

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2016 OF THE EU-KOSOVO * STABILISATION AND ASSOCIATION COUNCIL of 25 November 2016 adopting its rules of procedure [2016/2280]

THE STABILISATION AND ASSOCIATION COUNCIL,

Having regard to 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 ('the Agreement') and in particular Articles 126, 127, 129 and 131 thereof,

Whereas the Agreement entered into force on 1 April 2016,

HAS ADOPTED THIS DECISION:

Article 1

Chairmanship

The Parties shall hold the chairmanship of the Stabilisation and Association Council alternately for a period of 12 months. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December of the same year.

Article 2

Meetings

The Stabilisation and Association Council shall meet once a year in accordance with the established practice for Stabilisation and Association Councils, including as regards the level of representation and the venue. Special sessions of the Stabilisation and Association Council may be held at the request of either Party, if the Parties so agree. Meetings of the Stabilisation and Association Council shall be jointly convened by the Secretaries of the Stabilisation and Association Council in agreement with the Chair.

Article 3

Delegations

Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party. A representative of the European Investment Bank (EIB) shall attend the meetings of the Stabilisation and Association Council, as an observer, when matters which concern the EIB appear on the agenda. The Stabilisation and Association Council may also invite other persons to attend its meetings in order to provide information on particular subjects.

Article 4

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the representation of Kosovo in Belgium shall act jointly as Secretaries of the Stabilisation and Association Council.

* This 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.

*Article 5***Correspondence**

Correspondence addressed to the Stabilisation and Association Council shall be sent to the Chair of the Stabilisation and Association Council at the address of the General Secretariat of the Council of the European Union.

Both Secretaries shall ensure that correspondence is forwarded to the Chair of the Stabilisation and Association Council and, where appropriate, circulated to other members of the Stabilisation and Association Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the European External Action Service and the Representation of Kosovo in Belgium.

Communications from the Chair of the Stabilisation and Association Council shall be sent to the addressees by both Secretaries and circulated, where appropriate, to the other members of the Stabilisation and Association Council referred to in the second paragraph.

*Article 6***Publicity**

Unless otherwise decided, the meetings of the Stabilisation and Association Council shall not be public.

*Article 7***Agendas for meetings**

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Council to the addressees referred to in Article 5 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of despatch of the agenda. The agenda shall be adopted by the Stabilisation and Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if both Parties so agree.

2. The Chair may, in agreement with both Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 8***Minutes**

Draft minutes of each meeting shall be drawn up by both Secretaries. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Stabilisation and Association Council,
- statements requested for entry by a member of the Stabilisation and Association Council,
- the decisions taken and recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Stabilisation and Association Council for approval. When approved, the minutes shall be signed by the Chair and both Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as a depository of the documents of the Association. A certified copy shall be forwarded to each of the addressees referred to in Article 5.

Article 9

Decisions and recommendations

1. The Stabilisation and Association Council shall take its decisions and make recommendations by common agreement of the Parties, without prejudice to Articles 2 and 5 of the Agreement. The Stabilisation and Association Council may take decisions or make recommendations by written procedure if both Parties so agree.
2. The decisions and recommendations of the Stabilisation and Association Council, within the meaning of Article 128 of the Agreement, shall be entitled 'Decision' and 'Recommendation' respectively, followed by a serial number, by the date of their adoption and by a description of their subject matter. The decisions and recommendations of the Stabilisation and Association Council shall be signed by the Chair and authenticated by both Secretaries. Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 5. Each Party may decide on the publication of decisions and recommendations of the Stabilisation and Association Council in its respective official publication.

Article 10

Languages

The official languages of the Stabilisation and Association Council shall be the authentic languages of the Stabilisation and Association Agreement. Unless otherwise decided, the Stabilisation and Association Council shall base its deliberations on documentation drawn up in those languages.

Article 11

Expenses

The European Union and Kosovo shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents as well as other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 12

Stabilisation and Association Committee

1. A Stabilisation and Association Committee ('the Committee') is hereby established in order to assist the Stabilisation and Association Council in carrying out its duties. It shall be composed of representatives of the European Union on the one hand, and of Kosovo on the other, normally at senior civil servant level.
2. The Committee shall prepare the meetings and the deliberations of the Stabilisation and Association Council, implement the decisions of the Stabilisation and Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Stabilisation and Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Stabilisation and Association Agreement. It shall submit proposals or any draft decisions/recommendations for adoption to the Stabilisation and Association Council.

3. In cases where the Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Committee. The consultation may continue in the Stabilisation and Association Council if both Parties so agree.
4. The rules of procedure of the Stabilisation and Association Committee are annexed to this Decision.

Done at Brussels, 25 November 2016.

For the Stabilisation and Association Council

The Chair

F. MOGHERINI

ANNEX

Rules of Procedure of the Stabilisation and Association Committee*Article 1***Chairmanship**

The Parties shall hold the chairmanship of Stabilisation and Association Committee ('the Committee') alternately for a period of 12 months. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December of the same year.

*Article 2***Meetings**

The Committee shall meet when circumstances require, with the agreement of both Parties. Each meeting of the Committee shall be held at a time and place agreed by both Parties. Meetings of the Committee shall be convened by the Chair.

*Article 3***Delegations**

Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party.

*Article 4***Secretariat**

An official of the European Commission and an official of Kosovo shall act jointly as Secretaries of the Committee. All communications to and from the Chair of the Committee provided for in this Decision shall be forwarded to the Secretaries of the Committee and to the Secretaries and the Chair of the Stabilisation and Association Council.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Committee shall not be public.

*Article 6***Agendas for meetings**

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Committee to the addressees referred to in Article 4 not later than 30 working days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion on the agenda not later than 35 working days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda. The Committee may ask experts to attend its meetings in order to provide information on particular subjects. The agenda shall be adopted by the Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if both Parties so agree.

2. The Chair may, in agreement with both Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chair of the conclusions arrived at by the Committee. When approved by the Committee, the minutes shall be signed by the Chair and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

*Article 8***Decisions and recommendations**

In the specific cases where the Committee is empowered by the Stabilisation and Association Council under Article 128 of the Agreement to take decisions or make recommendations, those acts shall be made in accordance with Article 9 of the Rules of Procedure of the Stabilisation and Association Council.

*Article 9***Expenses**

The European Union and Kosovo shall each defray the expenses they incur by reason of their participation in the meetings of the Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents as well as other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

*Article 10***Subcommittees and special groups**

The Committee may create subcommittees and special groups to work under its authority. They shall report to the Committee after each of their meetings. The Committee may decide to abolish any existing subcommittees or groups, lay down or modify their terms of reference or set up further subcommittees or groups to assist it in carrying out its duties. Those subcommittees and groups shall not have any decision-making powers.
