

UNMIK/REG/2005/45  
21 September 2005

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**REGULATION NO. 2005/45**

**AMENDING UNMIK REGULATION NO. 2004/9  
ON THE CENTRAL ELECTION COMMISSION**

The Special Representative of the Secretary-General (SRSG),

Pursuant to the authority given to him under United Nations Security Council resolution (UNSCR) 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

In conformity with UNSCR 1244 (1999) and the Constitutional Framework for Self-Government in Kosovo (UNMIK Regulation No. 2001/9 of 15 May 2001),

Having promulgated UNMIK Regulation No. 2004/9 of 27 April 2004 on the Central Election Commission (CEC),

For the purpose of amending sections 2, 3, 5, 7, 8 and 9 of UNMIK Regulation No. 2004/9 in order to ensure a more balanced representation of political entities on the Central Election Commission (the Commission) reflecting the official results of elections for the Assembly of Kosovo, to clarify the terms of office and eligibility of the Commissioners, funding arrangements of the Commission and certain of its functions relating to the Secretariat,

Hereby promulgates the following:

Section 1  
Amendments

As of the date on which the present Regulation enters into force, UNMIK Regulation No. 2004/9 shall be amended as follows:

(a) In section 2.1, the words “eleven (11)” shall be replaced by “twelve (12) or more” and the words “nine (9)” shall be replaced by “the other Commissioners” ;

(b) section 3.1 (a) shall be revised to read:

The Political Entities not eligible for reserved seats that respectively received five percent (5%) or more of the votes in the most recent election to the Assembly of Kosovo;

(c) In section 5.1, the chapeau shall be revised to read:

The term of office of a Commissioner shall be three (3) years from the date of his or her appointment, unless it expires or is terminated earlier by reason of: ;

(d) In section 5.1, a new paragraph (f) shall be inserted after paragraph (e) to read as follows:

The term of office of a Commissioner shall expire if the Political Entity that nominated the Commissioner ceases to meet the requirements for eligibility under Section 3.1 herein. ;

(e) In section 7.1, the chapeau shall be revised to read:

The Commission shall be responsible for policy development, management, and administration of the conduct of: ;

(f) In sections 7.3 (a) and (b), the word “Directives” shall be inserted after “Electoral Rules”;

(g) A new section 7.4 shall be added to read as follows:

The Commission shall be funded from the Kosovo Consolidated Budget at a level sufficient to allow it to carry out its functions fully and independently. The Commission shall be responsible for the preparation, approval, and submission of a budgetary proposal for this purpose. The funding of the Commission shall include the financial requirements of its subsidiary bodies, the Commission Secretariat and the Municipal Election Commissions. The Commission shall issue Directive(s) to establish procedures for the expenditure of funds and entry into contracts by and on behalf of the Commission. Public authorities shall not use the financial decision-making process for allocating funds from the Kosovo Consolidated Budget to interfere with the independence of the Commission. ;

- (h) Section 8 shall be revised to read:

The Commission shall be assisted in the discharge of its responsibilities and functions by the Commission Secretariat which shall operate in accordance with provisions set out in an Administrative Direction issued by the SRSG. The Commission shall issue Directive(s) that establish the organization, composition, duties and functions of the Commission Secretariat. The Chief Executive Officer or the Deputy Chief Executive Officer of the Commission Secretariat shall attend every meeting of the Commission in an advisory capacity. ;

- (i) In section 9, the word “must” shall be replaced with “shall”.

Section 2  
Entry into Force

The present Regulation shall enter into force on 21 September 2005.

Søren Jessen-Petersen  
Special Representative of the Secretary-General