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LIMITE

CORLX 533
CFSP/PESC 787
CSDP/PSDC 338
COWEB 71
EU-LEX 3
CSC 360

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION appointing the European Union Special
Representative for Kosovo*

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* 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.

COUNCIL DECISION (CFSP) .../...

of ...

appointing the European Union Special Representative for Kosovo*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 33, in conjunction with Article 31(2), thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

* 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.

Whereas:

- (1) On 4 February 2008, the Council agreed to appoint a European Union Special Representative (EUSR) for Kosovo.
- (2) On 26 July 2024, the Council adopted Decision (CFSP) 2024/2084¹, which appointed Mr Aivo ORAV as the EUSR for Kosovo for the period 1 September 2024 to 31 August 2026.
- (3) A EUSR should be appointed as the EUSR for Kosovo for the period from 1 September 2026 to 31 August 2028.
- (4) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

¹ Council Decision (CFSP) 2024/2084 of 26 July 2024 appointing the European Union Special Representative for Kosovo (OJ L, 2024/2084, 29.7.2024, ELI: <http://data.europa.eu/eli/dec/2024/2084/oj>).

Article 1
European Union Special Representative

Mr Dirk SCHÜBEL is hereby appointed as the European Union Special Representative (EUSR) for Kosovo from 1 September 2026 until 31 August 2028. The Council may decide that the mandate of the EUSR be extended or terminated earlier, on the basis of an assessment by the Political and Security Committee (PSC) and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (the ‘High Representative’).

Article 2
Policy objectives

The EUSR’s mandate shall be based on the following policy objectives of the Union in Kosovo:

- (a) playing a leading role in promoting a stable, viable, peaceful, democratic and multi-ethnic Kosovo which engages in regional cooperation;
- (b) strengthening stability in the region and contributing to regional cooperation generally and good neighbourly relations in the Western Balkans;

- (c) promoting a Kosovo that is committed to the rule of law and to the protection of minorities and of cultural and religious heritage;
- (d) supporting Kosovo's European perspective and rapprochement with the Union in line with the perspective of the region and in accordance with the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part² (the 'Stabilisation and Association Agreement') and Council Decision (EU) 2015/1988³, and in line with the relevant Council conclusions.

Article 3

Mandate

In order to achieve the policy objectives, the EUSR's mandate shall be to:

- (a) support Kosovo's European perspective and rapprochement with the Union, in line with its regional perspective, in accordance with the Stabilisation and Association Agreement and with Decision (EU) 2015/1988, and in line with the relevant Council conclusions, through targeted public communication and Union outreach activities designed to ensure a broader understanding and support from the Kosovo public on issues related to the Union, including the work of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO);

² OJ L 71, 16.3.2016, p. 3, ELI: http://data.europa.eu/eli/agree_international/2016/342/oj.

³ Council Decision (EU) 2015/1988 of 22 October 2015 on the signing, on behalf of the Union, of 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 (OJ L 290, 6.11.2015, p. 4, ELI: <http://data.europa.eu/eli/dec/2015/1988/oj>).

- (b) monitor, assist and facilitate, by all the means and instruments at the disposal of the EUSR and with the support of the Union Office in Kosovo, progress on political, economic and European priorities including security and Foreign Information Manipulation and Interference (FIMI), in line with respective institutional competencies and responsibilities, and support the implementation of the Stabilisation and Association Agreement, including through the European Reform Agenda;
- (c) contribute to the development and consolidation of respect for human rights and fundamental freedoms in Kosovo, including with regard to women and children, gender, diversity and inclusion and protection of minorities, in accordance with the Union's human rights policy and Union Guidelines on Human Rights;
- (d) promote overall Union political coordination in Kosovo;
- (e) strengthen the presence of the Union in Kosovo and ensure its coherence, effectiveness and visibility; coordinate the public communication strategy of the Union in Kosovo, including by working closely with the EUSR for the Belgrade-Pristina Dialogue and the Head of EULEX KOSOVO;

- (f) provide local political guidance to the Head of EULEX KOSOVO, including on the political aspects of issues relating to the Mission's executive responsibilities, as well as on the eventual transfer of its activities to the EUSR or the Union Office in Kosovo and/or to the local authorities, as appropriate and if local circumstances permit;
- (g) support, as required, the Belgrade-Pristina Dialogue facilitated by the High Representative, with emphasis on promoting a conducive environment for the process; offer local political advice and expertise to the EUSR for the Belgrade-Pristina Dialogue;
- (h) support the mandate of the Specialist Chambers and the Specialist Prosecutor Office, as appropriate, in coordination with EULEX KOSOVO, including through communication and outreach.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the High Representative.
2. The PSC shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the High Representative.

3. The EUSR shall work in close coordination with the relevant departments of the European External Action Service (EEAS).

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the EUSR's mandate (the 'expenditure') for the period from 1 September 2026 to 31 August 2028 shall be EUR 5 710 846,74.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Composition of the EUSR's team

1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.

2. Member States, institutions of the Union and the EEAS may propose the secondment of personnel to work with the EUSR. The salaries of such seconded personnel shall be covered by the Member State, by the institution of the Union concerned or by the EEAS, as appropriate. Experts seconded by Member States to the institutions of the Union or to the EEAS may also be posted to work with the EUSR. International contracted personnel shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the seconding Member State, of the institution of the Union concerned, or of the EEAS and shall carry out their duties and act in the interest of the EUSR's mandate.
4. The EUSR staff shall be co-located with the Union Office in Kosovo in order to ensure the coherence and consistency of their respective activities.

Article 7

Privileges and immunities of the EUSR and members of the EUSR's team

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EUSR's mandate and to the members of the EUSR's team shall be agreed with the host parties, as appropriate. Member States and the EEAS shall grant all necessary support to that effect.

Article 8

Security of EU classified information

1. The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2013/488/EU⁴.
2. The High Representative shall be authorised to release to NATO/KFOR EU classified information and documents up to the level 'CONFIDENTIEL UE/EU CONFIDENTIAL' generated for the purposes of the action, in accordance with the security rules for protecting EU classified information.
3. The High Representative shall be authorised to release to the United Nations and to the Organisation for Security and Cooperation in Europe, in accordance with the operational needs of the EUSR, EU classified information and documents up to the level 'RESTREINT UE/EU RESTRICTED' which are generated for the purposes of the action, in accordance with the security rules for protecting EU classified information. Local arrangements shall be drawn up for that purpose.
4. The High Representative shall be authorised to release to third parties associated with this Decision EU non-classified documents related to the deliberations of the Council with regard to the action covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure⁵.

⁴ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1, ELI: <http://data.europa.eu/eli/dec/2013/488/oj>).

⁵ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35, ELI: <http://data.europa.eu/eli/dec/2009/937/oj>).

Article 9

Access to information and logistical support

1. Member States, the Commission, the EEAS and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union office and/or Member States, as appropriate, shall provide logistical support to the EUSR and to the members of the EUSR's team.

Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in accordance with the EUSR's mandate and the security situation in the area of responsibility, for the security of all personnel under the EUSR's direct authority, in particular by:

- (a) establishing a specific security plan based on guidance from the EEAS, including specific physical, organisational and procedural security measures, governing the management of the secure movement of personnel to, and within, the area of responsibility, as well as management of security incidents and providing for a contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high-risk insurance, as required by the conditions in the area of responsibility;

- (c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the area of responsibility, based on the risk ratings assigned to that area by the EEAS;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the Council, the High Representative and the Commission with written reports on their implementation and on other security issues within the framework of the regular progress reports and a final comprehensive mandate implementation report referred to in Article 15.

Article 11

Reporting

The EUSR shall regularly provide the High Representative and the PSC with reports. The EUSR shall also report to Council working parties as necessary. Regular reports shall be circulated through the COREU network. The EUSR may provide the Foreign Affairs Council with reports. The EUSR may be involved in briefing the European Parliament.

Article 12
Coordination

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. Liaison with Member States shall be sought where appropriate. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region, as appropriate. The EUSR shall provide regular briefings to Member States' missions and Union delegations.
2. In the field, close liaison shall be maintained with the Heads of Union delegations in the region and Member States' Heads of Mission. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR shall provide local political guidance to the Head of EULEX KOSOVO, including on the political aspects of issues relating to executive responsibilities. The EUSR and the Civilian Operation Commander shall consult each other as required. The EUSR shall closely coordinate with the EUSR for the Belgrade-Pristina Dialogue, and shall offer local political advice and expertise. The EUSR shall also liaise with relevant local bodies and other international and regional actors in the field.
3. The EUSR, with other Union actors present in the field, shall ensure the dissemination and sharing of information among Union actors in theatre with a view to achieving a high degree of common situation awareness and assessment.

Article 13
Subrogation of rights

For the purpose of ensuring that legal commitments entered into by previous EUSRs for Kosovo are respected with regard to their team members and the procurement of works, supplies or services or the rental of land, buildings or other immovable property, the EUSR shall succeed to, and assume the rights and obligations of such previous EUSRs, with the exception of obligations arising from serious misconduct for which such previous EUSRs shall remain solely responsible.

Article 14
Access to documents and data protection

1. The EUSR shall apply the rules laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁶, as well as the implementing rules laid down in the Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 6 March 2025⁷.

⁶ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43, ELI: <http://data.europa.eu/eli/reg/2001/1049/oj>).

⁷ Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 6 March 2025 on the rules regarding the handling of requests for public access to documents held by EU Special Representatives (OJ C, C/2025/1951, 31.3.2025, ELI: <http://data.europa.eu/eli/C/2025/1951/oj>).

2. The EUSR shall protect individuals with regard to the processing of their personal data in accordance with the rules laid down in Regulation (EU) 2018/1725 of the European Parliament and of the Council⁸, and with the implementing rules adopted by the High Representative for the EEAS.

Article 15

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the High Representative and the Commission with progress reports on a regular basis and a final comprehensive mandate implementation report by 31 May 2028.

⁸ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

Article 16
Entry into force

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council
The President
