

DECISIONS

COUNCIL DECISION (CFSP) 2021/904

of 3 June 2021

amending Joint Action 2008/124/CFSP

on the European Union Rule of Law Mission in Kosovo * (EULEX KOSOVO)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

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

Whereas:

- (1) On 4 February 2008, the Council adopted Joint Action 2008/124/CFSP ⁽¹⁾.
- (2) On 11 June 2020, the Council adopted Decision (CFSP) 2020/792 ⁽²⁾, amending Joint Action 2008/124/CFSP and extending the Mission until 14 June 2021.
- (3) In the context of the Strategic Review of EULEX KOSOVO, the Political and Security Committee (PSC) agreed that the Mission should be extended until 14 June 2023 and that the task of providing operational support to the EU-facilitated dialogue should be transferred to the European Union Office in Kosovo by 31 December 2022.
- (4) Nothing in this Decision should be understood as prejudicing the independence and the autonomy of the judges and prosecutors active in judicial proceedings in the context of EULEX KOSOVO.
- (5) Due to the special character of the activities of EULEX KOSOVO in support of the relocated judicial proceedings within a Member State, it is appropriate to identify in this Decision the amount envisaged to cover the support to those relocated judicial proceedings and to provide for the implementation of that part of the budget through a grant.
- (6) Joint Action 2008/124/CFSP should be amended accordingly.
- (7) EULEX KOSOVO will be conducted 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:

Article 1

Joint Action 2008/124/CFSP is hereby amended as follows:

- (1) in Article 3, the following sentence is added:

'The task of providing operational support to the EU-facilitated Dialogue shall be transferred to the European Union Office in Kosovo by 31 December 2022.';

* 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.

⁽¹⁾ Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO (OJ L 42, 16.2.2008, p. 92).

⁽²⁾ Council Decision (CFSP) 2020/792 of 11 June 2020 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) (OJ L 193, 17.6.2020, p. 9).

(2) Article 16 is amended as follows:

(a) in paragraph 1, the following subparagraphs are added:

‘The financial reference amount intended to cover the expenditure of EULEX KOSOVO from 15 June 2021 until 14 June 2023 shall be EUR 173 693 683. Out of that amount, the amount intended to cover the expenditure of EULEX KOSOVO for the implementation of its mandate in Kosovo shall be EUR 57 900 000 and the amount intended to cover the support to the relocated judicial proceedings within a Member State shall be EUR 115 793 683.

The Commission shall sign a grant agreement with a registrar acting on behalf of a registry in charge of the administration of the relocated judicial proceedings for the amount of EUR 115 793 683. The rules on grants provided for in Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (*) shall apply to the grant agreement.

The financial reference amount for the subsequent period for EULEX KOSOVO shall be decided by the Council.

(*) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).;

(b) paragraph 4 is replaced by the following:

‘4. Except for the amounts referred to in paragraph 1 related to the support to the relocated judicial proceedings within a Member State, EULEX KOSOVO shall be responsible for the financial implementation of the Mission’s budget. For this purpose, EULEX KOSOVO shall sign an agreement with the Commission.’;

(3) in Article 20, second paragraph, the first sentence is replaced by the following:

‘It shall expire on 14 June 2023.’.

Article 2

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

Done at Luxembourg, 3 June 2021.

For the Council
The President
P. N. SANTOS
