



**REPUBLIC OF KOSOVO
GOVERNMENT**

Pursuant to Article 93, Item 4 of the Constitution of the Republic of Kosovo and Article 38, Items 1 and 2, of the Law on Foreign Service of the Republic of Kosovo,

In accordance with Article 4 (3) of the Rule of Procedures of the Government 01/2007, the Government of Republic of Kosovo

Approves the following:

REGULATION ON FOREIGN SERVICE

Article 1

Aim

1. This Regulation aims to regulate the activity of Foreign Service.

Article 2

Structure of Foreign Service

1. Foreign Service of the Republic of Kosovo is composed by permanent members of the Ministry, and diplomatic and consular missions in other states and international Organization.

Article 3

Definitions

For the purpose of this Regulation expressions used in this regulation have the following meaning:

“Members of Diplomatic Personnel” means the members of diplomatic personnel who work for administrative, service, technical staff and personnel service;

“Members of the Foreign Service” means the permanent members of Ministry and members of the Ministry assigned to diplomatic and consular missions in other countries and other international organizations.

“Commission” means the Ranks and Disciplinary Commission;

“Minister” means the Minister of Foreign Affairs of the Republic of Kosovo;

“Ministry” means the Ministry of Foreign Affairs of the Republic of Kosovo;

“Diplomatic Mission” means the Embassy or any other office that represents Kosovo in other states, or international organization based on Vienna Convention for Diplomatic Relations (1961) or Vienna Convention for Consular Missions (1963), or that that represents the Republic of Kosovo as a part of one mission of two or more states, and to that office are given all immunities and privileges that, according to the law, enjoy diplomatic missions based on Vienna Convention for Diplomatic Relations;

“Technical and Administrative Personnel” means the member of personnel of mission employed in technical and administrative service of the mission;

“Dipomatic Personnel” are Foreign Service officers with diplomatic ranks

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

“Local Staff” means the citizens of hosting country who carry out administrative, technical and service works;

“Diplomatic Representative” means the head of mission or a member of diplomatic personnel of the mission;

“Diplomatic and Consular Ranks” means the given or acquired titles of the diplomatic and consular representatives for advancing or superiority of the hierarchy;

“Head of Mission” means the Ambassador or other person authorized by responsible institutions of Kosovo to exercise that duty;

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

Article 4 Duties of the Head of Mission

1. Head of Mission carries out the following specific functions:

1.1 Represents and acts on behalf of the Republic of Kosovo in the receiving state or international organizations where he/she is accredited;

1.2 Initiates and signs diplomatic instruments;

1.3 Issues statements and states positions on behalf of the Republic of Kosovo.

2. The Head of Mission is the highest authority representing the Republic of Kosovo in the receiving state/international organization. He/she represents the President, Prime Minister,

Minister, and state institutions of the Republic. The Authority of the Ambassador extends over any civil or military service of his own country in the receiving state/international organization.

3. For the purpose to ensure the proper functioning of the mission, the Head of Mission is obliged to keep contacts with the Ministry. When not present in the mission for whatever reasons, then he/she delegates this right to his/her deputy, who signs the official correspondence on behalf of the Head of Mission with a note "*in the absence of* Head of Mission". Notification is done through a verbal note sent to the Office of Protocol of the receiving state and friendly diplomatic missions.

4. The Head of Mission is responsible for the proper functioning of the Diplomatic and Consular Mission in the territory of the receiving state and/or in the territory of the countries of secondary accreditation. Based on the priorities of the Government in the area of foreign relations, as well as instructions received from the Ministry, the Head of Mission organizes, manages and controls the work in all areas of interest of the Embassy and Consular Missions under his/her jurisdiction.

5. All employees of the Embassy and Consular Mission in the territory where they are accredited assume their duties and report on their work to the Head of Mission exclusively. The Head of Mission has a duty to coordinate the work of Diplomatic and Consular Mission with the Ministry. He or she reports regularly to the Office of the Director General of the Ministry on the operation of the mission under his/her authority.

6. The Head of Mission is responsible for good and efficient administration of material and financial means available to the mission, in accordance with the applicable laws and regulations issued by the Ministry related to day-to-day organization of the work, assignment of duties, receiving reports from his subordinates, establishing working hours for the mission, and ensuring that the mission provides services to Citizens of Kosovo and others.

7. The Head of Mission has authority over all civilian and military personnel and provision of services that conduct activities relating to the receiving states or international organizations. He/she manages, instructs, controls, and evaluates the official activities of all personnel in the mission, as well as carries out other functions in accordance with the Law on the Ministry and Diplomatic Service, the Law on the Foreign Service and other applicable legislations.

8. Head of Mission through the Director General reports to the Ministry for the implementation of foreign policy of the Republic of Kosovo in the receiving state, and acts in compliance with the duties and responsibilities under the Law on the Ministry and Diplomatic Service, and Law on Foreign Service, as well as other instructions given through the Director General by responsible officials within the Ministry.

9. When an Ambassador/Head of Mission is appointed, the designee shall execute a Declaration of Commitment and Declaration of Impartiality, affirming his or her responsibility to carry out the instructions of the Ministry and to act in an impartial manner.

Article 5

Specific Duties

1. The Head of Mission may, for matters of specific interest, send a report or a recommendation to the President, Prime Minister, and other ministers within their area of competence and responsibility, taking care to inform the Ministry for his/her communications.
2. The Head of Mission coordinates and supervises activities of consular missions of the Republic of Kosovo in the receiving state. In all such cases, he/she provides timely information to the Ministry.
3. Pursuant to the applicable legislation, the Head of Mission is responsible for all aspects of relations of the Republic of Kosovo with the country/international organizations where he/she is accredited.
4. In accordance with Article 3, paragraph 3.2, Items b, d, f, of the Law on Ministry of Foreign Affairs and Diplomatic Service of the Republic of Kosovo, all ministries, agencies and institutions are obliged to coordinate their activities with receiving states and organizations with accredited Consular and Diplomatic Mission of the Republic of Kosovo.
5. The allocation of tasks within a Diplomatic or Consular Mission shall be based on the worked to be performed and the level and type of contacts that are maintained with the receiving states and international organizations.
 - 5.1 Normal contacts of the Head of Mission are with the Ministry, Parliament, the Head of the State, and the Government in the receiving state, together with policy making bodies and principal Secretariat officials of international organizations. The Head of Mission also maintains contacts with receiving state officials in other areas, including economic, military, cultural, educational, social and scientific agencies at the level of a department director or above.
 - 5.2 The second officer of an Embassy shall maintain contacts at the level from desk officer to department director and with specialists in all areas of interest. He/she follows implementation of cooperation projects and programmes.
 - 5.3 When instructed by the Head of Mission, the second officer may be asked to carry out policy-related duties and is more oriented towards activities of other sectors (economy, defence, culture, etc).
 - 5.3.1 The Head of Mission also maintains contacts with ambassadors/heads of mission of other countries accredited in the same country or to the same international organization. The second officer maintains contacts with counterparts in other embassies and missions.
 - 5.3.2 The Head of Mission or second officer prepares written information on meetings and other contacts with host governments and international organizations. The information normally should contain the following elements:

- 5.3.2.1 Date, time and place of meeting;
- 5.3.2.2 A list of participants and a summary of the main topics discussed;
- 5.3.2.3 Depending on the importance and duration of the discussion, the information may be written in the form of a dialogue (when considered that it is necessary to present the flow of discussion), or a summary of exchanged messages during the discussion;
- 5.3.2.4 The information shall be accurate, clear and summarized, avoiding unnecessary paragraphs and repetition. Since the diplomat expresses himself based on instructions from the Ministry, the information to be reported to the minister should be focused on the statements made by the partner and not the statements of the diplomat;
- 5.3.2.5 The information shall be signed by the person preparing it as well as by the Ambassador and then they are submitted to the Ministry by electronic or other means;
- 5.3.2.6 If the discussion suggests a policy recommendation or a change in the overall relationship with the receiving state or institution, the officer drafting the report through the Director General should highlight action proposals in his or her report.

5.4 If the mission has more than two diplomats, then the head of mission has responsibilities, but he/she organizes the division of duties of other officers. If there are two additional diplomats in addition to the Ambassador, a possible division of duties is that the diplomat of a higher rank shall be designated to follow political affairs and media relations, whereas the other one shall be assigned with economic, military, and cultural relations.

5.5 In allocating duties and responsibilities, the head of mission takes into consideration the workload so that each of his subordinates has a reasonable and comparable workload. He/she keeps into account the qualifications and experience of the subordinates and other factors such as the priorities of foreign policy pertaining to that specific country.

5.6 The assigned duties of each officer shall be detailed in a job description that shall form the basis of annual performance reviews pursuant to the regulations specified by the Ministry.

Article 6

Admission Criteria to the Foreign Service

1. As defined in Article 19 of the Law on Foreign Service of the Republic of Kosovo, members of Foreign Service shall meet the following requirements in order to be admitted to the Foreign Service:

- 1.1 Have a citizenship of Kosovo;
 - 1.2. Have a full capacity to act;
 - 1.3. Have not been convicted of committing a criminal act;
 - 1.4 Have not been taken any disciplinary actions against them of expel from work;
 - 1.5. Be in a good health condition to perform the task;
 - 1.6. Have an adequate professional background;
 - 1.7. Command of an acceptable and suitable foreign language to work in the foreign service;
 - 1.8. Have passed the admission exam organized based on procedures determined under a sub-normative act of the Ministry.
2. The candidate is preferred to have the following skills:
- 2.1 Command of the language of receiving state;
 - 2.2 Knowledge about the receiving state or the region of the receiving state;
 - 2.3 Integration skills or high tolerance for the culture and social-cultural reality of the receiving state.

Article 7

Integrated Personnel System

1. The system of performance evaluation and rotational assignments of diplomatic and consular personnel shall be based on the concept of “One Service, One Ministry.” The integrated personnel system of the Ministry shall be consistent with other laws and regulations for the career civil service.
2. The specific procedures of the integrated personnel system shall be regulated by sub-normative acts approved by the Ministry.
3. The process of promotions and assignments shall ensure that each employee is assessed against the competencies needed to perform their duties properly, without regard to race, gender, ethnicity, language preference, political beliefs, or religion, or any other discrimination form.
4. Specific assignments to overseas posts in the appropriate rank levels shall be based on the needs of the service and the willingness of each Foreign Service employee to serve in Kosovo or anywhere overseas that the needs of the Ministry may require.

5. Employees at all levels are expected to exhibit the highest standards of character, integrity, and conduct and to maintain a high degree of efficiency and productivity.
6. Close family members are encouraged to accompany diplomatic representatives on their overseas assignments and to participate in the life of Diplomatic and Consular Missions.
7. The following objectives shall guide the operation of the Ministry's integrated personnel system:
 - 7.1. The Ministry shall seek to retain officers by offering merit promotions and the opportunity to serve abroad in more responsible positions;
 - 7.2. Flexibility should be provided to allow officers from all areas of the Ministry to serve overseas in appropriate roles for which they are qualified;
 - 7.3. Intake into the Foreign Service career system should be based on the highest standards;
 - 7.4. Gender equality shall be respected during promotion and rotational assignments of Foreign Service personnel, reflecting fairness, transparency and non-discrimination among the eligible candidates.

Article 8 Performance Evaluation

1. Performance Evaluation shall be done as follows:
 - 1.1 The ministry shall establish through sub-normative act a system for the annual evaluation of an employee's performance;
 - 1.2 Three bands of competition will be established for this purpose: Ambassadors and Heads of Missions of the rank of Counsellor and above; Diplomatic Officers and Consular Officers of all ranks;
 - 1.3 Eligibility for promotion is established by serving two (2) years in an officer's current position;
 - 1.4 The performance evaluation period shall be from September 30 annually;
 - 1.5 Promotion and the award of merit step increases within grade will be reviewed and approved by the Commission.

Article 9 Rotational Assignments

1. Based on an assessment of the number of officers needed for rotational assignments and the expected need for officers to staff new posts to be opened, the minister establishes an annual position list no later than December 31 of each year.
2. Officers currently working in the Foreign Service and who have served two (2) years in their current positions are eligible to express interest in specific assignment to embassies and consulates abroad.
3. In February of each year, the minister shall decide on the number of new Ambassadors/Charges d'affaires/Heads of Mission to be recruited from outside the ministry. An annual recruitment and hiring procedure to assess new entrants to the career service is established at this time.
4. Assignments to all available overseas positions shall be made during April of each year, consistent with the needs of the service, procedures and sub-legal acts approved by the minister.
5. The preparation of officers for overseas assignments shall occur during May-June of each year on a schedule established by the Ministry. Officers normally take up their new posts of assignment in August and September of each year.

Article 10 **Tours of Duty**

1. Ambassadors/Charges d'affaires/Heads of Mission are, as a rule, assigned for 4 years in the service.
2. Senior Diplomatic Staff (Minister, Minister-Counsellor, Counsellor, First Secretary) are normally assigned on service for four (4) years.
3. Senior Consular Officers (Consul-General, Consul) are normally assigned for four (4) years.
4. Junior Diplomatic and Consular Officers (Second Secretary, Third Secretary, Vice Consul) are normally assigned to their duty for four (4) years.
5. Administrative and Technical Staff are normally assigned for 3 or 4 years depending on their position.
6. Attaches are normally assigned for four (4) years.
7. Consular Agents and Honorary Consuls have no fixed term of assignment.
8. The tours of duty of officers assigned abroad may be altered for the needs of the service or compelling personal circumstances such as illness or hardship.

9. The Ministry has the authority to alter standard tours of duty depending on conditions in the country of assignment or service needs.

Article 11 **Effective Date of Appointment**

Effective date of appointment of the career member in foreign service is counted since his/her first date of work in the Ministry.

Article 12 **Ranks and Disciplinary Commission**

1. By this Regulation is established the Ranks and Disciplinary Commission to consider cases of serious violations of ethics, instructions of the ministry and/or Ambassadors/Charges d'affaires/Heads of Mission, malfeasance, criminal activity, and other conduct unbecoming a member of the Foreign Service.
2. The Commission also shall have the duty to validate the award of ranks of entering members of the Foreign Service and the promotion of officers under the performance evaluation system as defined by this regulation.
3. The Commission have the authority to order the beginning of conduct of investigations about the activity beyond area of responsibility, render judgments, and recommend to the Ministry appropriate disposition of the cases, including dismissal from the service.
4. The Commission shall meet annually once in the fall and once in the spring of each year and any time as needed, to validate the award of ranks and consider any cases of wrongdoing.

Article 13 **Composition**

1. The Commission shall be comprised of seven (7) members as follows:
 - 1.1 The Permanent Secretary who shall serve as Chair of Commission;
 - 1.2 The Director-General;
 - 1.3 Two Ambassadors/Charge d'affaires/Heads of Mission who are in the service;
 - 1.4 A representative of the Office of the President;
 - 1.5 A representative of the Office of the Prime Minister;

- 1.6 A representative of the non-majority community
2. A quorum of 3 members of the Commission is needed to work, including cases of breaches of discipline.
3. The member of assigned under subparagraphs 1.3, 1.4,1.5, and 1.6 in paragraph 1 of this Article shall be appointed or reappointed on annual basis by the Minister's decision after proposals of the relevant institutions.
4. Members of the Commission will serve in their personal capacities and not as representatives of their respective organizations.
5. In case the person who is proposed for the award and increase of rank, is member of the Commission, he shall not be part of the Commission, instead a senior officer shall be appointed by a decision of the Minister.

Article 14 Award of Ranks

1. The Commission shall meet upon the request of Chairperson to confirm the award of ranks to new members of the career service, including Ambassadors/Charges d'affaires/Heads of Mission, Diplomatic Officers and Consular Officers, as defined by relevant sub-legal acts of the Ministry for recruitment and hiring process.
2. The Commission shall meet upon the request of Chairperson to confirm the award of ranks based on merits and increase of rank that are as a result of performance evaluation, as defined by this Regulation.
3. The results of the Commission's affirmation of the award of ranks shall be reported to the Minister, who in turn shall issue the decision of the final approvals as provided in paragraphs 1 and 2 of this Article.

Article 15 Reporting the Breach of Discipline

1. The direct superior shall propose the disciplinary measure to the Commission against corresponding officer as defined in this Regulation.
2. In case the immediate superior, who is also the member of the Commission, proposes the disciplinary measure, then he/she cannot be part of the Commission, and instead of him/her shall be assigned another senior officer by the decision of Minister.
3. Cases of alleged or suspected breaches of discipline may be reported to the Commission by:

- 3.1 Management officers of the Ministry of the rank of Director General or above;
- 3.2 Ambassadors/Charges d'affaires/Heads of Mission serving at posts abroad;
- 3.3 Employees of the Ministry who have substantiated reason to believe that has occurred a illegal activity on the part of any employee in contradiction with code of conduct;
- 3.4 Officials of other ministries, offices and agencies of the Government of Kosovo whose allegations are adjudged by the Ministry that have legal foundation to issue the disciplinary procedure.
- 3.5 Third party with the interest, whose statements are adjudged by the Ministry that have legal foundation to issue the disciplinary procedure.

4. Types of disciplinary measure shall be as following:

- 4.1 Written warning;
- 4.2 Suspension up to two (2) years from the right to be assigned to post;
- 4.3 Suspension up to two (2) years from the right to be promoted;
- 4.4 Reduced in rank;
- 4.5 Removal from Foreign Service.

5. Removal from the Foreign Service means to be fired from the job.

6. Disciplinary measures as defined under paragraph 4 of this Article shall not prejudice or exclude application of other laws.

7. Allegations of breach of discipline shall be investigated and reported to the Ministry within one month of the original report.

8. Employees of the Ministry who report alleged breaches of discipline or violations of the code of conduct of the Ministry shall not suffer any retaliation or consequence for reporting suspected disciplinary behaviour.

Article 16

Appeal against the Decision of Commission

Officer to whom is handed by the Commission any disciplinary measure according to the Article 15.4, has the right to appeal in accordance with rules of Civil Service and applicable laws.

Article 17
Disciplinary Procedure and Pardon

1. The decision of the Commission for undertaking a disciplinary measure against the officer of foreign service shall contain:

1.1. authority that has adopted the decision;

1.2 identification of the diplomatic representative against whom the disciplinary measure has been adopted;

1.3 measure adopted;

1.4 factual violation;

1.5 legal basis;

1.6 justification for the decision adopted;

1.7 date of the entry into force of the decision;

1.8 legal advise.

2. For the same breach according to the Article 15.4 is undertaken only one disciplinary measure. Disciplinary measure shall be filed into the personal file of the diplomatic representative.

3. Pardon for the diplomatic representative depending on violation committed, it may granted the pardon if no other disciplinary measure has been adopted against him/her within two (2) years. If the pardon is granted, disciplinary measure shall be removed from personal file of the diplomatic representative.

Article 18
Allowances

The payment of allowances to the personnel serving in the foreign service shall be regulated by a sub-normative act of the Ministry in cooperation with Ministry of Economy and Finances and other relevant ministries.

Article 19
Administrative and Technical Personnel, maintenance personnel and locally engaged personnel

1. Administrative and Technical Personnel, Service Personnel and Locally Engaged Personnel are recruited to support activity of the diplomatic and consular missions of the Republic of

Kosovo. These classes of employees normally are *not* regarded as members of the career in foreign service of the Republic of Kosovo

2. Members of the personnel employed abroad according to the paragraph 1 of this Article during exercise of their functions shall be subject applicable laws of the Republic of Kosovo.

3. In case of employment of the member of administrative and technical personnel and maintenance personnel who has and is permanent resident of the receiving state is subject to corresponding applicable legislation of the receiving state.

4. Members of the administrative and technical Personnel and maintenance personnel may be citizens of Kosovo, or citizens or permanent residents of the receiving state.

5. Civil Servants of the Ministry may be sent abroad in corresponding positions. In these cases, the employee is accredited in the receiving state Attaché of Embassy. However, citizens of Kosovo who are not members of service cannot be sent.

6. Recruitment and hiring procedures, forms of job descriptions, instructions for compensations and a model working employment contract is given in the Annex of this regulation related to the Administrative and technical Staff, Service Personnel and Locally Engaged Personnel.

Article 20

Funding of Primary and Secondary Education of the staff children

1. The Ministry will cover expenditures for education of the children of the members of the diplomatic mission, in the places where the public education, primary and secondary, is obligatory with payment, if these expenditures are bearable for the Ministry.

2. When in the receiving state the education system is held in different language other than foreign languages taught in education system of the Republic of Kosovo, expenditures for education of the children of the members of diplomatic mission in international private schools are covered partly, when it is affordable for budget of the Ministry.

3. The request of the member of diplomatic personnel to cover expenditures for education in private educational institution shall be directed to the Ministry together with a copy of license of the institution, issued by competent authorities of the receiving state, and original certification from this institution for education cost with relevant data.

4. After approval by Minister the request from paragraph three (3) of this Article based on submitted documentation by the diplomatic personnel member, the diplomatic mission from its budget will cover the cost of education up to 250 Euro per month for each child until the completion of secondary education.

5. In special cases, when with documents is verified that the foreseen amount in paragraph two (2) of this Article, is less than 50% of monthly expenditures for the child education, by the Decision of Minister shall be set a higher amount up to 50% fo the education cost.

6. Education fee means expenditures for teaching, whereas other expenditures like payment for books, transport fee, participation in various activities, etc., shall be covered by the member of diplomatic mission.

7. Financial effect ensuing from the implementation of this article shall be covered by annual budget approved for the Ministry of Foreign Affairs.

Article 21 **Transitional Provisions**

1. Employees of the Foreign Service, serving in the Ministry of Foreign Affairs, shall have the right for diplomatic and consular ranks. Award, type of rank and increase in rank shall be decided by the Commission according to the procedures set out in this Regulation, also taking into account the position of the employee in the Ministry.

2. For current recruitments in Diplomatic and Consular Service are valid sub-normative acts adopted by Ministry.

3. Annexes attached to this Regulation are integral parts of this Regulation.

Article 22 **Entry into force**

This Regulation shall enter into force upon the endorsement by Prime Minister of the Republic of Kosovo.

Hashim Thaçi

Prime Minister of the Republic of Kosovo

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