

Association/Community of Serb majority municipalities in Kosovo – general principles/main elements

Legal framework

1) The Association/Community of Serb majority municipalities in Kosovo is established as an association/ community of municipalities as foreseen by the First Agreement, the Law on ratification of the First Agreement and Kosovo law.

2) On the basis of the First Agreement which recognises its distinct character, the Kosovo Government will adopt a decree directly applicable, which will be reviewed by the Constitutional Court. The Community/Association will be a legal entity defined by its Statute, which will comprise at least the elements set out below.

3) The Statute will be adopted by a constituent assembly composed of the voted members of the assemblies of the participating municipalities.

Objectives

4) In accordance with the First Agreement, the Association/Community will have as its main objectives in delivering public functions and services to:

a) strengthen local democracy;

b) exercise full overview to develop local economy;

c) exercise full overview in the area of education;

d) exercise full overview to improve local primary and secondary health and social care;

e) exercise full overview to coordinate urban and rural planning;

g) adopt measures to improve local living conditions for returnees to Kosovo;

h) conduct, coordinate and facilitate research and development activities;

i) promote, disseminate and advocate issues of common interest of its members and represent them, including to the central authorities;

j) provide services to its members in accordance with Kosovo law;

k) assess the delivery of public services to its members and their residents as to support the Community/Association in forming positions of common interests for the participation to the work of the central authorities;

l) conduct monitoring as required for the implementation of its objectives;

m) establish relations and enter into cooperation arrangements with other associations of municipalities, domestic and international.

5) The Community/Association will exercise other additional competences as may be delegated by the central authorities.

Organisational structure

6) The Association/Community will have the following organs:

a) an Assembly as a supreme body composed of representatives appointed by each assembly of the participating municipalities, among their elected members. The Assembly will have the right to adopt amendments to the Statute, rules of procedure and all necessary regulations and administrative decisions as per its Statute and related to its objectives.

All amendments to the Statute, rules of procedure and all necessary regulations and decisions adopted by the Assembly will be applicable to its members unless one of its members formally expresses a different decision.

b) a President, who will represent the Community/Association, including before the central authorities and outside Kosovo. The President will be assisted by a Vice-President. The President and the Vice-President will be elected by the Assembly from among the members of the participating municipalities' assemblies and their mayors.

c) a Council composed of a maximum of 30 members among residents of the participating municipalities, including all mayors of the participating municipalities; the Council is an advisory body which provides guidance to the work of the Association/Community.

d) a Board composed of 7 members voted by the Assembly from among the mayors and residents of the participating municipalities, the exact composition to be defined in the Statute, with the right to take the necessary decisions for

the daily management of the Community/Association. The members of the Board will be supported in their work by professional collegia composed of experts, divided into and covering those areas falling under the objectives and tasks of the Association/Community. The Statute will define the number of professional collegia and their assignment to the members of the Board.

e) an administration, headed by a Chief of Administration appointed by and reporting to the Board, supporting the work of the Community/Association, in particular the Board and the President. The staff of the administration will benefit from an employment status, in accordance with Kosovo Law, including the Law on Labour and the Law on Civil Service, enabling them to perform their administrative duties. The members of the Association/Community may decide to use a number of employees to support the Community/Association in the execution of its objectives.

f) a complaints office with a mandate to examine complaints in relation to its objectives.

7) The seat of the Community/Association will be determined in the Statute.

Relations with the central authorities

8) The Association/ Community will work with the central authorities on the basis of mutual cooperation and information sharing.

9) The Association/Community will promote the interests of the Kosovo Serb community in its relations with the central authorities.

10) The Association/Community will be entitled to propose, in accordance with Kosovo law, amendments to the legislation and other regulations relevant for the performance of its objectives.

11) The Association/Community will have the right to initiate or participate in proceedings before the competent Courts, including to the Constitutional Court, against any acts or decisions from any institution affecting the exercise by the Association/Community of its powers in accordance with its Statute.

12) The Association/Community will have the right to nominate representatives in the competent organs/bodies of the central government, including the Consultative Community Council. In the pursuit of the monitoring function

envisaged by the First Agreement, the representative of the Association/Community will have right to have access and information from central authorities in accordance with Kosovo law.

13) Acting on behalf of the Association/Community, the four mayors of the northern municipalities will provide the Ministry of Interior a list of candidates for nomination as regional Police Commander as specified in Article 9 of the First Agreement.

Legal capacity

14) The Association/Community will be endowed with the legal capacity necessary under Kosovo law to perform its objectives, including the right to own moveable and immovable property, to co-own companies that provide local services within the scope of the Association/Community and to conclude contracts, including employment contracts.

15) On the basis of the First Agreement, the Association/Community is considered established, upon the adoption of the decree, for the purposes of its objectives.

Budget and support

16) The Association/Community will have its own budget, which will be administered in accordance with the principles of transparency and accountability, and the provisions of the law on public procurement.

Those principles will in particular apply to the channelling of funding, including under 17.d

The expenditures shall be subject to audits by the competent authorities, including by the Auditor General.

17) The Association/Community will be funded from:

- a) contributions from its members;
- b) income and revenue from the services provided by the Association/Community, its companies or drawn from its moveable or immovable assets;
- c) transfers from the central authorities;

d) contributions, grants, donations as well as financial support from other associations and organisations, domestic and international as well as from the Republic of Serbia; the Community/Association will be exempt from duties and taxes in the pursuit of its objectives, on the same basis as the participating municipalities.

General and final provisions

18) The Association/Community will be open to any other municipality provided the members are in agreement.

19) The Association/Community can only be dissolved by decision of its Assembly adopted by a 2/3 majority of its members.

20) The Association/Community will be entitled to have its own official symbols (coat of arms and flag), in accordance with Kosovo law.

21) The statute of the Association/Community will be drafted by the Management Team and presented to the High-level Dialogue within 4 months from the date of agreement of these principles/elements, with facilitation if necessary, including with the Ministry of Local Government. The Statute will be endorsed by decree upon agreement in the Dialogue. Any amendments will be presented by the Association/Community, will be endorsed by decree and will be reviewed by the Constitutional Court.

22) Within one year of the adoption of the Statute of the Association/Community, a review of its implementation shall be conducted, including with regard to Article 5 of the First Agreement.