



MINISTRY OF FOREIGN AFFAIRS

Pursuant to the Article 17, Items (1) and (2), of the Law on Consular Service of Diplomatic and Consular Missions of the Republic of Kosova,

For the purpose of implementation of Law on Consular Service of Diplomatic and Consular Missions

Issues the following:

REGULATION ON CONSULAR SERVICE

Article 1

Aim

Hereby Regulation are regulated the exercise of consular functions in consular missions of the Republic of Kosovo by the head of consular mission, consular clerk, head of diplomatic mission, and their relations with the Ministry of Foreign Affairs.

Article 2

The scope

This Regulation shall be implemented by diplomatic and consular missions, and it sets out the exercise of consular functions, responsibilities of consular mission and relations of this mission with the Ministry of Foreign Affairs.

Article 3

Exercise of consular functions in consular missions of the Republic of Kosovo

1. The exercise of consular functions is based on:

- 1.1 International legal acts, especially on Vienna Convention on Diplomatic Relations and Vienna Convention on Consular Relations;
- 1.2 Conventions and agreements of the Republic of Kosovo with receiving country;
- 1.3 Laws and other sublegal acts applicable in the Republic of Kosovo;
- 1.4 Laws and existing sublegal acts in the consular district.

Article 4

Head of Consular Mission, the Consular Clerks, the Head of Diplomatic Mission and their relations with Ministry of Foreign Affairs

1. The Head of Consular Mission and the Consular Officers and Clerks during the conduct of their functions shall apply the provisions of Regulation for Foreign Service. In case of the inconsistency between the provisions of Consular Regulation and that of the Foreign Service, the precedence shall be given to the Provisions of Regulation on Foreign Service.
2. The heads, consular officers and clerks shall lead the consular services in accordance with advises given by the Ministry of Foreign Affairs.
3. Upon the beginning with the exercise of functions of the consular services or change of charged functions, the head of mission carries out the deposition of signatures of consular officers and clerks to the corresponding authorities of the receiving country.
4. The head of consular mission notifies the Ministry of Foreign Affairs about the list of competences to be delegated to other consular officials and clerks of the lower rank.
5. The head of consular mission though the Head of Diplomatic Mission reports periodically (every three months) to the Ministry of Foreign Affairs about the activity of consular mission.
6. The head of consular mission carries out six-month and annual review of activities of the consular mission.
7. Every two years the consular mission is subject to regular periodic control carried out by the Ministry of Foreign Affairs.
8. In case of any suspicious action or special occasions, upon the decision of Ministry of Foreign Affairs and the proposal of head of diplomatic mission, the consular mission also could be subject to extraordinary controls.

Article 5

The Head of Diplomatic Mission and the Head of Consular Mission

1. The head of diplomatic mission shall oversee the conduction of functions of consular services within arranged consular district.
2. The head of diplomatic mission shall inform the Ministry of Foreign Affairs in periodical way every six (6) months about the activities of the head of consular mission and consular clerks.
3. The head of mission shall inform the Ministry of Foreign Affairs, upon identification of problems during the exercise of consular services by the head or consular clerks.

4. The head of diplomatic mission shall approve verbal notes formulated by consular mission and he/she is the first to be notified about the correspondence between Ministry of Foreign Affairs and the consular mission, as well as between authorities of receiving state and consular mission.

5. The head of diplomatic mission can propose to the Ministry of Foreign Affairs that the correspondence of the head consular mission might be developed without his/her notification.

6. The head of diplomatic mission shall carry out performance evaluation of the consular mission based on the periodical reports.

7. According to the decision of Ministry of Foreign Affairs, the head of diplomatic mission can exercise the function of the head of consular mission.

Article 6

Support and Cooperation

1. The head of consular mission analysis possibilities to strengthen the cooperation with receiving state in consular terms through:

1.1 Finding the ways of cooperation in the legal areas.

1.2. Preparing agreements and consular conventions, as well as submitting texts of endorsed agreements to the Ministry of Foreign Affairs.

1.3. Finding the ways for the extension of cooperation in other areas, as are economy, culture, education, transport etc.

Article 7

Protection of interests of the citizens of Kosovo

1. Diplomatic and consular missions during the conduct of consular functions shall protect interests and rights of the citizens of Republic of Kosovo that live and stay in the consular district.

2. The head of consular mission shall notify the Ministry of Foreign Affairs about all violations, mistreating or incorrect behaviour of the authorities of receiving state against the citizens of Kosovo.

3. During his/her activity for the protection of interest and rights of citizens of Kosovo in the consular district, the head of consular mission shall take into account the following:

3.1 Providing assistance to the citizens of Kosovo in the receiving state;

- 3.2 Providing assistance to the citizens of Kosovo in the extraordinary cases;
- 3.3 Providing assistance for the detained persons and litigation of the citizens of Kosovo at the judicial organs of the hosting country;
- 3.4 Providing assistance for repatriation of citizens of Kosovo that have died in the receiving state and ensuring the protection of their property.

Article 8
Providing the assistance to the citizens of Kosovo in Receiving State

1. In order to provide assistance to the citizens of Kosovo who are in difficult situation, the head of consular mission shall communicate with authorities of the receiving state, with the Ministry of Foreign Affairs and, whenever is necessary, also with other relevant institutions in the Republic of Kosovo.

2 In order to provide assistance to citizens of Kosovo, the head of consular mission shall take into account the following:

2.1 To verify that the citizen who is in the difficult situation is not having at the same time also the citizenship of the receiving country.

2.2 To notify through the Ministry of Foreign Affairs the family members in Republic of Kosovo about the difficult situation of their relatives in the receiving state;

2.3 To set forth routes for submission of financial assets from the family members to the citizen in need in the receiving country, whenever it is necessary.

2.4 To ask from the Ministry of Foreign Affairs to make possible to borrow money for the citizen of Kosovo, in order to facilitate travel to another state or his/her return to Kosova, when the citizen of Kosovo has no possibility to ensure these assets for himself/herself.

3. In order to enhance the efficiency of the provided assistance the head of consular mission shall be engaged in as follows:

3.1 Keeping the evidence of personal data of the citizens of Kosovo and their addresses;

3.2 Creation of list of persons, organisms or institutions that shall be addressed in special cases to provide assistance to the citizens of Kosovo who are in need;

3.3 Information on due time about the dangerous phenomena and political and social events that pose risk in the receiving state;

3.4 Periodical notification to the Ministry of Foreign Affairs about the natures of problems and difficulties that citizens of Kosovo are faced with in the receiving state.

Article 9

Providing assistance to the citizens of Kosovo in case of detention and litigation for the citizens of Kosovo in Judicial Organs of the Receiving State

1 The head of consular mission after the notification for detention or initiating the investigation against any citizen of Kosovo, he/she shall set immediate contacts with authorities of the receiving state, carries out verification of citizenship of the person in question, pays the visits to the citizen and asks from the Ministry of Foreign Affairs to notify the family members.

2 In order to enable the provision of assistance in cases of detention or other legal difficulty for the citizens of Kosovo in front of judicial institutions or other authorities in the receiving state, the head of consular mission shall undertake measures to as follows:

2.1 Keep regular evidence about the detained citizens, citizens in prison, citizens under investigations, and charges against them, and to send regularly this evidence to the Ministry of Foreign Affairs;

2.2 Keeping the list of evidence of barristers that could be recommended for legal representation or legal advice to the citizens of Kosova, including approximate costs of these services;

2.3 Keeping the evidence in case of the violation of the rights for the detained citizens, citizens who are in prison or citizens who are under investigations, and their regular information to Ministry of Foreign Affairs upon such cases.

3. When is necessary the consular officer shall visit the detained person or he/she shall check if the detained person has the legal protection and representation, health care, and that he/she was not subject to any abuse or other forms of violation of the human rights.

4. If the authorities of the receiving state are not allowing the consular officer to visit the detained person – and this right is guaranteed by Article 36 of Vienna Convention of Consular Relations – or if he/she has justified suspicion that the detained person was subject to abuse, then the consular officer shall informally contact the relevant authorities of the receiving state or when the gravity of the case requires to send the formal or informal note of protest.

5. In case of formal protest there shall be requested in advance a permission from the Ministry of Foreign Affairs

Article 10
Repatriation of Kosovo Citizens Deceased in the Receiving State

1 The head of consular mission shall seek from authorities of the receiving state to issue the notification for the death of citizens of Kosova in receiving state in accordance with relevant international legal acts and relevant agreements.

2. In case of death of a citizen of Kosova, the consular officer shall:

2.1 Do the identification, if there is no other possibility, and to do the verification of the citizenship of the late person;

2.2 To contact the relatives in receiving country, and to notify the Ministry of Foreign Affairs and to ask them for notification to the family members if is necessary;

2.3 To request from the authorities of receiving state to block funeral or cremation procedures if the family members require to send the body to Kosova or other circumstances;

2.4 To require from the authorities of the receiving state to insure the property of the late person until the initiation of appropriate legal procedure;

2.5 To provide the family members with the list of agencies that deal with funeral services and an approximate price list;

2.6 To register the act of death and issue necessary documentation for repatriation of body of the late person.

Article 11
Processing of Documentation related to Citizenship Issues

1. Upon the submission of request for granting the citizenship by persons who live in the consular district or citizens who want to give up from the citizenship of Kosova, the head of consular mission shall accept submitted requests and relevant documents and to send them to the Ministry of Foreign Affairs.

2. The head of consular mission shall notify Ministry of Foreign Affairs related to the effect of legislation of the receiving state about the activities of persons interested to get or abandon the citizenship of Kosova.

Article 12
Acceptance of Requests for Issuing Passports and Visas

1. The consular officer shall accept as follows:

1.1 Requests and documentation for issuing of passports of Republic of Kosovar in accordance with rules foreseen by Law on Travel Documents and submits all cases to Ministry of Foreign Affairs for further proceeding;

1.2 Issues travel documents for return;

1.3 Notify the Ministry of Foreign Affairs about the problems that could be identified in regard to passports and travel documents issued by Kosovar authorities;

1.4 Receive requests and documentation for issuance of visas of different purpose and submits them immediately to the Ministry of Foreign Affairs;

1.5 Informs periodically the Ministry of Foreign Affairs about the regime, policy and fees for issuance of visa applied by the receiving country for the citizens of Kosova and other states;

Article 13

Registration in Consular District

1. Diplomatic missions and consular missions shall encourage registration in the consular district of the citizens of Kosova, in order to enable further efficient provision of consular services. Also, there is encouraged registration of visitors who are citizens of Kosova, and who do not live within consular district. In order to get registration the citizen of Kosova shall submit the documentation that verifies Kosovar citizenship, and contact details.

2. Registration in consular mission is valid for period of ten (10) years for residents of the consular district. After this period, there can be carried out the deletion the registration from database of the consular mission. For the visitors the validity period for registration shall be in accordance with validity of permission of stay.

Article 14

Registration of Civil Status Acts

1. The head of consular mission shall implement legal norms of the Republic of Kosova in regard to meet registration of acts of civil status in corresponding consular district and inform the Ministry of Foreign Affairs about such acts and agreements in this are with the receiving state.

2. The head of consular mission shall send periodically to Ministry of Foreign Affairs documentation related to the civil status acts in order to carry out their registration into Registry Books of Republic of Kosova.

Article 15

Marriage

1. To get married, the criteria for registration marriage and other issues related to marriage, in the consular missions is applied the effective law of Kosova and effective law in consular district.

Article 16

Documentation, Issuance of Certificates to Certify the Documents, Legalization of Official Documents, Translation of Documents

1. The head of consular mission with special qualifications is responsible to undertake all actions as defined by the Law on Notary and other sub-legal acts.
2. The head of consular mission without special qualifications is responsible to verify the signatures, copies, translation or verification of signature of the translator.
3. The Consulate, in case there is a request for translation shall translate documents in the language spoken in consular district and vice versa based on a fee defined in advance by Ministry of the Foreign Affairs.
4. The head of consular mission shall legalize public documents issued by other states, which will be used in Kosova, and public documents issued by Kosovar authorities to be used abroad

Article 17

Archive

1. The head of consular mission shall undertake measures for creation and functioning of archive of the consular documentation. Any activity of the consular mission shall be associated with case file and to be recorded in relevant registers.
2. The consular mission shall creates the following:
 - 2.1 Register for records of citizens;
 - 2.2 Register of all acts of the civil status;
 - 2.3 Register of passports;
 - 2.4 Register of travel documents for return;
 - 2.5 Register of visas;
 - 2.6 Register of detained, prisoners and convicted citizens;
 - 2.7 Register of the consular correspondence; and
 - 2.8 Other registers according to specifics of activities of the consular mission.
3. In the file of the case shall be covered all necessary documentation that verifies the activity carried out by the consular mission. The file shall remain open until the final settlement of the case and further shall be archived according to the applicable regulations.

4. For any eventual change in the personnel responsible for archiving the consular documentation, the head of consular mission shall take care for regular submission of documentation drafting also minutes of the meeting of the case.

Article 18 **Issuances of documents**

1. Issuance of official documents shall be done based on legislation in force. These documents shall be issued in two copies, to have the stamp of consular mission and the service fee. In case that are sent by fax, the case for archive shall be attached with the report of fax delivery.
2. The issuance of documents shall be done against consular fees defined by special sub-legal act. Any payment shall be done through bank account.
3. No document shall be issued if they do not have the bank invoice paid for corresponding service. This invoice shall be attached to case file.

Article 19 **Stamps**

1. The consular mission shall possess the special official stamp. In the absence of the stamp of consular mission can be used the stamp of diplomatic mission. Issuance of the stamp is done by the decision of Minister of Foreign Affairs according to the legislation in force.

Article 20 **Consular Fees**

1. The Ministry of Foreign Affairs shall develop a list of consular fees and to ensure that all consular missions have that list and to carry out functions in conformity with that list.
2. The list of consular fees shall be placed in a visible part in the facilities of consulate where are provided services to the clients.
3. The fees shall be paid in Euro or in the currency of the receiving state if that currency is convertible in Euro.

Article 21 **Honorary Consular Officers**

1. The head of consular mission shall:
 - 1.1 Notify the Ministry of Foreign Affairs about the procedures of the receiving state for the appointment of the honorary consular officers;

1.2 Notifies regularly the Ministry of Foreign Affairs about the treatment of honorary consular officers in the receiving country and the efficiency of activity of honorary consular officers;

1.3 Cooperate with honorary consular officers for consular matters that might be presented by them.

Article 22

Transitional Provisions

1. The annex attached to this Regulation is its integral part.
2. The annex is a guideline without legal character and is meant for easier implementation of provisions of this regulation.
3. The annex is referred to legal and sub-legal acts applicable in the Republic of Kosova, and in case on non-compliance the precedence is given to legal and sub-legal acts against this annex.

Article 23

Entry into force

This Regulation enters into force on the day of endorsement by the Ministry of Foreign Affairs.

Skender Hyseni

Minister of Foreign Affairs
24.04.2009