



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

Law Nr. 03/L-033

**ON THE STATUS, IMMUNITIES AND PRIVILEGES OF DIPLOMATIC AND
CONSULAR MISSIONS AND PERSONNEL IN REPUBLIC OF KOSOVA AND OF THE
INTERNATIONAL MILITARY PRESENCE AND ITS PERSONNEL**

The Assembly of Republic of Kosova,

For the purpose of clarifying the status, immunities, and privileges of diplomatic and consular Missions, including Missions of international inter-governmental organisations, and their personnel in Republic of Kosova, together with other internationally protected persons, in accordance with customary international law as enshrined in the Vienna Convention on Diplomatic Relations of 18 April 1961, the Vienna Convention on Consular Relations of 14 April 1963, the General Convention on the Privileges and Immunities of the United Nations of 13 February 1946, and the Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations of 21 November 1947,

And for the purpose of providing transitional arrangements for existing Liaison Missions in Republic of Kosova,

Hereby adopts

**LAW ON THE STATUS, IMMUNITIES AND PRIVILEGES OF DIPLOMATIC AND
CONSULAR MISSIONS AND PERSONNEL IN REPUBLIC OF KOSOVA AND OF THE
INTERNATIONAL MILITARY PRESENCE AND ITS PERSONNEL**

Article 1
Subject of Regulation

This law regulates the Status, Immunities and Privileges of Diplomatic and Consular missions and personnel in Republic of Kosova, and of the International Military Presence and its personnel.

Article 2

Definitions

- **‘expert in the mission’**- is the expert performing missions for the United Nations, its specialised agencies, the OSCE, or other relevant international inter-governmental organisations during the period of their missions.

- **‘persona non grata’**- is a person whose presence is no longer welcomed in Republic of Kosova.

Article 3

Missions and their Personnel Entitled to Diplomatic or Consular Status

3.1. Missions established in Republic of Kosova by mutual consent of the Government of Republic of Kosova and foreign States with which Republic of Kosova enjoys diplomatic or consular relations, together with their personnel, shall enjoy the status, privileges and immunities set out in this Law.

3.2. Offices and personnel, including experts on mission that enjoy the status, privileges and immunities are:

- a) the International Civilian Representative (ICR) and European Union Special Representative (EUSR);
- b) the European Union Rule of Law Mission (EULEX);
- c) the United Nations, the specialised agencies of the United Nations;
- d) the Organisation for Security and Co-operation (OSCE) in Europe; and
- e) such other international inter-governmental organisations as the Minister for Foreign Affairs may deem appropriate shall also enjoy such status, privileges, and immunities.

3.3. For the purposes of this Law, appointees of the ICR to those positions in Republic of Kosova institutions specified by the Comprehensive Proposal for the Republic of Kosova Status Settlement, dated March 26, 2007 shall be considered to be personnel of the ICR.

Article 4

Personnel of Diplomatic or Consular Missions

4.1. Ambassadors shall be accredited by the President of the Republic of Kosova or by the Minister for Foreign Affairs whereas on the appointment of charges d'affaires, Heads of Consular Missions and the Heads of Mission shall require agreement from the Minister for Foreign Affairs.

4.2. The first arrival and permanent departure of other personnel of the Missions, excluding personnel recruited in Republic of Kosova, shall be notified to the Ministry for Foreign Affairs.

4.3. The appointment of citizens of Republic of Kosova, or of personnel who are not citizens of the sending state, as diplomatic staff enjoying the immunities and privileges in Article 5 of this Law shall require the prior consent of the Ministry for Foreign Affairs.

4.4. The Minister for Foreign Affairs may notify a Mission that its Head of Mission or other member of its personnel is persona non grata and not acceptable in Republic of Kosova.

4.5. In the event of such a member not being recalled within a reasonable period of time, which shall not be less than 48 hours and even in cases of extreme urgency and not longer than thirty days, the Government of Republic of Kosova shall no longer recognize the member as being part of the Mission, and diplomatic privileges and immunities shall be discharged from the moment of his announcement as *persona non grata*.

4.6. Minister for Foreign Affairs may not declare the ICR/EUSR or a member of his personnel, or members of the EULEX Mission, *persona non grata*.

4.7. The Minister shall only exercise the powers in paragraph 4 of this Article in regard to Missions of States or international organisations which are specified in the Status Settlement in as having roles in the implementation or oversight of the Status Settlement, after having given prior notice to the International Civilian Representative of his intention to do so, until such time as the International Civilian Representative informs him in writing that this requirement for prior notice is no longer necessary.

Article 5

Privileges and Immunities of Diplomatic and Consular Missions and their Personnel

5.1. The premises of a Diplomatic or Consular Mission shall be inviolable. Agents of the state of Republic of Kosova shall not enter them except with the consent of the Head of Mission. The property, assets, and means of transport of the Mission and its personnel are immune from search, requisition, and attachment.

5.2. Private residences and property of the personnel of a Diplomatic or Consular Mission other than locally recruited personnel are also inviolable.

5.3. Archives and documents of the Diplomatic or Consular Mission and its personnel are also inviolable. Where communications between the Diplomatic or Consular Mission and its Government are by courier, the courier and the sealed bag containing documents are inviolable.

5.4. Personnel of the Missions other than locally recruited staff, together with members of their families accompanying them, shall be immune from arrest or detention. Their personal baggage shall be subject to inspection only if there are serious grounds for believing that it may carry articles whose import or export is prohibited by the applicable law of Republic of Kosova. Any such inspection shall be carried out only in the presence of the diplomatic agent or a representative appointed by him.

5.5. Personnel of the Missions other than locally recruited staff, together with members of their families accompanying them, shall be immune from the criminal jurisdiction of Republic of Kosova. They shall also be immune from all civil or administrative jurisdiction in of Republic of Kosova, except in the cases of:

- a) a civil action concerning private immovable property within Republic of Kosova where the diplomatic agent holds it in a personal capacity unrelated to his official functions;
- b) a civil action relating to inheritance where the diplomatic agent in which he is involved as executor, administrator, heir or legatee in a personal capacity outside his official functions;
- c) a civil action related to any professional or commercial activity undertaken by the diplomatic agent within Republic of Kosova in a personal capacity outside his official functions

5.6. Personnel of Diplomatic or Consular Missions other than locally recruited personnel shall not be required to act as witnesses in criminal or civil proceedings.

5.7. Personnel of a Diplomatic or Consular Mission other than locally recruited personnel shall be exempt from all dues and taxes, personal or real, and whether national or municipal, except:

- a) indirect taxes normally included in the price of goods and services in Republic of Kosova, except as specified in paragraph 8 Article 5 of this Law;
- b) dues and taxes on private immovable property in Republic of Kosova held by a diplomatic agent in a private capacity unrelated to his official functions;
- c) estate, succession, or inheritance taxes in the respect of private movable property of a diplomatic agent or a member of his family who dies while in Republic of Kosova and which property is in Republic of Kosova solely as a result of the official presence of the deceased in Republic of Kosova;
- d) private income having its source within Republic of Kosova or capital taxes on investments made in a personal capacity within Republic of Kosova;
- e) charges levied for specific services rendered, including registration, court or record fees with respect to immovable property in Republic of Kosova.

5.8. Diplomatic or Consular Missions and their personnel other than locally recruited personnel shall have the right to import, free of customs and excise duties or Value Added Tax, any goods and services which are for the official and exclusive use of the Mission or for the exclusive personal use of personnel of the Mission other than locally recruited personnel. Provision may be made for the use of bonded warehouses for the import of such goods. Diplomatic Missions shall be entitled to a rebate on Value Added Tax for any services bought in Republic of Kosova.

5.9. The Minister for Foreign Affairs may decide reasonable quantitative restrictions on goods bought free of tax and duty for the personal use of personnel of Diplomatic or Consular Missions, and on the resale of such goods within Republic of Kosova, for the purpose of preventing abuse of the diplomatic privileges.

5.10. The Ministry for Foreign Affairs shall provide personnel of Diplomatic or Consular Missions with identity cards. Vehicles of the Missions and their personnel other than locally recruited personnel may be provided with registration plates identifying the vehicles as diplomatic, for the convenience of the Missions and in order that they may better carry out their functions.

Article 6

Locally Recruited Personnel

Locally recruited personnel of Diplomatic or Consular Missions, including citizens of the sending state who are long-term residents of Republic of Kosova and who have not been notified to and accepted by the Ministry for External Affairs as personnel enjoying the immunities and privileges in Article 5 of this Law, shall enjoy immunity from criminal and civil proceedings for actions performed by them, and words written or spoken, in their official capacity. This immunity shall continue to be accorded for actions performed or words spoken and used in their official capacities during their employment by the Mission, even after such employment has ceased.

Article 7
Waiver of Immunities

The immunities in Articles 5 and 6 of this Law may be waived only by the express written agreement of a Head of Mission, or, in respect of Heads of Mission, by the express written agreement of the Government of the relevant sending state or headquarters of the relevant international inter-governmental organization.

Article 8
Flags and Emblems

Diplomatic or Consular Missions and the Heads of Missions of states accredited to Republic of Kosova shall have the right to use their flag and national emblem on the premises of the Mission, the residence of the Head of Mission, and on his official means of transport.

Article 9
Other Internationally Protected Persons

Foreign Heads of State, Heads of Government, and Ministers of Foreign Affairs shall, together with their families, enjoy the same immunities from criminal and civil proceedings as other diplomatic agents when in Republic of Kosova.

Article 10
Status, Immunities, and Privileges of the International Military Presence (IMP)

10.1. The International Military Presence (IMP) established in Republic of Kosova under the Status Settlement agreed by the United Nations Security Council, and under whatever name it may bear, shall have the following immunities and privileges. The IMP includes its national contingents.

10.2. The IMP, its property, funds and assets shall be immune from any legal process.

10.3. Locally recruited KFOR personnel shall be immune from the legal-penal procedures in respect of words spoken or written and acts performed by them in carrying out tasks exclusively related to their services to KFOR.

10.4. IMP personnel other than those covered under paragraph 3 of Article 10 of this Law shall be:

- a) Immune from jurisdiction before courts in Republic of Kosova in respect of any administrative, civil or criminal act committed by them in the territory of Republic of Kosova. Such personnel shall be subject to the exclusive jurisdiction of their respective sending States; and
- b) Immune from any form of arrest or detention other than by persons acting on behalf of their respective sending States. If erroneously detained, they shall be immediately turned over to IMP authorities.

10.5. All the requests for removing the immunity from Republic of Kosova jurisdiction or of the exercise of the jurisdiction of the sending State shall be made by the Minister for External Affairs and shall be addressed to the Commander of the IMP for action by the authorities of the relevant national contingent.

10.6. IMP contractors, their employees and sub-contractors shall not be subject to local laws or regulations in matters relating to the terms and conditions of their contracts with the IMP or its national contingents.

10.7. IMP contractors other than local contractors shall not be subject to local laws or regulations in respect of licensing and registration of employees, business and corporations.

10.8 IMP contractors, their employees and sub-contractors shall be immune from legal process within Republic of Kosova in respect of acts performed by them within their official activities pursuant to the terms and conditions of a contract between them and the IMP or its national contingents.

10.9. Third party claims for property loss or damage and for personal injury, illness or death arising from or directly attributed to the IMP or its personnel and which do not arise from operational necessity, shall be settled by a Claims Commissions established by the IMP, in a manner to be provided for by the IMP.

10.10. The Government of Republic of Kosova shall use all reasonable efforts to place at the disposal of the IMP and its personnel, free of charge, public premises and facilities needed for the accomplishment of their mission.

10.11. The immunity of the IMP, its personnel, and its contractors as set out in this Article shall persist in respect of acts performed or words spoken or written by personnel while in Republic of Kosova or in pursuance of contracts with the IMP even after such personnel or contractors have left employment, respectively to end the contractual relationships with the IMP's contractors.

Article 11

Transitional Provisions

Transitional Arrangements for Existing Liaison Missions in Republic of Kosova

11.1. Liaison Missions established in Republic of Kosova under UNMIK Regulation 2000/42 and relevant personnel shall enjoy the status, privileges, and immunities set out in this Law, even in the absence of accreditation to the State and Government of Republic of Kosova.

11.2. This law will replace any other provisions of applicable law in force which are not consistent with it.

Article 12
Entry into Force

This Law shall enter into force immediately upon the conclusion of the transition period.

Law Nr. 03/L-033
20 February 2008

President of the Assembly of Republic of Kosova

Jakup KRASNIQI