity and functions of the foreign services in compliance with the Constitution, with this Law, with the Law on the Ministry of Foreign Affairs and Diplomatic Service, with sub-normative acts issued to implement it, based on the Government program and directions of the Assembly of the Republic of Kosovo.

CHAPTER II

FOREIGN SERVICE INSTITUTIONS

SUB-CHAPTER I

THE MINISTRY OF FOREIGN AFFAIRS

Article 4
The Minister

The Minister of Foreign Affairs shall govern and represent the foreign service of the Republic of Kosovo.

Article 5
Directorate General

The Directorate General shall coordinate the permanent communication of the Ministry with the Foreign Service missions, shall be responsible for drafting and execution of the objectives in the activity of Foreign Service, as well as manages with the relevant offices within the Ministry.

Article 6
The Structure of the Ministry

The relevant structures of the Ministry shall be established by sub-normative acts of the Ministry, with objectives of carrying out activities in the foreign service.

Article 7
Diplomatic Academy

1. Upon the approval of the Government of the Republic of Kosovo, the Minister shall establish the Diplomatic Academy, for the purpose of preparing them and professional formation of the members of the personnel in the foreign service.
2. The operation of the Diplomatic Academy shall be regulated with sub-normative act of the Ministry of Foreign Affairs.

SUB-CHAPTER II
DIPLOMATIC MISSIONS

Article 8
Categories of missions

1. Missions of the Republic of Kosovo in abroad are:
 - 1.1 diplomatic missions;
 - 1.2 consular missions;
2. Diplomatic mission include embassies and permanent missions to international organizations.
3. Consular missions include General Consulates, Consulates, Vice-consulates and Consular Offices.

Article 9
Opening, reorganizing and closing a diplomatic mission

1. Diplomatic missions shall open, reorganize and close by a Presidential decree, after consultations with the Prime Minister.
2. The diplomatic missions are under the authority and instructions of the Ministry of Foreign Affairs.
3. The functioning, structure and number of personnel of the diplomatic missions shall be determined by the Minister of Foreign Affairs.

Article 10
Functions of a diplomatic mission

1. The diplomatic mission of the Republic of Kosovo shall perform functions in compliance with the Vienna Convention on Diplomatic Relations of 1961, Law on the Ministry of Foreign Affairs and Diplomatic Service, the present law and other sub-normative acts in function of it.

2. The diplomatic mission has the following main functions:

2.1 representing the Republic of Kosovo in the receiving state or in an international organization;

2.2 protecting the interests the interests of the Republic of Kosovo and of its nationals or its legal persons in the receiving State, within the limits permitted by international law and legislation in force of the receiving state;

2.3 promoting and empowering development of political, economic, cultural, educational, scientific, technological, information, diplomatic-consular relations and in any other field between the Republic of Kosovo and the receiving state or an international organization, in a friendly and cooperative spirit;

2.4 informing the Ministry of Foreign Affairs on economic, political and social developments of the receiving state and on international organizations activity, to which it is accredited, in case the interest of the Republic of Kosovo is at stake;

2.5 cooperating with delegations of the Republic of Kosovo and participate in negotiations with the government of the receiving state in preparing international agreements for endorsement, and also in activities of international conferences.

2.6 promoting regional and international peace and security;

2.7 promoting, protecting and enhancing international security and status of the Republic of Kosovo;

2.8 contributing in protection of human fundamental rights and freedoms recognized at the universal level;

2.9 protecting human fundamental rights and freedoms of nationals of the Republic of Kosovo under its own scope of competencies;

2.10 protecting sovereignty and territorial integrity and other interests of the Republic of Kosovo;

2.11 promoting activities of public organizations and institutions centers of the Republic of Kosovo abroad;

3. The diplomatic mission shall also perform functions or other activities for which is authorized by the Ministry of Foreign Affairs in compliance with the present law, Law on the Ministry of Foreign Affairs and Diplomatic Service and other sub-normative acts.

4. The diplomatic mission shall also perform consular functions in the receiving state. If there are consular missions of the Republic of Kosovo in the same state, the diplomatic mission shall perform consular services in such part of the territory which does not fall under the jurisdiction of the consular mission. Consular functions shall be carried out by a diplomat of the diplomatic mission, in charge of consular activity, upon approval of the Minister of Foreign Affairs, in compliance with the Vienna Convention on Consular Relations, Law on Consular Service and other sub-normative acts.

Article 11 **Special mission**

1. A special mission is a temporary mission that represents the Republic of Kosovo in another state or an international organization, with their consent, to negotiate or perform particular tasks, which are considered to be in the interest of the Republic of Kosovo.

2. The establishment, composition and functions of the special mission shall be defined with a Presidential decree, after consultation with the Prime Minister.

Article 12 **Diplomatic mission staff**

1. The staff of a diplomatic mission shall consist of diplomats and administrative, technical staff and service staff.

2. The staff of a diplomatic mission may include officers, appointed by the Minister of Foreign Affairs, based on an agreement of the service level reached with other institutions to perform tasks in economic, cultural, scientific and protection fields and in any other field for a given period of time. During their time serving in a diplomatic mission, these officers enjoy the same status of diplomats and after this service ends, shall return to their previous position, regaining the status they had or to a position equal with it.

Article 13 **Appointment and dismissal from the duty of the Head of Mission**

Appointment and dismissal of Head of the Mission shall be regulated by the Law on the Ministry of Foreign Affairs and Diplomatic Service and other sub-normative acts of the Ministry of Foreign Affairs.

Article 14
Functions of the Head of Diplomatic mission

1. The Head of the diplomatic mission, in compliance with the Vienna Convention on Diplomatic Relations of 1961 shall conduct the following main functions:

1.1 representing and acting on behalf of the Republic of Kosovo in the receiving state or international organizations;

1.2. initiating and endorsement of diplomatic instruments;

1.3. giving statements and taking standings on behalf of the Republic of Kosovo.

2. The Head of Mission has authority over all civilian and military services conducting activity in the diplomatic mission. He/she shall conduct, instruct, control and evaluate all official activity of the diplomatic mission staff, and also performs other engagements as determined with this Law and other sub-normative acts.

3. Head of Mission shall report through Director General to the Minister of Foreign Affairs for implementation of the foreign policy of the Republic of Kosovo in the receiving state and shall act in accordance with duties and responsibilities given by this law, and also directions and instructions given from the relevant structures in the Ministry of Foreign Affairs.

4. Heads of missions, on issues of special interest, may send a copy of the report or a recommendation, even to the President, Prime Minister and other Ministers within their powers and responsibilities.

5. Head of Mission shall coordinate and control the consular missions operation of the Republic of Kosovo in the receiving state.

Article 15
Accreditation to some countries

1. An ambassador in a state may be accredited also to one or more other states, irrespective if there is a diplomatic mission or a consular mission to these states.

2. Head of a diplomatic mission and other diplomats, accredited to more countries at the same time, shall perform the same functions to other states, which they perform in the state where they are resident.

3. In states where there is no diplomatic mission, Diplomats may be appointed of the ambassador rank as non-resident ambassadors. They shall perform the same representation functions as resident ambassadors.

Article 16
Chargé d'affaires

1. A chargé d'affaires shall be appointed with a Presidential decree, after there has been a proposal made by the Government. The procedure for his/her accreditation shall be executed by the Ministry of Foreign Affairs.
2. A chargé d'affaires ad interim shall be appointed by the Minister of Foreign Affairs.
3. In case of the absence of the head of a mission or in case the head of a mission cannot carry out his/her duties, a chargé d'affaires ad interim shall act on behalf of the head of a mission.

CHAPTER III

FOREIGN SERVICE STAFF

SUB-CHAPTER I

THE STATUS OF THE FOREIGN SERVICE STAFF

Article 17
Categorization of staff

1. The diplomatic activity in the Foreign Service is conducted from diplomats and other persons of equal posts who take diplomatic functions in accordance with provisions of the present law.
2. In the course of exercising the function, Foreign Service staff shall have assistance from administrative and technical staff, and service staff.

Article 18
Diplomats

A diplomat shall take functions and perform duties in the foreign service of the Republic of Kosovo in accordance with the Constitution, provisions of the Law on Ministry of Foreign Affairs and Diplomatic Service, the present Law and other sub-normative acts in force.

Article 19
Admission Criteria to the Foreign Service

1. The general criteria for selection of ambassadors, consuls and other heads of missions shall be regulated with the Law on the Ministry of Foreign Affairs and Diplomatic Service and other sub-normative acts to its effect.
2. Members of the Foreign Service should meet the following requirements:
 - 2.1. have a citizenship of Kosovo;
 - 2.2. have a full capacity to act;
 - 2.3. have not been convicted of committing a criminal act;
 - 2.4. have not been taken any disciplinary actions against them of expel from work;
 - 2.5. be in a good health condition to perform the task;
 - 2.6. have an adequate professional background.
 - 2.7. command of an acceptable and suitable foreign language to work in the Foreign Service.
 - 2.8. have passed the admission exam organized based on procedures determined under a sub-normative act of the Ministry of Foreign Affairs.
3. Possession of citizenship of Kosovo is not a necessity for the administrative and technical staff and service staff.

Article 20
Admission to Foreign Service

Admission to Foreign Service shall be done through an open competition in compliance with the Law on the Ministry of Foreign Affairs and Diplomatic Service and applicable legislation.

Article 21
Transfer, parallel movement, promotion in a post

1. Transfer, parallel movement and promotion in a post of an officer within the Foreign Service shall be carried out by a decision of the Minister of Foreign Affairs upon a proposal of the General Director. In any case, the proposal is accompanied and based in the work assessment, introduced by the direct supervisor of the officer.

2. The procedures for carrying out a transfer, parallel movement and promotion in a position shall be stipulated by the Regulation on Foreign Service.

Article 22

Duration in diplomatic missions

Diplomats shall remain in the service at the same diplomatic mission for a period of four (4) years, or otherwise as required to meet the needs of the Ministry and at the discretion of the Minister of Foreign Affairs.

Article 23

Premature withdrawal from a diplomatic mission

1. The President of the Republic of Kosovo may require withdrawal of an ambassador or a head of mission from the diplomatic mission, prior the given period of time is ended, due to the following:

- 1.1. working needs in the Ministry of Foreign Affairs;
- 1.2. based on the request from the diplomat itself;
- 1.3. for the reason of negative assessment of diplomat's work;
- 1.4. violation of provisions of the present law and other legal acts in force;
- 1.5. when such a thing it is requested from the receiving state.

2. The withdrawal of all other diplomatic representatives, excluding the head of mission, for the same reasons as those specified in paragraph 1 of this Article, shall be made upon the decision of the Minister of Foreign Affairs.

Article 24

Suspension from the Foreign Service

1. A Foreign Service staff may be suspended to exercise his/her duties:

1.1. in case against him/her have been initiated a criminal proceeding for a criminal act, until a final decision has been taken;

1.2. for specialization periods more than six (6) months, undertaken on his/her own initiative of the officer, but upon approval of the Director General.

2. During the suspension period, the Foreign Service officer shall not be paid, except in the case of a special decision in accordance with the rules of Civil Service.

3. In the case foreseen under sub-paragraph 1.1 of the present Article, when a criminal proceeding ceases or when a final court decision finds him not guilty, the officer shall be returned to the Foreign Service and in the same time, shall regain the status, the salary and any other right since the moment he/she was suspended.

4. In the case foreseen under sub-paragraph 1.1 of the present Article, the suspension period shall be taken into consideration effectively to calculate the time period, necessary to obtain diplomatic ranks.

Article 25

Discharge of the status in the Foreign Service

1. An officer of the Foreign Service shall lose his/her status in this service in case:

1.1 voluntarily calls off from the Foreign Service;

1.2 loss of competency to act;

1.3 convicted by a final decision court for commitment of criminal acts;

1.4 commits serious violations, foreseen under the rules on civil service and Regulation on Foreign Service for which against him/her are taken measures of discharging him/her from work.

SUB-CHAPTER II

RANKS

Article 26

Diplomatic and consular ranks

1. Diplomatic representatives and consuls in the course of conducting their duties in the Ministry of Foreign Affairs and diplomatic missions shall take diplomatic or consular ranks.

2. Diplomatic ranks in the foreign service are:

2.1. ambassador;

2.2. minister;

- 2.3. minister counselor;
 - 2.4. counselor;
 - 2.5. first secretary;
 - 2.6. second secretary;
 - 2.7. third secretary;
 - 2.8. attaché.
3. Consular ranks in the foreign service are:
- 3.1. a general consul;
 - 3.2. consul;
 - 3.3. vice-consul;
 - 3.4. consular agent.

Article 27
Rank equivalence

Diplomats may pass from a diplomatic rank to a consular rank and vice versa, in compliance with the functions and duties put in charge. In any case, the transfer shall be done in respect of rank equivalence which are:

General consul	Minister counselor or counselor;
Consul	First or second secretary;
Vice-consul,	Second or third Secretary.
Consular agent	Third Secretary or attaché

Article 28
Award of ranks

1. The promotion of officer of the Foreign Service officers shall be carried out based on the promotion system. The main elements to award a rank of a member of the Foreign Service are time of service, qualification and assessment of work performance.
2. With exemption of the ambassador rank, the ranks shall be awarded from the Rank and Discipline Commission, on basis of information from each employee personal file and based on assessments carried out according to criteria and rules stipulated under the Regulation on Foreign Service.

3. The diplomatic rank of ambassador shall be approved by the President, upon proposal of the Government.

Article 29

The period for passing from one rank to another

1. Minimum period to pass from one rank to a higher rank shall be regulated by the Regulation on Foreign Service.
2. Criteria of benefiting a rank of minister counselor and minister shall be defined the Regulation on Foreign Service.

Article 30

Rank and Disciplinary Commission

1. Rank and Disciplinary Commission duties are:

1.1. award of diplomatic and consular ranks for Foreign Service officers in accordance with this Law and the Regulation on Foreign Service.

1.2. review of claims of foreign service officer against whom disciplinary measures are taken from their direct superior;

1.3. review of serious violation of cases, committed by officers of the Foreign Service and proposal to Minister of Foreign Affairs of disciplinary measures for officers committed these violations.

2. The Ranks and Disciplinary Commission composition shall be stipulated under the Regulation on Foreign Service.

3. Functioning of the Rank and Disciplinary Commission shall be defined under the Regulation on Foreign Service.

4. Types of breaches and disciplinary measures shall be stipulated under the Regulation on Foreign Service.

CHAPTER IV

THE RIGHTS AND DUTIES OF FOREIGN SERVICE OFFICER

Article 31

The Rights of an officer of the Foreign Service

1. A Foreign Service officer is entitled:

- 1.1. to enjoy a diplomat status, in the country or countries to which he or she is accredited;
- 1.2. to benefit a rank in the Foreign Service of the Republic of Kosovo, based on criteria defined in Regulation on Foreign Service;
- 1.3. to maintain functions in the Ministry of Foreign Affairs or a diplomatic mission, in accordance with the professional level and the rank he/she enjoys;
- 1.4. to enjoy immunities and facilitations that a diplomats status provides according to acts and international law for the period of time he/she is on service outside the state;
- 1.5. to benefit from qualifications and trainings provided from the Ministry of Foreign Affairs;
- 1.6. to have a special financial treatment according with his/her status and applicable legislation;
- 1.7. to enjoy all other rights, recognized by the legislation of the Republic of Kosovo and of the receiving state as well.

Article 32

The Duties of an officer of the Foreign Service

1. Foreign Service officer duties are:

- 1.1. to exercise honestly and correctly the functions and tasks he/she is in charge according to orders, instructions and regulations of the Ministry of Foreign Affairs, international treaties and legislation of the Republic of Kosovo;
- 1.2. to hold the full responsibility for actions lawfulness in the course of performing duties;
- 1.3. to protect the interests of the state of Kosovo and the citizens and legal persons of the Republic of Kosovo, where it is accredited and performs his/her duties;

1.4. to enforce rules for classified information even after leaving the Ministry of Foreign Affairs and to secure the protection of data and information entrusted to him/her;

1.5. to suspend his/her activity to any political party, political organization or association for the time serving in the foreign service;

1.6. maintain, under any circumstance, a moral, dignity and professional standing;

1.7. to give no statements that may put into difficult position the Kosovo state in relation with other states or international organizations;

1.8. to respect laws of the state or states, accredited to, and gets not involved in any activity, which might be assessed as interference in internal affairs of the state or states where conducts his/her activity;

1.9. to exercise its own activity in accordance with immunities and privileges enjoying as a member of a diplomatic mission;

1.10. not exercising, in a state or states, accredited to, any trade activity or any other profitable activity for own account or its relatives.

2. Violation of a duty shall be a ground for disciplinary action.

CHAPTER V

FINANCIAL TREATMENT OF THE STAFF OF THE FOREIGN SERVICE

Article 33

Foreign Service employee salaries

The salaries of the Foreign Service employee shall be set based upon the function, rank and work experience in accordance with the relevant applicable laws.

Article 34

Treatment of families of the staff of the diplomatic missions

1. The spouse who accompanies the officer of a diplomatic mission, the time of staying outside the state shall be recognized to the effect of work experience and payment of contributions defined under the legislation in force of the Republic of Kosovo.

2. The spouse which at the time of appointment of the diplomatic representative abroad has been working at a public institution shall be entitled to return back at the job after return of the spouse

home. The public institution where the spouse was employed is obliged to take it back at the same job or to a position equivalent.

3. The Ministry of Foreign Affairs shall guarantee the primary and secondary education of the staff children, appointed to a diplomatic mission and where necessary, shall ensure funding of this education. The manner, criteria and conditions of funding shall be defined by Regulation on Foreign Service.

4. The children, age under eighteen (18) of the diplomatic mission staff shall benefit health insurances, according to laws and sub-normative acts in force.

CHAPTER VI

ADMINISTRATIVE OFFICERS AND ASSISTANCE STAFF

Article 35

The Status of administrative officers, technical and service staff

1. Administrative officers in the Foreign Service are named officers who carry out tasks in the accounting and finance section, in the field of data processing and administrative issues. For these officers shall apply the Civil Servants rules and other sub-normative acts for its enforcement.

2. Technical staff in the Foreign Service are named such category of employees who perform duties in assisting and maintenance service section.

3. Service personnel in the Foreign Service it is called such employee category who perform tasks at the house service of the mission.

Article 36

Local staff recruitment

Diplomatic mission may employ nationals of the receiving state, according the foreseen procedures under the Regulation on Foreign Service, to perform technical-administrative works and of the service.

CHAPTER VII
TRANSITIONAL PROVISIONS

Article 37

1. All appointed in charge of operation at the time of opening of the first diplomatic missions of the Republic of Kosovo, shall have the minister-advisor rank.
2. All others appointed at the time of opening of the first diplomatic missions of the Republic of Kosovo, have such rank that was given at the time of their appointment.
3. The time from their appointment will be taken into account for the purpose of obtaining diplomatic ranks into the Foreign Service.

CHAPTER VIII
FINAL PROVISIONS

Article 38
Issue of sub-normative acts

1. The Ministry of Foreign Service shall be in charge to issue sub-normative acts in of the present Law.
2. The Ministry of Foreign Affairs, within 3 (three) months from approval of this law, shall prepare the Regulation on Foreign Service. The Regulation shall be approved by a decision of the Government.

Article 39
Enter into force

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-122
16 December 2008

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI