

# THE BRUSSELS DIALOGUE BETWEEN KOSOVO AND SERBIA

**ACHIEVEMENTS AND CHALLENGES**

September 2020



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# ABBREVIATIONS LIST

|                 |   |
|-----------------|---|
| <b>ADR</b>      | <i>Accord européen relatif au transport international des marchandises Dangereuses par Route</i><br>(European Agreement concerning the International Carriage of Dangerous Goods by Road) |
| <b>ASM</b>      | Association of Serb Majority Municipalities   |
| <b>ATA</b>      | <i>Admission Temporaire</i> (Temporary Admission)   |
| <b>BC</b>       | Bureau Council  |
| <b>BIM</b>      | Border Integrated Management (See IBM)  |
| <b>CRA</b>      | Civil Registration Agency   |
| <b>CP</b>       | Civil Protection  |
| <b>CPP</b>      | Certificate of Pharmaceutical Products  |
| <b>DRC</b>      | Danish Refugee Council  |
| <b>ECC</b>      | Expert Certification Committee  |
| <b>ECMI</b>     | European Centre for Minority Issues   |
| <b>EEAS</b>     | European External Actions Services  |
| <b>EMS</b>      | <i>Elektromreža Srbije</i> (Serbian Power Grid)   |
| <b>ENIC</b>     | European Network of Information Centres   |
| <b>ENTSO-E</b>  | European Network of Transmission System Operators   |
| <b>EPS</b>      | <i>Elektroprivreda Srbije</i> (Electric Power Industry of Serbia)   |
| <b>EQS</b>      | European Qualifications Framework   |
| <b>EU</b>       | European Union  |
| <b>EUA</b>      | European University Association   |
| <b>EULEX</b>    | European Union Rule of Law Mission in Kosovo  |
| <b>EUSR</b>     | European Union Special Representative   |
| <b>FVAK</b>     | Food and Veterinary Agency of Kosovo  |
| <b>ICA</b>      | Italian Customs Agency  |
| <b>ICO</b>      | International Civilian Office   |
| <b>ICJ</b>      | International Court of Justice  |
| <b>IG</b>       | Implementation Group  |
| <b>IMF</b>      | International Monetary Fund   |
| <b>IBM</b>      | Integrated Border Management  |
| <b>INTERPOL</b> | International Criminal Police Organization  |
| <b>INTOSAI</b>  | International Organization of Supreme Audit Institutions  |
| <b>KIB</b>      | Kosovo Insurance Bureau   |
| <b>KOSTT</b>    | Transmission, System and Market Operator  |
| <b>KPCVA</b>    | Kosovo Property Comparison and Verification Agency  |
| <b>LVV</b>      | Self-Determination Movement   |
| <b>MAFRD</b>    | Ministry of Agriculture, Forestry and Rural Development of Kosovo   |
| <b>MEST</b>     | Ministry of Education, Science, and Technology  |

|               |   |
|---------------|---|
| <b>MIA</b>    | Ministry of Internal Affairs of Serbia  |
| <b>MLA</b>    | Mutual Legal Assistance   |
| <b>MLG</b>    | Ministry of Local Government Administration of Kosovo                         |
| <b>MLA</b>    | Mutual legal assistance   |
| <b>MU</b>     | Memorandum of Understanding   |
| <b>MPB</b>    | Ministry of Internal Affairs of Kosovo  |
| <b>MTS</b>    | <i>Mobilna telefonija Srbije</i> (Mobile Telecommunication Company of Serbia) |
| <b>NARIC</b>  | National Academic Recognition Information Centre                              |
| <b>NGO</b>    | Non-Governmental Organization   |
| <b>OSCE</b>   | Organization for Security and Cooperation in Europe                           |
| <b>PDK</b>    | Democratic Party of Kosovo  |
| <b>PK</b>     | Post of Kosovo  |
| <b>RAEPC</b>  | Regulatory Authority of Electronic and Postal Communications                  |
| <b>RCC</b>    | Regional Cooperation Council  |
| <b>SAA</b>    | Stabilization and Association Agreement                                       |
| <b>SEED</b>   | System for Exchange of Excise Data  |
| <b>SEEIC</b>  | South East Europe Investment Committee  |
| <b>SEETO</b>  | South East Europe Transport Observatory                                       |
| <b>SEETUF</b> | See Trade Union Forum   |
| <b>SLS</b>    | <i>Samostalna liberalna stranka</i> (Independent Liberal Party)               |
| <b>TIG</b>    | Tripartite implementation group   |
| <b>TIR</b>    | <i>Transports Internationaux Routiers</i> (International Road Transport)      |
| <b>TSO</b>    | Transmission System Operator  |
| <b>TPL</b>    | Third party liability   |
| <b>UCTE</b>   | Union for the Co-ordination of Transmission of Electricity                    |
| <b>UMV</b>    | University of North Mitrovica   |
| <b>UNESCO</b> | United Nations Educational, Scientific and Cultural Organization              |
| <b>UNMIK</b>  | United Nations Interim Administration Mission in Kosovo                       |
| <b>UN</b>     | United Nations  |
| <b>UO</b>     | Association of Serbian Insurers   |
| <b>VEF</b>    | Vienna Economic Forum   |
| <b>WB</b>     | World Bank  |
| <b>WG</b>     | Working Group   |
| <b>WBIF</b>   | Western Balkans Investment Framework  |
| <b>ZDB</b>    | Internal Customs Office   |
| <b>ZKA</b>    | National Audit Office   |
| <b>ZN</b>     | Liaison Officer   |
| <b>ZPKD</b>   | Customs Checkpoints Zone  |
| <b>ZRrE</b>   | Regulatory Energy Office of the Republic of Kosovo                            |

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# **BRUSSELS DIALOGUE BETWEEN KOSOVO AND SERBIA**

## EXECUTIVE SUMMARY

The dialogue process between Kosovo and Serbia commenced in March 2011, under the facilitation of the European Union (EU), and resulted in 38 agreements within four years. This report seeks to deconstruct the number of agreements which are as arguable as many other issues in this process. The dialogue began with topics that were considered easier to negotiate; the freedom of movement and Kosovo's civil registry. That was necessary to establish a foundation for further talks between Kosovo and Serbia but also between these countries and the EU. As these initial subjects were considered more technical, the process, in the beginning, was called the 'Technical Dialogue'.

The dialogue aimed at improving relations and solving problems between Kosovo and Serbia through reaching agreements on multiple topics. The primary objective was to establish continuous communication between the two governments. The meetings, even though afflicted with numerous problems, resulted in concrete agreements, some of which have been well implemented. However, the process lacked transparency and accountability. The results were not promoted as much as needed and were used for political battles within each country and against one another. While for the agreements

that failed or were not implemented, there was a noticeable lack of accountability. Both parties had high, hasty, and contradictory expectations for the entire process.

The year 2012 marked the beginning of the 'Political Dialogue', which culminated with the First Agreement of Principles Governing the Normalization of Relations (19 April 2013). The Kosovo Assembly ratified it a few weeks later as an international agreement, therefore making it superior to national laws. With the start of the political dialogue, political divisions within Kosovo grew and so did tensions with Serbia, while there were also some issues in relations with international partners. Parts of this agreement have yet to be implemented. A key contradictory part of this agreement was the establishment of the Association/Community of Serb-majority Municipalities which resulted in massive protests led by the Kosovo opposition. The Constitutional Court of Kosovo found the principles of the agreement to not be in accordance with the Constitution. Thus, the Kosovo government (one after one) remains hesitant to implement it until Serbia presents clear plans to withdraw its parallel institutions in Kosovo.





An agreement on the creation of a unified judicial system within all of Kosovo was concluded in 2015, and it included the successful integration of judges and prosecutors from the Serb community. The agreement on the integration of Civil Protection (which Pristina perceived as a threat to its security while northern Serbs viewed it as a mechanism that offered protection and employment) was also signed in 2015. The integrated judicial employees were not given specific tasks by Kosovo's institutions, and a high number of employees still do not show up for work, something which has prevented the full implementation of this agreement.

Some agreements i.e. agreement on energy, reciprocal recognition of diplomas, and cadastral records have fallen far behind the agenda for implementation. From the signing of the energy agreement in 2013, Serbia has hesitated to register their energy companies in northern Kosovo under the country's laws. The 2011 reciprocal diploma recognition agreement has faced many challenges as Serbia continues to stall the process on the recognition of Kosovo diplomas. On the other hand, Kosovo considers the University of North Mitrovica (for Serbs known as the University of Pristina with a temporary seat in North Mitrovica), as an illegal institution that follows the Serbian education system. In the same year, an agreement for the return of all cadastral registries before 1999, was signed. All cadastral information should have been scanned and sent to Kosovo through the European Union Special Representative (EUSR). The Kosovo Agency for the Comparison and Verification of Property (AKKVP) was created to act as a technical agency for the comparison of these scanned documents; however, the institution is not functional yet. Additionally, the Constitutional Court of Serbia found that the civil registry agreement was inconsistent with Serbia's Constitution.

In 2017, the dialogue for a final agreement began with a lot of confusion and tensions. This established a general impression that the previous dialogue had failed and that the only solution was a comprehensive settlement. Many other options were considered, which were in contradiction with the dialogue process up to then. With the following phase of the dialogue, tensions between the two countries and within Kosovo grew even further. Serbia began a more aggressive campaign against Kosovo, specifically campaigning to block Kosovo from joining international organizations

and lobbying for countries to withdraw recognition of Kosovo's independence. In response, Kosovo hesitated to implement previous agreements such as the creation of the Association of Serb Majority Municipalities.

Successfully implemented agreements have had positive effects on the lives of many citizens, namely the agreements on civil registry, custom stamps, telecommunication, Integrated Border Management (IBM), integration of the police force and judicial employees, and the establishment of four municipalities in northern Kosovo. These agreements prove that the dialogue between Serbia and Kosovo is possible, that results can be achieved, and that normalization of relations could progress, which would benefit citizens and help consolidate Kosovo's statehood. Kosovo's success in receiving a country dial code allows its citizens to use only one code for both local and international phone calls. Also, the implementation of the agreement for custom stamps and freedom of movement has eased the movement of people and goods between the two countries and between Kosovo and the EU.

Unfortunately, transparency and information to citizens continue to remain a worrisome topic that has extensively damaged this process. Both sides have continuously provided different narratives and interpretations of the agreements. As a result, citizens of both countries remain sceptical of the dialogue process. The dialogue has been suspended since 2018, even though the continuation of negotiations and implementation of previous agreements is one of the main requirements of both countries' paths towards joining the EU. It is essential to create a new way of presenting the dialogue to the citizens in order to restore their trust in this process.

This report describes the dialogue process in detail; the achieved agreements, their implementation or lack of thereof, and the impact of these agreements. The report treats both technical and political agreements as part of a single process eased by the EU's involvement. Since the government and other institutions do not have complete information regarding the entire dialogue, this report will serve to create a better institutional memory system for the Government. These descriptions are also significant for the new dialogue phase with Serbia.

# RECOMMENDATIONS

Every agreement offers considerable information on what should be done to ensure its full implementation. However, there are some important steps that the Government, the Prime Minister's Office, and other relevant institutions should undertake:

**1** Create an office within the Office of Prime Minister to develop and process all information related to the dialogue process. This office should create an institutional memory and serve as an authority to demand and improve the implementation of the agreements and inter-institutional coordination.

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**2** Improve outreach and public information about the agreements reached and the ongoing dialogue, including about the process, the content of the agreements, gender participation, and expenses, etc.

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**3** Mandated institutions and agencies should prioritize the implementation of these agreements, especially those related to the strengthening of institutions and the extension of public services for the citizens in the four northern municipalities.

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**4** Maximise the use of current arrangements to advance Kosovo's position and participation in regional organisations and initiatives as well as in international organizations.

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**5** Insist on a new and uncontested mechanism for monitoring and reporting for the implementation of the arrangements within the framework of the ongoing dialogue process in Brussels.

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**6** Include women in the dialogue process as well as other processes of implementation, consultation, and decision-making agendas about the dialogue.

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**7** Include experts in working and implementation groups.

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# THE HISTORY OF DIALOGUE



Since 1999, relations between Kosovo and Serbia have continuously been tense. The strong international presence and dialogue process for the final status of Kosovo has achieved slight ease of these relations. Before the dialogue, no channels of communication and cooperation existed between Kosovo and Serbia. The movement of people and goods was complicated. In northern Kosovo, only the parallel institutions of Serbia were functional through their municipal administration, presence of police and paramilitary force as well as judicial, educational, and health institutions.<sup>1</sup> Vehicle plates, public inscriptions, currency, taxes, energy billing as well as other regulations functioned under Serbian systems.<sup>2</sup> Kosovo's institutions did not even have access to that part, let alone be able to extend their sovereignty there. They perceived Kosovo Serbs as instruments of Belgrade's political agenda and did little to integrate them into Kosovo's institution.

The relations between Belgrade and Pristina worsened after Kosovo declared independence, whereas Serbia would not recognise the country's sovereignty nor its institutions. Belgrade insisted that it only recognised UNMIK's authority in Kosovo.<sup>3</sup> Internationally, Kosovo was campaigning

for global recognition of its statehood, while Serbia was lobbying against the recognition of Kosovo. Even after independence, Kosovo was represented in only three regional organisations, and that as 'UNMIK/Kosovo', as this administration represented Kosovo before the declaration of independence.<sup>4</sup> Six months after the declaration of independence in 2008, Serbia asked for an advisory opinion from the International Court of Justice on whether this declaration was in accordance with international laws. Based on the Court's opinion, Kosovo's declaration of independence had not violated any international laws, including UNSC Resolution 1244, which had established the UNMIK administration.<sup>5</sup> The Government of Kosovo, supported by a political party that represented Kosovo Serbs, the Samostalna Liberalna Stranka (SLS) (Independent Liberal Party), implemented the Ahtisaari Plan by establishing new Serb-majority municipalities in the rest of Kosovo but not in the north.<sup>6</sup> Only two days after the declaration of independence, a well-organised group including personnel of the Ministry of Internal Affairs of Serbia (MIA), equipped with weapons and explosives were transported with buses and other vehicles to attack customs checkpoints at Brnjak/Bërnjak and Jarinje/Jarinjë in northern

<sup>1</sup> International Crisis Group, *Serbia and Kosovo: Path to normalization*, 19 February 2013, at <https://www.crisisgroup.org/sq/europe-central-asia/balkans/serbia/serbia-and-kosovo-path-normalisation>

<sup>2</sup> Ibid.

<sup>3</sup> International Crisis Group, *Serbia and Kosovo after ICJ opinion*, 26 August 2010, page 21.

<sup>4</sup> "Government of Koštunica has accepted a compromise where Kosovo is labelled as a special trade zone and has agreed to the entrance of Kosovo in CEFTA as "UNMIK-Kosovo", page 21.

<sup>5</sup> Ibid.

<sup>6</sup> In November of 2009, Serbians went to local elections and four new Serb majority municipalities were formed (Ranillug, Parteš, Klokot, Gračanica), one was expanded (Novo Brd) while one had elected legitimate representatives (Štrpce). SLS (*Samostalna Liberalna Stranka*) (Independent Liberal Party), formed on 27 January 2006, in Gračanica, led by Slobodan Petrović. Ibid, page 17.



Kosovo. The Mayor and the Deputy-Mayor of Zubin Potok were also part of the group.<sup>7</sup> Serb employees in Kosovo's institutions were instructed to resign.<sup>8</sup>

UNMIK, (UN's mission deployed after the end of the war as an administration of Kosovo based on Resolution 1244), was not able to create an administrative infrastructure in the entire territory of Kosovo, leaving a continuation of Serbian parallel institutions in some parts, especially in the north across the Ibar River.<sup>9</sup> Despite the presence of EULEX and later the International Civilian Office (ICO), Serb government institutions expanded in the area, and the divisions alongside the Ibar River worsened.<sup>10</sup> Across the river, there was no rule of law, and frequent explosions and armed attacks occurred monthly.<sup>11</sup> Albanians and Serbs who communicated their willingness to work with Pristina and international partners, were attacked.<sup>12</sup>

In 2011, Belgrade's control over the northern part of Kosovo reached a peak. Therefore, it was necessary to start a dialogue process that would focus on finding solutions to issues that aggravated the

relations between Kosovo and Serbia and prevent an even greater conflict in the north.<sup>13</sup> On 9 September 2010, at the request of the EU, the UN General Assembly adopted a resolution welcoming the ICJ advisory opinion and the EU's readiness to facilitate the dialogue between Kosovo and Serbia. The dialogue on the normalization of relations between Belgrade and Pristina, mediated by the European Union, with a mandate from the United Nations, officially began on 8 March 2011. Two days later, the Assembly of Kosovo adopted a resolution mandating the Government of Kosovo to participate in the dialogue with Serbia, with the facilitation of the EU.<sup>14</sup> The process focused on finding practical and acceptable solutions; or as the former EU mediator Catherine Ashton said: *"The parties were not asked to cross their red lines" and that "the aim was to try to at least bring representatives from both sides closer to the same room and at the same table"*.<sup>15</sup> The Government of Kosovo perceived the dialogue as an aspect of peace, as well as a driver of cooperation and progress towards the European Union for both countries.<sup>16</sup>

<sup>7</sup> International Crisis Group, *Kosovo's First Month*, 8 March 2008, page 8.

<sup>8</sup> In the north, Serbians did not resign but they cancelled communication with their superiors. 300 Serbian members of the Police of Kosovo refused to remain under the hierarchy of Kosovo's Police Force. They requested to be under direct orders from the UNMIK Police Force in Mitrovica. For this reason, they were suspended, however, they continued to receive their salaries. Within the Border Police Force, 48 out of 50 suspended officials came back. In Mitrovica, another suspended police member came back. Read International Crisis Group's Report: Rule of Law in Independent Kosovo, page 6, 19 May 2010, and scientific research by Enver Sopjani and Naser Sopjani, Role of enclaves and illegal Serbian structures in Kosovo, page 20, August 2012.

<sup>9</sup> Resolution 1244 (1999). North of Ibar, challenges posed by Serbs had grown due to the lack of functional courts and border patrols of Kosovo, whereas Kosovo Serbs continue to refuse cooperation with both Kosovo institutions and the EU. International Crisis Group Report, Kosovo's Fragile Transition. 25 September 2008, Page i.

<sup>10</sup> GLPS and DPC Report, *EULEX - towards an integrated exit strategy - Strengthening the rule of law through EU-integration*, April 2014.

<sup>11</sup> International Crisis Group, *Kosovo and Serbia after the ICJ opinion*, 26 August 2010.

<sup>12</sup> Attacks against Serbs cooperated with Pristina and the murder of a EULEX police officer. Read "EU police officer killed in Kosovo", BBC News, 19 September 2013, at <https://www.bbc.com/news/world-europe-24158153>

<sup>13</sup> International Crisis Group, *Kosovo and Serbia after the ICJ opinion*, 26 August 2010.

<sup>14</sup> See the Resolution of the Assembly of Kosovo on the dialogue between the Republic of Kosovo and the Republic of Serbia". No. 04-R-001. Pristina, 10 March 2011.

<sup>15</sup> Speech by Catherine Ashton, at the panel 'Sustainable Solutions for the Western Balkans', at the opening of the Security Forum in Belgrade, 17 October 2019, at <https://www.youtube.com/watch?v=c0cOXXK57i80>

<sup>16</sup> See "Strategy for the Achievement of Full International Recognition of the Republic of Kosovo", June 2011, at [http://www.kryeministri-ks.net/repository/docs/Strategija\\_per\\_Arritjen\\_e\\_Njohjes\\_se\\_Plote\\_Nderkombetare\\_te\\_Republikes\\_se\\_Kosoves\\_SHQ.pdf](http://www.kryeministri-ks.net/repository/docs/Strategija_per_Arritjen_e_Njohjes_se_Plote_Nderkombetare_te_Republikes_se_Kosoves_SHQ.pdf)



# INTRODUCTION

In July 2011, the dialogue commenced with a discussion of Kosovo's civil and cadastral records which were located in Serbia and were inaccessible to Kosovars. Even though, UNMIK had created both registries, it was incomplete as it lacked archival records.<sup>17</sup> Even more challenging was the missing official documents on previous state-owned properties, as others doubted that ownership of these properties might have changed after the war.<sup>18</sup> Many topics followed, and many agreements were later overruled to create new frameworks for future negotiations. One of the notable agreements was the freedom of movement of citizens between the two countries through the use of identification cards rather than passports.<sup>19</sup> Other important agreements reached at that time include the reciprocal recognition of university diplomas; customs revenue; Integrated Border Management (IBM) and regional representation and cooperation.<sup>20</sup>

On 19 April 2013, Kosovo and Serbia signed the First Agreement on Principles Governing the Normalization of Relations between one another. The primary purpose was to dissolve the parallel Serbian structures in Kosovo, to integrate its employees in Kosovo's institutions and to offer a level of self-administration to Kosovo Serbs and their municipalities. In 2015, four agreements which had stalled the dialogue process for a long time, were reached: the Association of Serb-majority Municipalities, telecommunication, energy, and the freedom of movement at the Mitrovica Bridge.<sup>21</sup>

Depending on the level of implementation, several of these agreements required a review of the legal framework. The Assembly of Kosovo passed the 'Law on Ratification of the First Agreement on Principles Governing the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia'.<sup>22</sup> Serbia approved the Brussels agreements through government decrees, which were used to implement them throughout its institutions.<sup>23</sup> Apart from solving internal problems and issues with Serbia, through the Agreement on Regional Representation and Cooperation, Kosovo managed to become part of many important regional and international organizations.<sup>24</sup> Yet, Kosovo failed to become a member of UNESCO, Interpol, and OSCE, and it never applied for membership in the Council of Europe or the UN.<sup>25</sup>

The dialogue process lacked transparency and failed to earn public support in both countries, Kosovo and Serbia. Both parties justified themselves by claiming the sensitivity of the process and the necessary political diligence needed. Others harshly criticized this approach, arguing that it creates space for unnecessary doubt and controversy.<sup>26</sup> The process continued to be even more closed, and both governments failed at securing public support over the process and agreements; many times accusing each other and the EU, while also failing at promoting the benefits of this process to their citizens.<sup>27</sup>

<sup>17</sup> With an UNMIK ID and two witnesses, one could receive a document of citizenship, even if unable to provide any document proving citizenship beforehand. Therefore this register inherited by UNMIK was not very plausible and the creation of a complete and accurate register was amongst the criteria set by the EU for Kosovo's visa liberalizations.

<sup>18</sup> International Crisis Group, *Setting Kosovo Free: Remaining challenges*, 10 September 2012, page 20, at <https://d2071andvip0wj.cloudfront.net/218-setting-kosovo-free-remaining-challenges.pdf>

<sup>19</sup> See Conclusions over the Freedom of Movement and Customs Licenses, 16 September 2004.

<sup>20</sup> Balkans Group, *Serb Integration in Kosovo after the Brussels Agreement*, 15 March 2015.

<sup>21</sup> See First Agreement on Principles Governing the Normalization of Relations, 19 April 2013.

<sup>22</sup> Law No.04/L-199 on Ratification of the First International Agreement of Principles Governing the Normalization of Relations Between the Republic of Kosovo and the Republic of Serbia, at <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8892>

<sup>23</sup> Ministry of Foreign Affairs of the Republic of Serbia, "The Government accepts Brussels agreement", 22 April 2013, at <http://www.mfa.gov.rs/en/component/content/article/11929-the-government-accepts-brussels-agreement>

<sup>24</sup> For a full list of regional and international organizations that Kosovo is a member of see Appendix 2 of this report.

<sup>25</sup> Kosovo applied for membership in UNESCO in 2015 and Interpol in 2018, failing to achieve the necessary votes in both cases. Taking into consideration Kosovo's failure in becoming a member of Interpol, in 2018, the Ministry of Foreign Affairs and the Government decided not to reapply unless they were guaranteed the necessary votes. Even though membership in the Council of Europe was part of the Government's Program, Kosovo decided not to apply in 2019. See PIPS report 'Annual Review of Kosovo's Foreign Policy', February 2020, page 34.

<sup>26</sup> Balkans Group interview with Kosovo government officials, February 2020.

<sup>27</sup> Radio Free Europe, "Kosovo and Serbia with mutual accusations regarding lack of compliance with signed agreements" November 18, 2018, at <https://www.evropaelire.org/a/kosova-serbia-me-akuza-per-moszbati-te-marreshjeve/29607079.html>  
European Commission, *2019 Progress Report for Serbia*, Brussels, 29 May 2019, page 13 and 30, at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>



The dialogue process was also afflicted by the actions of one and the other. After Kosovo declared independence, Serbia would not recognize Kosovo's customs stamps, therefore blocking Kosovo's exports to Serbia and obstructing the transit of goods from Kosovo towards countries of the European Union.<sup>28</sup> In July 2011, the Government of Kosovo imposed reciprocity measures against Serbia, by banning imports from Serbia and Bosnia and Herzegovina. This decision, however, only lasted for 50 days, after which it was overruled.<sup>29</sup> Kosovo's Police deployed in the north, tried to gain control of two border crossing points (Brnjak/Bërnjak and Jarinje/Jarinjë) during the month that the agreement on freedom of movement was signed. Kosovo Serbs reacted by placing numerous barricades on the roads, forcing NATO's involvement to put the situation under control. The implementation of these agreements encountered some difficulties, while the entire process has slowed since 2015 after massive protests were organized by opposition parties and NGOs in Pristina following the agreement on the creation of the Association of Serb-majority Municipalities. Throughout the years Serbia has taken other actions against Kosovo in the form of non-tariff barriers such as raising the costs and the amount of time

it takes to cross border crossing points.<sup>30</sup> In turn, Kosovo has put in place tariffs on some Serb goods and industries.<sup>31</sup>

The dialogue was suspended for some time in January 2017 after the former Prime Minister of Kosovo, Ramush Haradinaj was detained in France based on an arrest warrant issued by Serbia.<sup>32</sup> Kosovo's Assembly passed a resolution that required the suspension of the dialogue until his release.<sup>33</sup> After Mr Haradinaj was released in April 2017, the talks resumed.<sup>34</sup> In November 2018, the dialogue process was suspended once again after the Government of Kosovo introduced a 100% import tariff on goods coming from Serbia and Bosnia and Herzegovina as a response to Serbia's international campaign for withdrawing Kosovo's recognition and against its membership in Interpol.<sup>35</sup> The continuation of the dialogue received renewed focus after the 6 October 2019 Kosovo parliamentary elections. German Chancellor Merkel, alongside French President Macron, insisted on a more prominent role in the dialogue between Kosovo and Serbia.<sup>36</sup> The recent agreements, with the mediation of Richard Grenell, US Special Presidential Envoy aimed at establishing a direct flight route between Pristina and Belgrade

<sup>28</sup> European Commission, *2010 Progress Report for Serbia*, Brussels, 9 November 2010, page 19, at [http://europa.rs/upload/documents/key\\_documents/2010/Rapport%20SR%20TO%20PRESS%20CONF%2008.11.pdf](http://europa.rs/upload/documents/key_documents/2010/Rapport%20SR%20TO%20PRESS%20CONF%2008.11.pdf)

<sup>29</sup> Koha, "Dialogue and reciprocity with resolutions", 10 February 2020, at <https://www.koha.net/arberi/207887/dialog-dhe-reciprocitet-me-rezoluta/>

<sup>30</sup> "Document over Policies #1 NTB (Non-Tariff Barriers to Trade) in the context of CEFTA: Case of Serbia against Kosovo", May 2015, page 8, at <https://mti.rks-gov.net/desk/inc/media/B30D19DE-F849-4DEC-A966-27E24100B8D9.pdf>

<sup>31</sup> Decision by the Ministry of Trade and Industry on flour imports from the Republic of Serbia to the Republic of Kosovo Pristina, 19 October 2017, at <https://mti.rks-gov.net/desk/inc/media/79E03DDF-CB54-4B11-85F9-F2009590B94A.pdf>.

<sup>32</sup> See "Ramush Haradinaj gets arrested" Zëri, 4 January 2017, at <https://zeri.info/aktuale/124456/arrestohet-ramush-haradinaj/>

<sup>33</sup> Resolution adopted regarding the detention of former Prime Minister of Kosovo, Mr. Ramush Haradinaj, in France, 9 March, 2017, at [http://old.kuvendikosoves.org/common/docs/2017\\_03\\_09\\_Rezoluta\\_nr\\_011\\_per\\_lirimimin\\_e\\_Ramush\\_Haradinaj.pdf](http://old.kuvendikosoves.org/common/docs/2017_03_09_Rezoluta_nr_011_per_lirimimin_e_Ramush_Haradinaj.pdf)

<sup>34</sup> See "Ramush Haradinaj is released" kallxo.com, 27 April 2017, at <https://kallxo.com/shkurt/lirihet-ramush-haradinaj-2/>

<sup>35</sup> Kosovo 2.0, "Kosovo's Interpol Membership is far from assured", 18 August 2017, at <https://kosovotwopointzero.com/kosovos-interpol-membership-far-assured/>

<sup>36</sup> Radio Free Europe, "Association, stagnant cause until the continuation of the dialogue", 20 June 2019, at <https://www.evropaelire.org/a/asociacioni-dialogu-kosova-serbia-bruksel/30009089.html>

and a railway link between the two countries; topics that were already discussed in the Brussels dialogue, gave new energy to the process.<sup>37</sup>

Lately, Kosovo has demonstrated a commitment to previous agreements, expanding the deadline for the replacement of driver licenses issued by Serbia's institutions until 15 September 2020.<sup>38</sup> Also, on 20 March 2020, the Government of Kosovo removed the 100% import tariff imposed on goods from Serbia and Bosnia and Herzegovina; initially on raw materials, and from 1 April 2020 on other goods as well, replacing the tariff with gradual reciprocal measures with Serbia only.<sup>39</sup> These steps signalled a possible restart of the dialogue. With the fall of the Albin Kurti government, a new government formed of LDK, AAK, NISMA, and minorities, led by Prime Minister Avdullah Hoti was voted on 3 June 2020. Hoti has introduced a set of principles and promised that a group of experts would coordinate the dialogue.<sup>40</sup>

There were plans to resume the talks between Pristina and Beograd in the U.S. on 27 June 2020. However, the meeting was cancelled after the Kosovo Specialist Chambers and the Specialist Prosecutor's Office in The Hague announced the indictment of the President of Kosovo, Hashim Thaçi, with war crimes and crimes against humanity.<sup>41</sup> With the initiative of the French President Macron and the German Chancellor Merkel, on 10 July a video conference was held between the Prime Minister of Kosovo, Avdullah Hoti, and the President of Serbia, Aleksandar Vučić. The dialogue was restarted on 12 July 2020 with the participation of the EU Special Representative for the dialogue, Miroslav Lajčák. On 16 July in Brussels, for the first time in more than 20 months, a meeting was held between representatives of Serbia and Kosovo as part of the Brussels dialogue.

The negotiations focused on missing people from the war, displaced individuals, and economic development.<sup>42</sup> The July 2020 dialogue between the two governments is being promoted as a process for the ultimate agreement between Pristina and Belgrade. Yet, elements from previous negotiations must be integrated in the new agreements which may be reached in the U.S. or Brussels.

The dialogue is a sensitive but fluid process of finding the best formulas for cooperation. Even though it was supposed to achieve a normalization of relations, it faced objections and encountered numerous barriers and obstacles. These objections were primarily caused by different and contradictory interpretations and by the polarization between political parties, especially in Kosovo. At times, an arrangement between the two parties turned into a new agreement or topic. However, there were cases when this was only a confirmation of a previous agreement or even a detailed analysis of a previous agreement. Therefore, there is no consensus on the exact number of agreements that were reached.

Due to the lack of commitment by subsequent governments to develop and provide detailed records of the dialogue process, this report will help in the collation of specific documentation for such a delicate process.

This report also aims to help academic institutions, researchers and students – who continuously seek information related to the dialogue from the Balkans Group – to find more accurate records and to better articulate this process which will continue for many years.

<sup>37</sup> DELO, "Balkanski spektakel v Beli hiši, [*Balkan Spectacle at the White House*]", 4 November 2019, at <https://www.delo.si/mnenja/komentarji/balkanski-spektakel-v-beli-hisi-245752.html>

<sup>38</sup> KoSsev, "Produžen rok za zamenu srpskih vozačkih dozvola", [*"Deadline extended for changes of Serbian driver's licenses"*] February 2020, at <https://kossev.info/produzen-rok-za-zamenu-srpskih-vozačkih-dozvola/>

<sup>39</sup> See the article "Kosovo: Crisis Uninterrupted" by Naim Rashiti, 11 May 2020

<sup>40</sup> Skënder Hyseni was appointed as coordinator on July 21, 2020. Prime Minister Hoti's platform includes three principles: the territorial integrity of the Republic of Kosovo is not negotiable; the constitutional and state organization of the Republic of Kosovo is not negotiable and the agreement reached must be in line with the Constitution of the Republic of Kosovo. For more information see <https://kryeministri-ks.net/kryeministri-hoti-prezantoi-sot-ne-akademine-e-shkencave-dhe-te-arteve-te-kosoves-kornizen-e-qeverise-se-kosoves-per-dialogun/>

<sup>41</sup> Radio Free Europe, "Grenell presents a new meeting after cancellation of Hoti's journey", 25 June 2020, at <https://www.evropaelire.org/a/30689591.html>

<sup>42</sup> European External Action Service, "Kosovo/Serbia: Resumption of the EU-facilitated Dialogue on Sunday", 7 July 2020, at [https://eeas.europa.eu/headquarters/headquarters-homepage/82170/kosovoserbia-resumption-eu-facilitated-dialogue-sunday\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/82170/kosovoserbia-resumption-eu-facilitated-dialogue-sunday_en)

# CHRONOLOGY OF AGREEMENTS

| AGREEMENT |   |  | DATE                    |
|-----------|---|--|-------------------------|
| 1         | <b>AGREEMENT ON FREEDOM OF MOVEMENT</b>                         |  | <b>2 JULY 2011</b>      |
|           | 1.1   | Final operational conclusions  | 29 November 2011        |
|           | 1.2   | Opening of new border crossing points between Kosovo and Serbia                        | 14 September 2011       |
|           | 1.3   | Mutual Recognition of Vehicle Insurance  | 10 August 2015          |
|           | 1.4   | Removal of the barricades over the Ibar Bridge   | 25 August 2015          |
|           | 1.5   | Mutual Recognition of ADR Certificates   | 19 April 2016           |
|           | 1.6   | EU Implementation Plan of the Agreement on the Mitrovica Bridge                        | 5 August 2016           |
|           | 1.7   | Arrangements concerning the finalisation of implementation of 2011 freedom of movement | 14 September 2016       |
|           | 1.8   | Establishment of a direct flight route to/from Pristina-Belgrade and vice-versa        | 20 January 2020         |
|           | 1.9   | Establishment of a new railway link between Pristina and Belgrade                      | 14 February 2020        |
| 2         | <b>CIVIL REGISTRY BOOKS</b>                                     |  | <b>2 JULY 2011</b>      |
|           | 2.1   | <i>Opening of ARC offices in northern municipalities</i>                               | 14 September 2016       |
| 3         | <b>CADASTRAL RECORDS</b>  |  | <b>2 JULY 2011</b>      |
| 4         | <b>MUTUAL RECOGNITION OF PROFESSIONAL AND ACADEMIC DIPLOMAS</b> |  | <b>2 JULY 2011</b>      |
|           | 4.1   | Conclusions on mutual diploma recognition  | 19 January 2016         |
|           | 4.2   | Operational conclusions of the Working Group on Diplomas                               | 21 March 2016           |
|           | 4.3   | EU Guidance on mutual Diploma recognition  | 4 April 2016            |
| 5         | <b>CUSTOMS STAMP</b>  |  | <b>2 SEPTEMBER 2011</b> |
|           | 5.1   | Customs Revenue Collection   | 17 January 2013         |
|           | 5.2   | Licensing of companies in the north  | 17 January 2013         |
|           | 5.3   | Development Fund   | 17 January 2013         |
|           | 5.4   | Conclusions on customs licensing of imports  | 16 December 2014        |
|           | 5.5   | Certificate of Pharmaceutical Products   | 5 May 2015              |



|  |  |   |                   |
|--|--|---|-------------------|
| 6  | INTEGRATED BORDER MANAGEMENT, IBM                                    |   | 2 DECEMBER 2011   |
|  | 6.1  | Technical protocol                                      | 24 February 2012  |
|  | 6.2  | Final Action Plan                                       | 4 January 2013    |
|  | 6.3  | Mutual legal assistance, MLA                            | 9 January 2013    |
|  | 6.4  | SEED – System for Exchange of Excise Data               | 24 January 2013   |
|  | 6.5  | Phytosanitary Certificates                              | 5 September 2013  |
|  | 6.6  | IBM Permanent crossing points                           | 4 September 42014 |
|  | 6.7  | Opening of two new crossing points (Kapia, Izvor)       | 22 May 2015       |
| 7  | REGIONAL REPRESENTATION AND COOPERATION                              |   | 24 FEBRUARY 2012  |
| First Agreement of Principles Governing the Normalization of Relations |  |   | 27 JUNE 2013      |
| 8  | LOCAL ELECTIONS<br>(FUNCTIONING OF FOUR MUNICIPALITIES IN THE NORTH) |   | 19 APRIL 2013     |
| 9  | INTEGRATION OF POLICE  |   | 31 DECEMBER 2013  |
|  | 9.1  | Law on Amnesty  | 17 September 2013 |
|  | 9.2  | Kosovo Police stationed in the north                    | 31 January 2014   |
| 10   | AGREEMENT ON THE DISSOLUTION OF “CIVIL PROTECTION”                   |   | 26 MARCH 2015     |
|  | 10.1   | Establishment of central institutions in the north      | 28 December 2016  |
| 11   | INTEGRATION OF JUDICIARY   |   | 9 FEBRUARY 2015   |
|  | 11.1   | Justice Action Plan                                     | 30 November 2016  |
| 12   | ASSOCIATION/ COMMUNITY OF SERB MAJORITY MUNICIPALITIES IN KOSOVO     |   | 25 AUGUST 2015    |
| 13   | AGREEMENT ON THE EXCHANGE OF LIAISON OFFICERS                        |   | 31 MAY 2013       |
|  | 13.1   | Administration of official visits                       | 14 November 2014  |
| 14   | AGREEMENT ON ENERGY  |   | 8 SEPTEMBER 2013  |
|  | 14.1   | Implementation Plan for the Energy agreement            | 18 September 2014 |
|  | 14.2   | Conclusions of the EU Facilitator on Energy             | 25 August 2015    |
| 15   | AGREEMENTS ON TELECOMMUNICATIONS                                     |   | 15 DECEMBER 2016  |
|  | 15.1   | Telecommunications Action Plan                          | 25 August 2015    |
|  | 15.2   | Conclusions of the EU Facilitator on Telecommunications | 13 November 2016  |

# THE ROLE OF BRUSSELS DIALOGUE

The purpose of the Brussels dialogue is the normalization of relations between Kosovo and Serbia by contributing to the ease of tensions between the two countries. The dialogue aims to achieve a comprehensive and law-abiding agreement for both parties which addresses all of their unsolved issues, allowing Kosovo and Serbia to advance towards their paths to the EU, create new opportunities, and improve citizens' lives. An agreement between both parties is also beneficial to the security, stability, and prosperity of the entire region.<sup>43</sup>

A different but equally important role of the dialogue is the creation of a link between Pristina and northern Kosovo that would allow the former to have an economic and political effect on the latter. These negotiations are also aimed at preventing the secession of north Kosovo, as it was feared that it would be integrated into Serbia as the region followed Serbia's laws and its structures were parallel to those in Belgrade.<sup>44</sup>

The dialogue also paves the way forward towards integration in the EU for Pristina and Belgrade. According to the EU, solving technical problems at the initial stage of the dialogue would create the necessary preconditions towards solving political challenges and creating good neighbourly relations.

The improvement of neighbourly relations is one of the essential criteria brought by the European Commission for both countries.<sup>45</sup> This follows the Copenhagen criteria and the *strategy for a plausible perspective of expansion and added commitment to the EU in Western Balkans*.<sup>46</sup> Serbia's membership process is intertwined with Kosovo's dialogue process.<sup>47</sup> Kosovo has also accepted the criteria in the Stabilisation and Association Agreement (SAA) with the EU, where Article 5 specifies that Kosovo must aim at continuous and sustainable improvements of relations with Serbia.<sup>48</sup>

Apart from fulfilling the EU's membership criteria, the dialogue's primary purpose is to ease the tensions and improve the quality of citizens' life in Kosovo and Serbia. Therefore, there should be regular meetings where they can inform and consult the citizens so that they can become more aware of the process which continues to have a direct impact on their lives.

<sup>43</sup> European External Action Service, "Dialogue between Belgrade and Pristina", 15 July 2020, at [https://eeas.europa.eu/diplomatic-network/eu-facilitated-dialogue-belgrade-pristina-relations/349/dialogue-between-belgrade-and-pristina\\_en](https://eeas.europa.eu/diplomatic-network/eu-facilitated-dialogue-belgrade-pristina-relations/349/dialogue-between-belgrade-and-pristina_en)

<sup>44</sup> International Crisis Group, *Serbia, and Kosovo: The Path to Normalization*, 19 February 2013.

<sup>45</sup> Stabilization Association Agreement between Kosovo\* on one side and the European Union and European Atomic Energy Community on the other, page 12, at [http://www.kryeministri-ks.net/repository/docs/Kosovo-EU\\_SAA\\_Final\\_1.pdf](http://www.kryeministri-ks.net/repository/docs/Kosovo-EU_SAA_Final_1.pdf)

<sup>46</sup> European Commission, Accession Criteria, at [https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria\\_en](https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria_en) The criteria for good relations with neighbouring countries is continuously monitored as part of EU's Progress Reports, for both Kosovo and Serbia, where the last report (2019) highlights the current stagnation in this process, at [https://ec.europa.eu/commission/presscorner/detail/en/COUNTRY\\_19\\_2776](https://ec.europa.eu/commission/presscorner/detail/en/COUNTRY_19_2776)

<sup>47</sup> This has been sanctioned with Chapter 35 of negotiations with the EU as well as in other chapters that discuss population, territory and other aspects, for example, Chapter 23 and 24 mention the judicial system, fight against corruption, basic rights and adaptation with Schengen rules, border control and visas, migration, asylum, and judicial cooperation in civil and criminal cases. Serbia must guarantee the implementation of EU legislation in its geographical territory which does not include Kosovo.

<sup>48</sup> Stabilisation and Association Agreement between Kosovo\* on one side and the European Union and European Atomic Energy Community on the other. Article 13 I of the SAA specifies that Kosovo must fulfil all agreements achieved during the dialogue with Serbia. It must respect all principles regarding regional cooperation, address all unresolved conflicts through dialogue and compromise to find practical and sustainable solutions as well as cooperate with necessary technical and legal issues with Serbia, at [http://www.kryeministri-ks.net/repository/docs/Kosovo-EU\\_SAA\\_Final\\_1.pdf](http://www.kryeministri-ks.net/repository/docs/Kosovo-EU_SAA_Final_1.pdf)

# KEY ACHIEVEMENTS

In October 2015, Kosovo signed the Stabilisation and Association Agreement (SAA) with the European Union, defining its institutional path towards EU integration and its subsequent structures.

Since five EU Member States still do not recognize Kosovo, the signing of the SAA under Kosovo's name was not possible. This obstacle was overcome through agreed modalities on the agreement for regional representation and cooperation, which also allowed Kosovo to become part of the Berlin Process (WB6).<sup>49</sup>

The dialogue with Serbia has caused many inconsistencies in Kosovo, and the entire process has received a negative connotation when it comes to weighing its benefits for the country, its citizens, and the region. However, as described in the report, this process has resulted in a number of benefits.

Some of the dialogue's achievements are:

- **Freedom of movement of citizens between the two countries using only ID cards.**
  - Mutual recognition of vehicle insurances.
- **Establishment of the rule of law at border crossing points; implementation of IBM in six border crossing points with Serbia.**
  - Cooperation agreement as part of the SEED (System for Exchange of Excise Data) project.
  - Harmonization of veterinary certificates.
- **Increase in trade, especially between Kosovo and EU countries**
  - Increase in customs revenue from Jarinje/Jarinjë and Brnjak/Bërnjak.
  - Establishment of the Development Fund for the four northern municipalities of Kosovo.
- **Completion of the Civil Registry of Kosovo;**
  - Opening of the Civil Registration Agency in the four northern municipalities of Kosovo.

- **Kosovo's representation in regional and international organizations; in many initiatives, Kosovo is represented like other countries.**
- **Enhancing Kosovo's relations with the EU, especially in its programs and unique initiatives such as the Berlin Process, Western Balkans Investment Framework (WBIF), Erasmus+, Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME), Europe for Citizens, Creative Europe, Horizon 2020, etc.**
- **Ease of tensions in northern Kosovo; creation of conditions for the integration of Serbs; expansion of Kosovo's institutions.**
  - Establishment of four Serb-majority municipalities in the north: North Mitrovica, Zvečan, Zubin Potok, and Leposavić.
  - Regular elections in these municipalities and representation of Serbs in national institutions.
  - Integration of police and the civil administration in Kosovo's institutions.
  - Establishment of a unitary judicial system in all of Kosovo and the integration of Serb judges, prosecutors, and administrative employees in that system.
- **The dissolution of 'Civil Protection' and the integration of its former members in central institutions of Kosovo.**
- **International dialling code for Kosovo.**
  - Signing of the agreement for lowering roaming tariffs for countries in the Western Balkans.
- **KOSTT's membership in the ENTSO-E.**

These achievements are mentioned throughout this report, according to their implementation, benefits, and challenges posed during the dialogue process.

<sup>49</sup> See Arrangements regarding Regional Representation and Cooperation, at [http://kryeministri-ks.net/wp-content/uploads/docs/agreement\\_0210\\_representation.pdf](http://kryeministri-ks.net/wp-content/uploads/docs/agreement_0210_representation.pdf)

# BRUSSELS DIALOGUE, IN NUMBERS

The information presented in the graphs below has been manually collated through the analysis of over 240 media communications on the dialogue process published by the Office of Prime Minister of Kosovo. This observation and analysis cover the 2011-2017 period. Reports from the representation of Kosovo are not comprehensive and coherent, and there is a noticeable lack of complete information. As such, an analysis has been conducted on the number of articles or communications to produce the data below including the topic of discussion; the level of discussion (political or technical), the compositions of the delegations of Kosovo, etc. The Government has frequently given incomplete or

occasionally even inaccurate information regarding the process. This information was gathered through reports and research conducted on each meeting; however, this does not indicate that these details are entirely accurate. Regardless, these details are used to compensate for the lack of political will by institutions to be more transparent and informative towards its citizens.

Based on the reports and details from the Government of Kosovo, the Office of the Prime Minister, and other institutions, the dialogue so far consists of:



2 DECEMBER 2011 – 25 AUGUST 2015

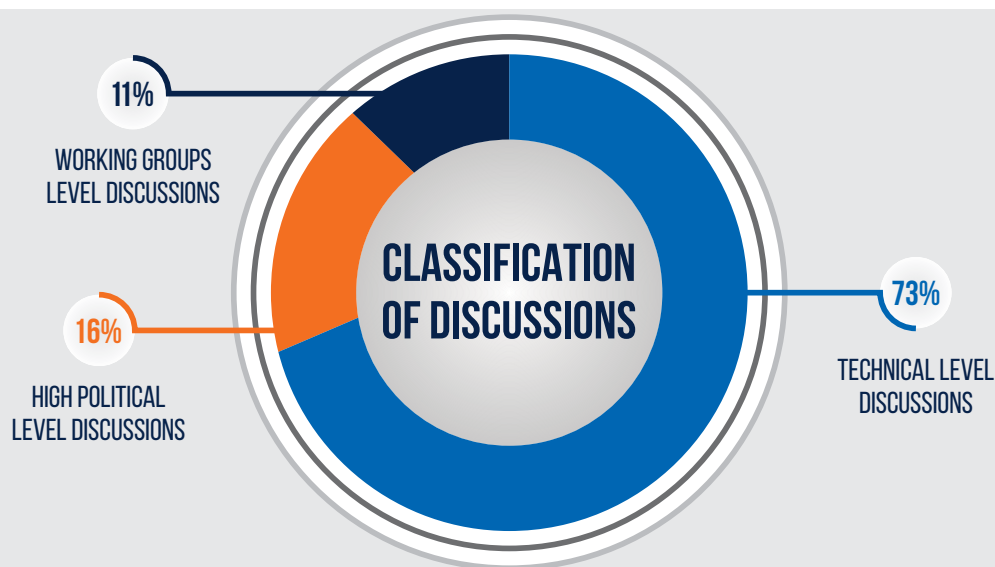


**DURATION**

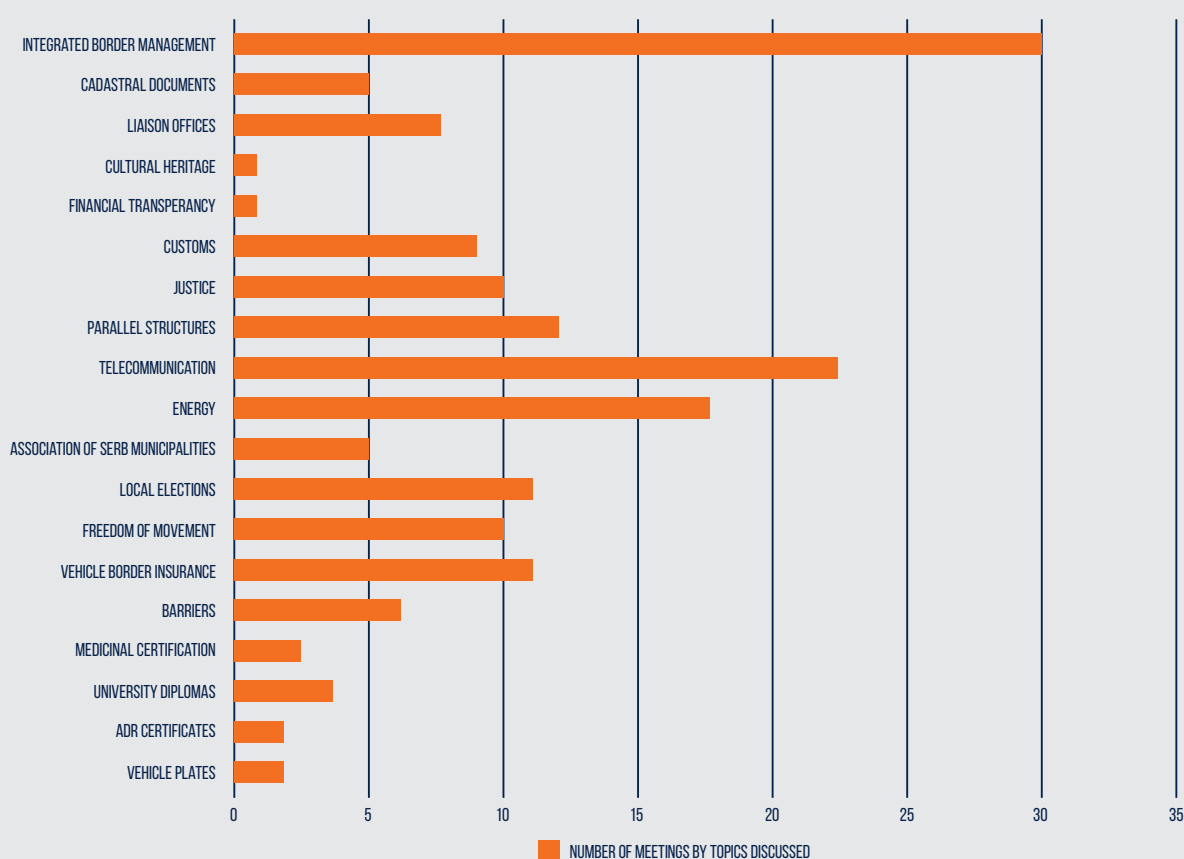
IN TOTAL



## CLASSIFICATION OF DISCUSSIONS



Based on institutional reports about the topics of discussions, IBM was negotiated the most, in 30 meetings. In contrast, the topics negotiated the least were Cultural Heritage and Financial Transparency, each discussed only once.



The table above shows the inaccuracy of the information provided by the Government, as registered vehicle plates were discussed more frequently than reported. Yet, it also shows the sensitivity of topics and the interests of Working Groups but does not necessarily present the success and impact of each discussion. For example, the topic of ADR Certificates was discussed only twice but is considered one of the most successful agreements.

# IMPLEMENTED AGREEMENTS

The implementation of several agreements from the Brussels Dialogue immediately began after they were signed, while others remained solely on paper. Even those that have been implemented are at different stages, whereas the evaluation of the implementation in both countries has more political than a quantitative character.

This chapter lists twelve agreements, which might be considered successful based on indicators mentioned by relevant stakeholders and individual evaluations within negotiating groups.

## FREEDOM OF MOVEMENT

### MAIN POINTS OF THE AGREEMENT

*Establishes a system that allows border crossing with IDs.*

For transit, IDs should be accompanied by a written “entry-exit” document.

Each party will allow residents of the other side the purchase of vehicle insurance.

Residents of the other party will travel freely within or through the territory of the other using driving licenses issued by their authorities.

Kosovo’s ‘KS’ vehicle license plates will be valid for five more years, after which the issue will be reviewed again.

Belgrade will enable vehicles from Kosovo bearing KS vehicle license plates to travel freely in or through its territory.

Temporary vehicle license plates will be made available at the relevant border crossings.

The agreement on the freedom of movement was reached on 2 July 2011, while its implementation began on 26 September 2011.<sup>50</sup> The purpose of the agreement was the normalization of freedom of movement between Serbia and Kosovo by using their respective official documents, including recognition of driver’s licenses and vehicle license plates.



The agreement also includes the dissolution of Serb parallel structures and the integration of their employees into Kosovo’s institutions, the removal of unofficial documents alongside illegal vehicle plates, and the establishment of civil service offices in North Mitrovica, Zvečan, Zubin Potok, and Leposavić.<sup>51</sup>

In addition, this agreement aimed at normalizing the freedom of movement within Kosovo, particularly between its northern and southern territories.<sup>52</sup>

A valuable component of this agreement is the mutual recognition of driver’s licenses. However, driver’s licenses issued by Serbia for Kosovo Serbs are not recognized in Kosovo.<sup>53</sup> This agreement was especially beneficial for Kosovo’s diaspora, who began to transit through Serbia on the route to Kosovo and vice-versa, noticeably reducing travel time. However, the “entry-exit” document mentioned in this agreement continues to cause delays for passengers.



<sup>50</sup> Conclusions on the Freedom of Movement and Customs Licensing, Brussels, 16 September 2014

<sup>51</sup> Prime Minister’s Office, “Progress in the consolidation of central institutions in the north”, July 20, 2016, at <https://kryeministri-ks.net/progres-ne-konsolidimin-e-institucioneve-qendrore-ne-veri-te-vendit/>

<sup>52</sup> See “This Constant Move”, an editorial by Besfort Kosova for KSPAG, 9 September, 2019, at <http://k-s-pag.org/blog/post/articles/constant-move>

<sup>53</sup> KSPAG, *Perspectives on the Technical Dialogue Agreements between Kosovo and Serbia*, February 2020.



Ever since the end of the war in Kosovo, the freedom of movement for its citizens has been a challenge as Serbia would not recognize their travel documents nor other documents issued by UNMIK. Serbia's territory was only accessible to citizens who had valid documents from the former Yugoslav administration or those that had access to passports or IDs from parallel Serbian structures. These structures issued salaries for numerous sectors and citizens' pensions, and also collected administrative and customs taxes. Contrary to Resolution 1244, they issued Serbian documents, including passports, personal documents, vehicle license plates, and insurances, which were given to Kosovo Serbs and some Albanians.<sup>54</sup>

were given temporary ones at border crossing points.<sup>55</sup>

With the new conclusions of 29 November 2011, Kosovo citizens with Kosovar documents can travel to third countries through six transit border crossing points and two airports in Serbia.<sup>56</sup> In 2011, two additional transit crossing points were opened, one between Serbia and Hungary (Horgoš—Roche) and one between Serbia and Croatia (Batrovci—Bajakovo).



At the start of the implementation phase, vehicle insurances were bought at border crossing points while travelling to the other country. Driver's licenses of both sides were recognized, and Kosovo decided to continue the validity of its 'KS' vehicle license plates for five more years, with the possibility of an extension. Belgrade's authorities would enable vehicles with 'KS' license plates to move freely throughout Serbia, while vehicles with 'RKS' plates

In 2014, the agreement on the freedom of movement was expanded following the opening of six crossing points in Serbia with other countries, two through air transit, and four through land.<sup>57</sup> The Belgrade 'Nikola Tesla' Airport started implementing the agreement on 22 August 2014 and the Niš 'Constantine the Great' Airport on 15 November 2014 while the additional four land transit points were opened on 15 November 2014.<sup>58</sup>

<sup>54</sup> International Crisis Group, *Kosovo's Fragile Transition*, September 2008, page 7.

<sup>55</sup> NGO Aktiv, *Trend Analysis 2019: Attitudes of the Serbian Community in Kosovo*, November 2019, at <http://ngoaktiv.org/uploads/files/Analiza%20e%20Trendit%202019.pdf>

<sup>56</sup> Final Operational Conclusions, Freedom of movement implementation group, November 2011.

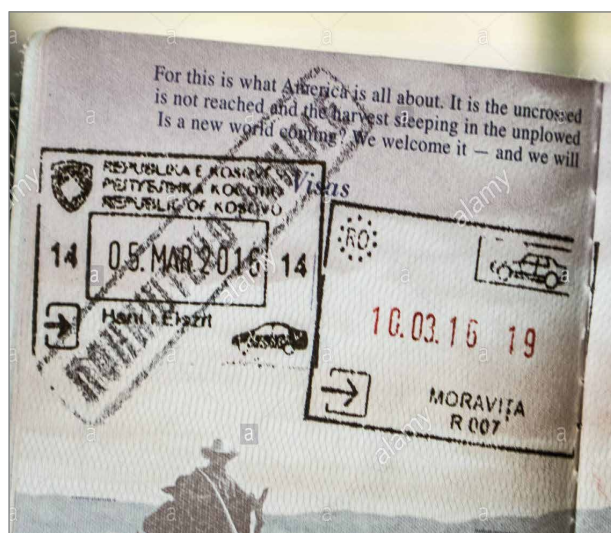
<sup>57</sup> Conclusions over the Freedom of Movement and Customs Licensing, September 2014.

<sup>58</sup> Border Checkpoints in Sid—Tovarnik (checkpoint between Serbia and Kosovo), Kelebia—Tomba (between Serbia and Hungary) Presheva—Tabanovce (between Serbia and Macedonia), and Gradina—Kalinina (between Serbia and Bulgaria).



In September 2016, the Working Groups agreed on new arrangements that further advanced the agreement on freedom of movement (Finalisation of implementation of 2011 freedom of movement, white stickers). The core of these arrangements was reciprocity on vehicle license plates between Kosovo and Serbia, with the application of a sticker to cover the state symbols of each country on vehicle plates. Kosovo never implemented this agreement, at first because of administrative delays (procurement), then because of the fall of the Government (10 May 2017); Serbia has also not implemented this agreement.<sup>59</sup>

Another important element of this sub-agreement was the removal of license plates issued by Serbia to Kosovo citizens from circulation. Kosovo also extended the availability of 'KS' vehicle plates, and the two sides agreed on the establishment of the Civil Registration Agency and civil registry offices in the northern municipalities of Kosovo. It was foreseen that these offices would be staffed by former officials and civil personnel from the Ministry of Internal Affairs of Serbia.<sup>60</sup>



This agreement saw an increase in the movement of Kosovo citizens to Serbia and vice-versa.<sup>61</sup> It also has made the passage of vehicles easier, decreased travel costs, and waiting times at border points.

However, obstacles when crossing borders between Kosovo and Serbia still exist. Citizens of foreign countries that have entered Kosovo via Pristina's airport or through its other border points are deemed by Serbian authorities to have entered Serbia 'illegally' and cannot pass through the Kosovo-Serbia border. Usually, they are instructed to go through North Macedonia, claiming that Kosovo's external borders are not considered international borders. This issue was included in Chapter 35 of their negotiation with the EU.<sup>62</sup> In other cases, Serbian authorities invalidate Kosovo stamps in passports of international passengers, by stamping them with 'Poništeno' — meaning 'Cancelled'.

Министарство унутрашњих послова  
(издавање овог документа не прејудуцира статус)

**Документ**  
о уласку и изласку

Име: \_\_\_\_\_  
Презиме: \_\_\_\_\_  
Датум и место рођења: \_\_\_\_\_  
Адреса становања \_\_\_\_\_  
Лични број: \_\_\_\_\_

Контрола 1 Датум и место: М.П. 21.09.2018 MERDARE

Контрола 2 Датум и место: М.П.

Категорија за управљање моторним возилом: \_\_\_\_\_  
Ограничења за управљање моторним возилом: \_\_\_\_\_  
Регистарски број таблице: \_\_\_\_\_

**НАПОМЕНА**

Ималац ове потврде дужан је да исту чува и да је на захтев овлашћеног лица да на увид или преда.  
Губитак потврде потребно је одмах пријавити најближој полицијској станици.

Важи до: 20.11.2018 М.П. Редни број: 4006004

<sup>59</sup> Radio Free Europe, "Motion is approved, the government falls and the Parliament gets disbanded", 10 May 2017, at <https://www.evropaelire.org/a/28477582.html>

<sup>60</sup> Kosovo's Ministry for Dialogue, Brussels Agreement Implementation State of Play Report: June 16 – November 25, 2016, 25 November 2016, at [https://kryeministri-ks.net/wp-content/uploads/docs/Raport\\_mbi\\_gjendjen\\_në\\_zbatimin\\_e\\_Marrevshjeve\\_të\\_Brukselit\\_16\\_qershor\\_-\\_25\\_nentor\\_2016\\_251116.pdf](https://kryeministri-ks.net/wp-content/uploads/docs/Raport_mbi_gjendjen_në_zbatimin_e_Marrevshjeve_të_Brukselit_16_qershor_-_25_nentor_2016_251116.pdf)

<sup>61</sup> Based on a report published by the Center for Regionalisation in 2013, the average number of people traveling from Kosovo to Serbia daily was 4.811, and 144.319 people annually. From Serbia to Kosovo, 4.740 people travelled daily while 142.209 travelled yearly.

<sup>62</sup> Accession Document. Topic: European Union common position. Chapter 35: Other Issues, Item 1: Normalization of relations between Serbia and Kosovo. Sub-point on Freedom of Movement: "Serbia allows third states' nationals entry into Serbia from Kosovo".

## CIVIL REGISTRY BOOKS

### MAIN POINTS OF THE AGREEMENT

*Establish a new and reliable civil registry in Kosovo.*

A tripartite 'joint committee' (experts from both sides and EULEX as a chairperson) should identify gaps in missing original pre -1999 civil registry books.

The issue of civil registry documents was one of the first topics discussed during the dialogue, and the agreement was reached on 2 July 2011.<sup>63</sup> This agreement included handing copies of original registry books from Serbia to Kosovo with EULEX as an intermediary. The agreement also included the closure of parallel offices in Serbia which continued to issue documents for Serb citizens (and others) who resided in Kosovo.

This agreement has been completely implemented. Serbia has provided Kosovo with 12,036 scanned copies of EULEX-certified civil registry books taken by Serbia during the war.<sup>64</sup> The books, containing data about births, marriages, and deaths of Kosovo citizens have been scanned, certified, and returned to Kosovo through the *Procedure for Processing Civil Registry Data*.<sup>65</sup> The scanning and verification process was conducted by a tripartite expert group with the facilitation of EULEX in Nis, Serbia and after their certification by EULEX, they were handed over to Kosovo authorities.

Since 1999, with the departure of the former Yugoslav administration, Serb authorities took a large part of Kosovo's civil registry books. Due to their absence and Serbia's lack of cooperation, the UNMIK Administration had created a new civil registry for Kosovo from scratch. However, this register had shortcomings and had to be supplemented in order to be fully credible to international mechanisms. Kosovo has consistently raised concerns about the lack of civil registries, so this was one of the first topics of dialogue. The Serbian side conceded that

they would provide copies, but not the original books. According to the agreement, their hard copy and electronic copies, certified by a third party, in this case, EULEX, were handed over to Kosovo.

The verification and submission process took two years to complete; it was supposed to be completed in 9 months. This process enables the registry's contents to be accessible at a central and local level through the existing civil registry; an electronic system was created as a result of the merging of independent civil registry databases.<sup>66</sup>

The lack of adequate notice for citizens, especially Kosovo Serbs, has resulted in additional problems for them. Citizens who had registered their



institution in Kosovo. These individuals cannot fulfil one of the criteria's for receiving citizenship because their marriage cannot be verified through the official channels of Kosovo institutions.<sup>67</sup>

The secure management of the civil registry was one of the criteria required by the visa liberalization dialogue with the.<sup>68</sup> In practice, this agreement has been very successful; however, there have been cases when it was misused for banal verbal attacks, violating privacy and fundamental human rights. A concrete example occurred when the Minister of Foreign Affairs of Serbia displayed the birth certificate of Kosovo's Ambassador to the U.S. Vlora Çitaku during a meeting of the UN Security



Council. This gesture proves that this agreement has not helped in terms of normalising relations.<sup>69</sup>

## CUSTOMS STAMP

### MAIN POINTS OF THE AGREEMENT

*Free movement of goods in accordance with CEFTA.*

The Customs stamps stating 'Kosovo Customs' will be accepted.

On 2 September 2011, the customs stamps agreement was achieved, where Serbia agreed to recognize stamps with the 'Kosovo Customs' inscription as long as the accompanying documentation reflected the same language and was in accordance with the CEFTA agreement.

This was a significant agreement for Kosovo as it enabled the freedom of movement for its goods. Its implementation began in September 2011.<sup>70</sup> The aim was to allow the normal exchange of goods between Kosovo and Serbia.

Its implementation went quite well until Kosovo imposed a 100% tax against goods from Serbia and Bosnia and Herzegovina.<sup>71</sup>

However, from time to time violations of the agreement have occurred from Serbia, with the use of illegal stamps issued by former parallel structures, and that 'Pristina Customs' continues to appear in the organizational structure of Serbian Customs.<sup>72</sup>

<sup>67</sup> This criterion stipulates that the marriage must have been registered at least three years ago with citizens of Kosovo, even in the case when the spouse has Kosovo documents. Link Kosovo, "Kako do kosovskih dokumenata – pitanje na koje mnogi ne mogu da odgovore" ["How can you get Kosovar documents – questions most individuals do not have answers to"], 17 November 2018, at <https://linkkosovo.org/ka-ko-do-kosovskih-dokumenata-pitanje-na-koje-mnogi-ne-mogu-da-odgovore/>

<sup>68</sup> Kosovo Ministry of European Integration, "Minister Beqaj: Steps undertaken up to now get positive assessment", 29 May 2010, at <http://www.mei-ks.net/sr/lajmet-mei/ministri-beqaj-u-vleresuan-pozitivisht-hapat-e-deritashem>

<sup>69</sup> Balkan Insight "Serbian Minister Confronts Kosovo Ambassador at UN", 1 November 2019, at <https://balkaninsight.com/2019/11/01/serbian-minister-confronts-kosovo-ambassador-at-un/>

<sup>70</sup> Agreed conclusions. Customs Stamps, September 2011.

<sup>71</sup> Radio Free Europe: Kosovo increases tariffs for Serbia and Bosnia to 100%", 21 November 2018, at <https://www.evropaelire.org/a/rritet-tak-sa-per-produktet-serbe-/29613129.html>

<sup>72</sup> Independent Balkan News Agency, "Functioning of Serb parallel structures in Kosovo continues", 8 July 2016, at <https://balkaneu.com/functioning-serb-parallel-structures-kosovo-continues/>



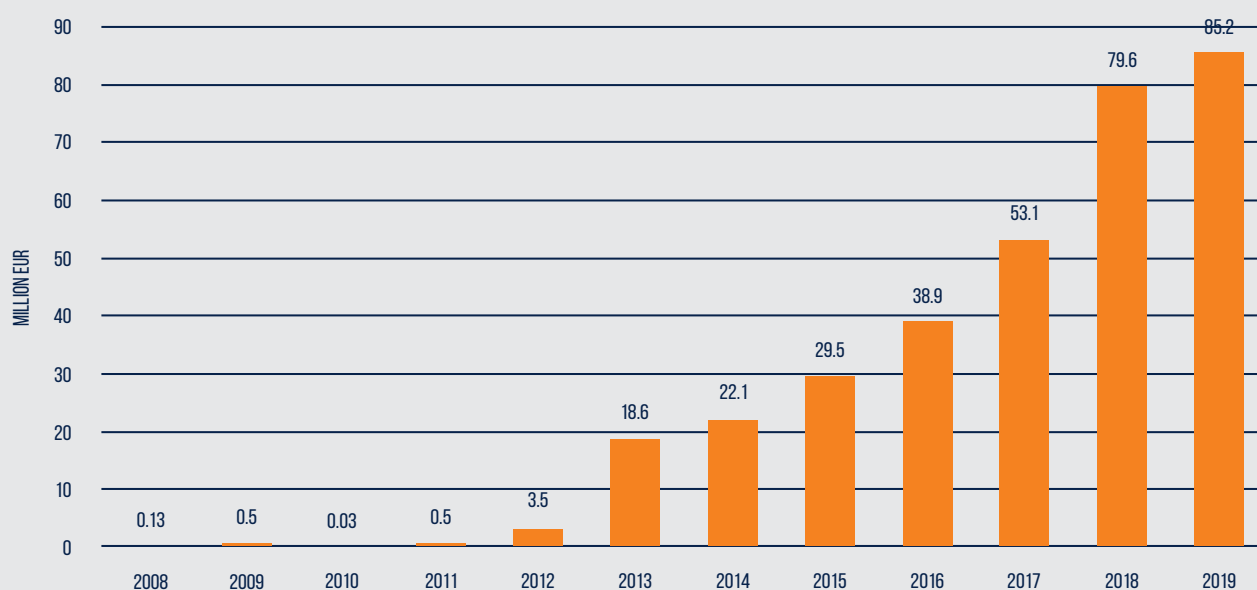
Before Kosovo declared independence, its customs stamps were inscribed with 'UNMIK Customs' through which goods could be exported to Serbia or use its territory for transit. Before the agreement, Serbia would export goods to Kosovo however Kosovo's goods were not allowed entry to Serbia apart from cases when companies in Kosovo would use vehicles with plates from other countries, Serbian or non-Kosovar travel documents, and received stamps from parallel structures.

When Kosovo switched its stamps from 'UNMIK Customs' to 'Kosovo Customs', Serbia and Bosnia and Herzegovina decided not to recognize these stamps and prohibited the movement of goods from Kosovo in their territories, arguing that *this would be a recognition of Kosovo's independence*.<sup>73</sup> After

tensions rose and a failure to resolve this problem through CEFTA, in July 2011, Kosovo imposed reciprocity measures and banned imports from these two countries.<sup>74</sup> Kosovo's government also deployed special police forces to seize control of two border crossing points in the north, specifically at Brnjak/Bërnjak and Jarinje/Jarinjë. The Serb community retaliated by placing road blockades, which led to a further increase of tensions. Responding to these developments, the EU strongly insisted that alongside the talks on border crossing points also to discuss customs stamps as well..

The reestablishment of control over the northern crossing points and the agreement on stamps also regulated the entry of goods through customs at Jarinje/Jarinjë and Brnjak/Bërnjak. As a result, Kosovo Customs started collecting revenues from these crossing points, which increased annually. According to Kosovo Customs, this agreement has produced positive economic effects as manufacturers and producers from Kosovo use Serbia as a shorter transit route for exports to European markets. The value of goods transiting through Serbia and destined for the European market has increased steadily; from 2013 onwards, as seen in the table below.

#### VALUE OF GOODS PRODUCED IN KOSOVO AND EXPORTED TO EUROPE THAT TRANSIT THROUGH SERBIA



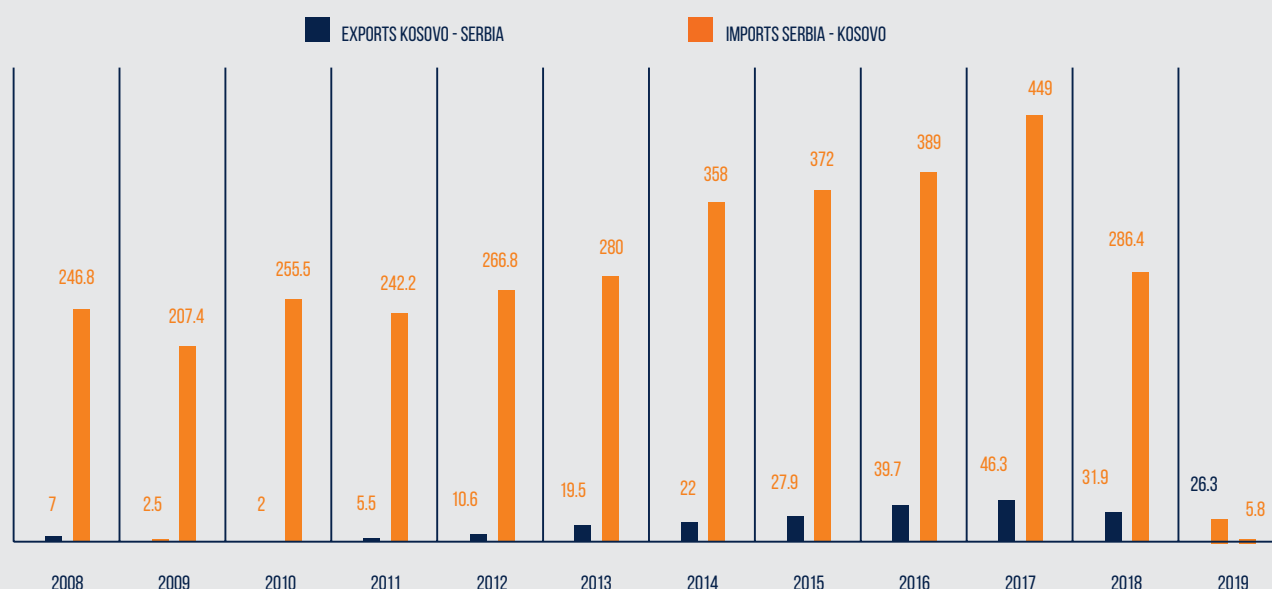
<sup>73</sup> Ekrem Krasniqi and Anes Alic, "Trade: The New Balkan War", Center for Security Studies, at <https://css.ethz.ch/content/specialinterest/gess/cis/center-for-security-studies/en/services/digital-library/articles/article.html/102549>

<sup>74</sup> Decision by the Ministry of Trade and Industry regarding reciprocal trade relations, Pristina, March 2011, at <https://mti.rks-gov.net/desk/inc/media/4A154821-BACC-4163-BDBC-3E531B5BD7F3.pdf>

The agreement has also allowed a gradual increase in Kosovo's exports to Serbia, which can be seen in the graph below. This new situation stabilized the movement of goods between the two countries. Exports with Serbia in 2012 were valued at 10.6 million Euros, while in 2013 this value increased to 19.5 million Euros

Imports from Serbia have also increased annually. Furthermore, the agreement for customs stamps, alongside IBM and other agreements, has led to a noticeable decrease in smuggling in northern Kosovo.<sup>75</sup> The table was compiled by Kosovo Customs' with detailed data at the request of the Balkans Group.

TRADE EXCHANGE (MILLION EURO) BETWEEN KOSOVO AND SERBIA FROM 2008-2019



## REGIONAL REPRESENTATION AND COOPERATION

### MAIN POINTS OF THE AGREEMENT

*Kosovo\**- the denomination which will be used in regional cooperation.

*Kosovo\* participates on its own account and speaks for itself at all regional meetings.*

The EU will inform relevant regional organizations and monitor the implementation of arrangements.

*"Regional organizations"* are the existing and future intergovernmental organizations that will be established.

*"Regional meetings"* include meetings with the EU institutions in the context of the European agenda.

These arrangements are adopted on an interim basis.

<sup>75</sup> Balkans Group's interview with employees of institutions, Pristina, North Mitrovica, 2018-2019



The agreement on regional representation and cooperation was reached on 24 February 2012. Kosovo and Serbia agreed on the manner of Kosovo participation and representation in regional organizations and initiatives. Until 2011, Kosovo was only represented in a few international organisations such as the World Bank and the International Monetary Fund, while in regional organizations it was only represented through UNMIK in three of them: CEFTA, Energy Community, and European Common Aviation Areas.



The difficulties of Kosovo's accession to regional organizations came especially from Serbia and Bosnia and Herzegovina.<sup>76</sup> In relation to the EU, five members (Spain, Greece, Cyprus, Romania and Slovakia) had not recognized Kosovo's independence, and this situation hindered the establishment of relations with the EU.<sup>77</sup> By reaching an agreement with Serbia on Kosovo's regional representation and participation, the aim was to remove these obstacles and for Kosovo to become part of important regional and international organizations, ending Kosovo's representation through UNMIK.

With this agreement, Kosovo's would participate in regional organisations and initiatives with the footnote next to its name ("Kosovo\*") with the following explanatory text: *This designation does not prejudice its status and is in coordination with Resolution 1244/1999 of the Security Council of the United Nations and with the Opinion of the International Court of Justice over the declaration of*

*independence of Kosovo.*<sup>78</sup> As a result, many in Kosovo refer to this agreement as to the *footnote agreement*.

The agreement clearly outlines that Kosovo represents and speaks for itself in all regional meetings. Upon the signing of new agreements, Kosovo's representatives have to comply with this agreement. Through this settlement, Kosovo was able to sign the Stabilization and Association Agreement (SAA) with the EU, on 27 October 2015. The SAA marks the first bilateral agreement between Kosovo and the EU.<sup>79</sup> As a result, Kosovo was also able to participate in the Berlin Process alongside five other Western Balkan countries, an EU initiative as part of its future enlargement.<sup>80</sup>

Another issue regulated by the agreement was the use of state symbols (flags), where it was specified that the hosts of the meetings would be encouraged to avoid displaying state symbols of the participating countries, apart from that of the host country and the EU, depending on the status of the organization. If the flags of all participating countries are placed, then the flag of Kosovo should also be placed, as it happened, in the meetings of the Berlin Process, but also other cases.



The agreement abolished the role of UNMIK in these meetings, which had represented beforehand. According to the agreement, UNMIK can only be present at meetings where it is a signatory, and as an observer, not as a representative.

<sup>76</sup> Kosovo 2.0, "Kosovo's Interpol membership is far from assured", 18 August 2017, at <https://kosovotwopointzero.com/kosovos-inter-pol-membership-far-assured/>

<sup>77</sup> Research Institute of Development and European Affairs (RIDEA) & Balkan Policy Research Group (BPRG), "Scenarios for the 'Grand Finale' between Kosovo and Serbia", April 2018.

<sup>78</sup> Council of Europe, "EU facilitated dialogue: Agreement on Regional Cooperation and IBM technical protocol", February 2012, at [https://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/128138.pdf](https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/128138.pdf)

<sup>79</sup> See Ministry of European Integration "Agreement on Stabilization-Association" at <https://www.mei-ks.net/sq/procesi-i-stabilizim-asociim-it-78>

<sup>80</sup> Balkans Group, Berlin Process for the Western Balkans: Gains and Challenges for Kosovo, 2018.

The agreement covers existing and future intergovernmental organizations or arrangements aimed at promoting cooperation and integration in the Western Balkans region. Regional meetings include these organizations as well as informal meetings, with similar purposes, as well as meetings with EU institutions in the context of the European agenda.

Although the agreement was not related to international sports organizations, the Football



Federation of Kosovo had managed to use the arrangements of this agreement for its admission into UEFA and FIFA. In the first official matches held the Kosovo National Football Team included the footnote (\*) on their sports jersey.<sup>81</sup> With the admission of Kosovo in the International Olympic Committee, one of the most prominent judoka in the world, Majlinda Kelmendi, who represented Albania at the Olympic Games in London in 2012, managed to win Kosovo's first Olympic Gold in 2016, in Rio, Brazil - a country that has not recognized Kosovo.

Since the agreement was reached, Kosovo has gained membership in a large number of regional and international organizations, including the Regional Cooperation Council (RCC); South-East European Cooperation Process (SEECP); Regional School of Public Administration (ReSPA); Migration Asylum Refugee Regional Initiative (MARRI); Centre for Security Cooperation (RACVIAC); South-East European Law Enforcement Centre (SELEC); European Directory for Medical Quality and Medical Treatment, etc.<sup>82</sup>

## IBM – INTEGRATED BORDER MANAGEMENT

### MAIN POINTS OF THE AGREEMENT

*Installation of common IBM crossing points based on European practices.*

*Harmonization of legislation with the EU acquis and application of IBM's concept.*

*Integration of objects within one common area.*

*Balanced participation from both parties in six crossing points between Kosovo and Serbia.*

*The formation of a tripartite implementation group, chaired by the EU.*

*Electronic exchange of customs data.*

<sup>81</sup> FIFA, "Friendly games with teams of the Football Federation of Kosovo", ["Lojëra miqësore me ekipe të Federatës së Futbollit të Kosovës"], 6 February 2013, at <https://www.fifa.com/mm/document/affederation/administration/02/01/19/65/circularno.1342-friendly-gameswithteamsofthefootballfederationofkosovo.pdf>

<sup>82</sup> For the full list of regional and international organizations that Kosovo is a member of, see Appendix 2 of this report.



The agreement on the management of border crossing points, called IBM (*Integrated Border Management*), is considered one of the most important agreements that have been achieved. The agreement was reached on 2 December 2011, and to implement it, three months later on 24 February 2012, the *Technical Protocol for Implementation of the IBM Agreed Conclusions of the Dialogue* was approved on 2 December 2011.<sup>83</sup>

The agreement, in some form, has led to Kosovo and Serbia recognising each other's jurisdiction and establish cross-border cooperation, including integrated crossings points, communication and cooperation between police, customs and other border control agencies. Prior to the agreement, the situation was tense; crossing points on the north were burned, and no cooperation between Kosovo and Serbian institutions existed.

In practice, this agreement enabled the reconstruction of the burned crossings points after Kosovo's deceleration of independence in 2008, in the north (Jarinje and Brnjak), and the implementation of the IBM concept at the six border crossings between Kosovo and Serbia. This has had a direct positive effect on facilitating the free movement of citizens and goods, but also on increasing border control security based on European standards and best practices.<sup>84</sup>

Customs police authorities and other agencies of both countries that conduct crossing point controls have established instruments of cooperation and regular meetings at the local level. According to the agreement, coordination mechanisms were also foreseen at the central level between high ranking officials of institutions in Pristina and Belgrade.

In practice, however, these mechanisms are hardly functional, and the Serbian authorities usually refuse to cooperate, even though these communications are facilitated by the EU through EULEX or the respective EU offices in both countries.

Another significant result from this agreement is the System for Exchange of Excise Data (SEED) project, which allows for the exchange of customs data in real-time.<sup>85</sup> The cooperation of the Economic Chamber of Kosovo and Serbia, which started in the middle of 2013 to discuss topics related to the free movement of goods and services, also brought about harmonized veterinary certificates as of March 1, 2016.<sup>86</sup>

As this agreement was implemented to a satisfactory level, in September 2014, the EU decided to fund the construction of the permanent border crossing with IPA funds for Kosovo. Similarly, the EU allocated 12 million euros of IPA funds for the construction of three other border crossing points in Serbia (Jarinje/Jarinjë, Bela Zemlja/Dheu i Bardhë, and Muçibaba/

<sup>83</sup> Agreed IBM conclusions, December 2011, Technical Protocol on the implementation of Agreed IBM Dialogue Conclusions of 2 December 2011

<sup>84</sup> Read "Division lines and the connecting points in them points (IBM)", 6 August 2019, at <http://k-s-pag.org/vijat-ndarese-dhe-pikat-nder-lidhese-ne-to-ibm/>

<sup>85</sup> For more information about the Systematic Electronic Exchange of Data, read at <http://www.eu-seed.net>

<sup>86</sup> Forum for Ethnic Relations & Heinrich Boell Stiftung, "Overcoming barriers to business and normalization", June 2017, at [https://rs.boell.org/sites/default/files/overcoming\\_barriers\\_to\\_business\\_and\\_normalization.pdf](https://rs.boell.org/sites/default/files/overcoming_barriers_to_business_and_normalization.pdf)



Muçibabë).<sup>87</sup> Crossing points in Merdare/Merdarë and Mutivode have been completed while others have yet to start. The pause of the technical dialogue for the past two years had led to a stagnation in the implementation of this agreement. As a result, Serb authorities have not relocated to the newly constructed crossing points in Merdare/Merdarë and Mutivode/Mutivodë, and the regular meetings between the two authorities have stopped.

Greater commitment is required from the EU and both governments in order for this agreement to be fully implemented. This agreement was of great importance in establishing cooperation between Kosovo and Serbia in the fight against organized crime, trafficking in human beings and narcotics. Also, with the exception of certain periods, the waiting time at the border crossing points have been significantly reduced.<sup>88</sup>



## CUSTOMS REVENUE COLLECTION

|                              |   |
|------------------------------|---|
| MAIN POINTS OF THE AGREEMENT | <b>A. REVENUE COLLECTION</b>  |
|                              | All goods entering Kosovo* through the IBM crossing points of Jarinje/Jarinjë and Brnjak/Bërnjak will be directed to the Mitrovica South Terminal for customs clearance.      |
|                              | <b>B. DEVELOPMENT FUND</b>  |
|                              | Promotes socio-economic development in the four northern municipalities.  |
|                              | Collected revenues from Jarinje/Jarinjë and Brnjak/Bërnjak will be transferred into an account of the Fund established in a commercial bank in Pristina determined by the EU. |

<sup>87</sup> From the IPA funds for Kosovo, 12 million euros were allocated for the construction of a permanent border crossing point in Merdare, Mutivode, and Brnjak. For more, see "IPA II: Over €11 billion to support reform efforts in enlargement countries", at [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_14\\_1043](https://ec.europa.eu/commission/presscorner/detail/en/IP_14_1043) and European Commission, "Strategic / Interim Evaluation of EU IPA Pre-accession Assistance to Kosovo (under UNSCR 1244/99)", 2013, at [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial\\_assistance/phare/evaluation/2013/evaluation\\_report\\_kosovo\\_ares\\_836741.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/phare/evaluation/2013/evaluation_report_kosovo_ares_836741.pdf) and "Funding to main migration-related activities in the Western Balkans and Turkey", October 2015, at [https://ec.europa.eu/commission/presscorner/detail/en/MEMO\\_15\\_5535](https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_5535)

<sup>88</sup> See 2014 Kosovo Customs Annual Report, page 23, at <https://dogana.rks-gov.net/wp-content/uploads/2016/11/DOGANAE.KOSOVES.2014.shqip.831898.pdf>

The agreement on the collection of customs revenues in the northern border crossing points between Kosovo and Serbia – Jarinje/Jarinjë and Brnjak/Bërnjak- reached on 13 January 2013 had indicated that revenue gathered from goods destined for four north municipalities would go into the Development Fund.<sup>89</sup>

The establishment of these border crossing points and the fund has decreased the number of uncontrolled goods that used to enter through these crossing points and into the entire territory of Kosovo. Before the placement of these crossing points and the gathering revenue, the north had become a source of contraband and criminal behaviour that had extended to criminal groups in other parts of Kosovo as well.<sup>90</sup> This was a result of the refusal of Serb businesses operating in the north to pay customs duties to the institutions of Kosovo.

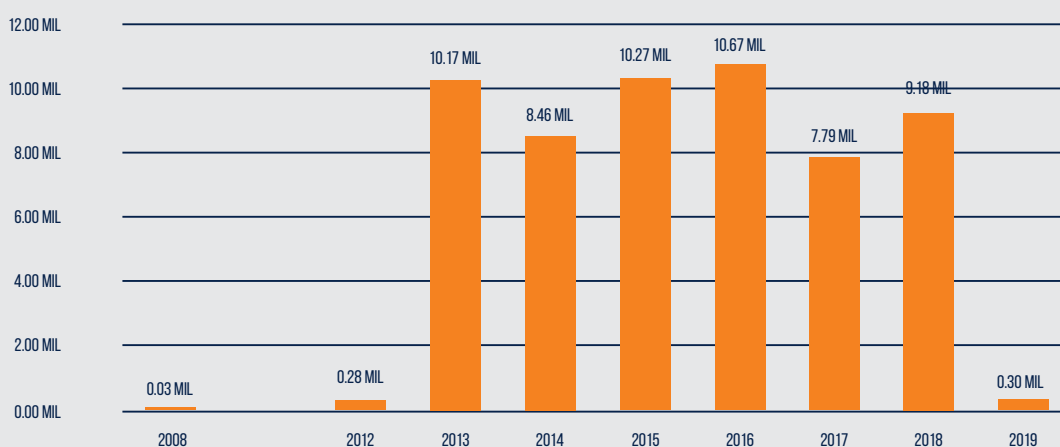
The Development Fund was seen as a solution that would benefit Kosovo's institutions and the citizens living in the north as it would stimulate the region's socio-economic development. The fund is managed by a Board of Directors created by the Head of EU

Office in Kosovo, Kosovo's Minister of Finance, and a representative from the Serb community in the north. Projects financed by this fund are approved by the board and are made public through the EU Office in Kosovo.<sup>91</sup> After the agreement, the amount of contraband entering from the north has decreased, as evident in the 2014 Annual Report from Kosovo Customs.<sup>92</sup>

On July 25, 2013, the Assembly of Kosovo approved the amendment and supplementation of the Law on the Budget of the Republic of Kosovo for 2013, where the Development Fund became part of the legal framework.<sup>93</sup> In September 2013, the law entered into force, following an assessment by the Constitutional Court which was initiated by a group of deputies.<sup>94</sup>

The revenue from the two crossing points, Jarinje/Jarinjë and Brnjak/Bërnjak will be transferred by the Ministry of Finance of Kosovo into an account at a commercial bank in Pristina, with the account being managed by the EU Office in Kosovo. Until December 31, 2018, the Fund had collected more than 15.5 million euros.

#### CUSTOMS REVENUE (EUR) FROM GOODS ENTERING THROUGH JARINJE/JARINJË AND BRNJAK/BËRNJAK AND CLEARED CUSTOMS AT THE MITROVICA SOUTH TERMINAL, 2008–2019



<sup>89</sup> EU conclusions on the implementation of the Agreement on Collection of Customs Revenue, January 2013.

<sup>90</sup> "Up to 85 per cent of imports through the North are destined for Kosovo south of the Ibar. Some importers pay customs at the terminal in south Mitrovica, as they are instructed by EULEX officials at the border to do, but seven out of ten do not." See Crisis Group Report, North Kosovo: Dual Sovereignty in Practice, 14 March 2011, page 15, at <https://d2071andvip0wj.cloudfront.net/211-north-kosovo-dual-sovereignty-in-practice.pdf>

<sup>91</sup> Development Fund. List of funded projects by Municipality, December 2018, at [https://eeas.europa.eu/sites/eeas/files/df\\_projects\\_as\\_at\\_5\\_december\\_2018.pdf](https://eeas.europa.eu/sites/eeas/files/df_projects_as_at_5_december_2018.pdf)

<sup>92</sup> See Kosovo Customs Annual Report for Year 2014, page 23, at <https://dogana.rks-gov.net/wp-content/uploads/2016/11/DOGA-NA.E.KOSOVES.2014.shqip.831898.pdf>

<sup>93</sup> Law on the Budget of Republic of Kosovo for Year 2013, at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2860>

<sup>94</sup> Constitutional Review of the Law, No. 04/L-201, on Amending and Supplementing Law, No. 04/L-165, on Budget of the Republic of Kosovo for Year 2013, at [http://gjk-ks.org/wp-content/uploads/vendimet/gjkk\\_ko\\_118\\_13\\_shq.pdf](http://gjk-ks.org/wp-content/uploads/vendimet/gjkk_ko_118_13_shq.pdf)



Source: EU Office in Kosovo<sup>95</sup>

Until now, the Board has approved 30 different projects with a total value of 11 million euros. These projects are currently under implementation. The National Audit Office for the Republic of Kosovo audits expenditures from this fund.<sup>96</sup> In March 2020, the National Audit Office concluded that municipalities in the north were inefficient in managing the projects financed by the Development Fund from 2017 to 2019, and in some cases were

ineffective. The Fund aims at prioritizing public investment projects which will have a socio-economic effect on the four municipalities. Uniquely, the proposed projects should aid in improving the lives of the local population, be financially sustainable, cost-effective and environmentally friendly.<sup>97</sup> The Fund will also be able to co-finance other projects financed by the EU or other donors which have cooperation agreements with the Government of Kosovo.

## LIAISON ARRANGEMENTS

### MAIN POINTS OF THE AGREEMENT

*The Liaison Office, its staff, and the documents that they use shall enjoy personal inviolability and protection.*

*The Liaison Officer, their staff, and their family members will be provided with special ID cards.*

*Both parties will have direct channels of communication through Liaison Officers.*

*The Liaison Officer's vehicle will be provided with car plates equivalent to those allocated to EU Delegation.*

*The respective Party shall permit entry of and grant exemption from all customs duties, taxes, and related charges:*

*a) Articles for the official use of the Liaison Officer or his staff;*

*b) Articles for the personal use of the Liaison Officer or his staff or his family members.*

<sup>95</sup> European Union Office in Kosovo, "Kosovo\* and the EU", May 2016, at [https://eeas.europa.eu/delegations/kosovo\\_en/1387/Kosovo%20and%20the%20EU](https://eeas.europa.eu/delegations/kosovo_en/1387/Kosovo%20and%20the%20EU)

<sup>96</sup> See 2017 Annual Audit Report, at [http://www.zka-rks.org/wp-content/uploads/2018/08/RVA-2017\\_Shqip.pdf](http://www.zka-rks.org/wp-content/uploads/2018/08/RVA-2017_Shqip.pdf)

<sup>97</sup> These projects can be related to the construction and maintenance of public infrastructure, including roads, hospitals, water supply, wastewater treatment and waste management; support for businesses, farms and civil society; promoting human rights, education, access to health care and transportation. Development Fund. List of funded projects by Municipality, December 2018, at [https://eeas.europa.eu/sites/eeas/files/df\\_projects\\_as\\_at\\_5\\_december\\_2018.pdf](https://eeas.europa.eu/sites/eeas/files/df_projects_as_at_5_december_2018.pdf)

In the meetings between 28-29 January, 5 February, 14 February, 5-6 March, 11 March, 9 May, and 30 May of 2013, Kosovo and Serbia agreed to exchange liaison officers. This was intended to improve relations between the two countries and make communications between the two governments much easier. Kosovo and Serbia had agreed to each appoint one liaison officer who would monitor and engage themselves in any issue related to the normalization of relations. They were planned to have functional offices within the premises of EU delegation in both countries.<sup>98</sup> The first step towards the implementation of this agreement was made on 17 June 2013 when liaison officers were exchanged, and the dialogue groups agreed on the provisions to be applied for the liaison officer and their staff.<sup>99</sup>

Both countries have exchanged official representatives for the first time. Former Kosovo Ambassador to Sweden, Lulzim Peci was appointed as Kosovo Liaison Officer in Belgrade and Dejan Pavicevic as Serbian Liaison Officer in Pristina.<sup>100</sup>

The agreement stipulates that the official must also have an assistant and that they, as well as their residences, including documents and official correspondence, be afforded safeguards similar to diplomatic protection. The parties did not agree on other elements in order to fully implement the agreement, such as the characteristics of the relevant official seals and the establishment of offices. Officials operate without seals, and Serbia refuses offices outside EU premises at all costs.

#### MAIN POINTS OF THE AGREEMENT

Each party will notify of their official visits to the other party.

Visits from the President, Prime Minister, Deputy Prime Minister, Chairman of the Assembly, and Ministers of Internal Affairs, Foreign Affairs, and Defence should be notified at least 72 hours in advance. While visits from all other Ministers, Directors of governmental offices, Presidents of Constitutional and Supreme Courts, State Prosecutors, and all other individuals should be notified at least 48 hours in advance.

In case of an emergency that requires immediate travel, both liaison officers can agree on ad hoc arrangements.

All amendments to the visit agenda should be made at least 24 hours before the visit occurs.

Implementation of the above will be assessed and if needed, will be reviewed after 3 months upon request of one or both parties.

<sup>98</sup> Conclusions of the Chairperson, Liaison Agreement, May 2013.

<sup>99</sup> Ibid.

<sup>100</sup> However, only two days after his mission in Belgrade started, Lulzim Peci offered his resignation to the President of Kosovo, Atifete Jahjaga. The main causes were critics by the former Prime Minister of Kosovo after his declaration that normalization of relations would only be achieved after the two countries would reciprocally recognize each other. On the other hand, the Serbian Liaison Officer in Kosovo declared in Pristina that Serbia will never recognize Kosovo and that his position was not diplomatic but instead only to facilitate communications between Pristina and Belgrade. See Radio Free Europe, "Lulzim Peci resigns", 19 June 2013, at <https://www.evropaelire.org/a/25022069.html> and B92, "Kosovo talks: Liaison offices to issue visit permits", 18 November 2014, at [https://www.b92.net/eng/news/politics.php?yyyy=2014&m=11&dd=18&nav\\_id=92279](https://www.b92.net/eng/news/politics.php?yyyy=2014&m=11&dd=18&nav_id=92279)

A sub-agreement was reached on 14 November 2014, where the delegations agreed on specific rules and modalities for official visits from Kosovo to Serbia and vice versa.<sup>101</sup> With this agreement, the two liaison offices are in charge of administering the official visits of the relevant government officials.

The implementation of this agreement was satisfactory until Serbian official Marko Đurić in 2018 entered Kosovo without prior permission, and was arrested.<sup>102</sup> This led to the suspension of many ongoing agreements, such as regular meetings for IBM. , the relocation of Serbian officials to the new border crossing premises in Merdare, etc. An unexpected suspension of the implementation and further advancement of the agreements followed.

The role of liaison officers has been greatly minimized, and they have not been capable of expanding the cooperation between Kosovo and Serbia nor help in tackling numerous problems faced by citizens on both sides. One positive aspect of the presence of the Kosovo Liaison Officer in Serbia is better and more direct communication with foreign embassies in Belgrade.

Following the departure of Valdet Sadiku, Kosovo has not been able to find a high-profile liaison officer. Currently, Kosovo is represented by an acting official, while Serbia is represented by its former negotiator in the Technical Dialogue, who spends a small amount of time in Kosovo.<sup>103</sup>

The offices deal with issues related to communication between the two governments, coordinate the visits of senior public officials and are committed to solving problems in terms of freedom of movement, trade, etc., which are faced by institutions, businesses and its citizens.

This year, the role of the representative of Serbia in Kosovo was prominent, in carrying the ballots of Kosovo Serbs living in Serbia, who due to the lack of cooperation between the Post of Kosovo and that of Serbia, could not send them by mail. However, they were able to vote through their liaison officer, who proceeded to collect the ballots and submit them to Kosovo's Postal Service.<sup>104</sup>

This action became quite controversial, as the arrival of votes from Serbia caused a halt to the process of voting verification at the Verification Centre after the boxes from Serbia emitted an aroma that triggered allergic reactions in some of the employees.<sup>105</sup> Even though the ballots were counted by the Central Election Commission (CEC), they were declared invalid by the Election Complaints and Appeals Panel (ECAP) as they were submitted by unauthorized individuals, and resembled collective voting, undermining the integrity of the election.

The Supreme Court of Kosovo accepted 7 complaints by deputies from different political parties regarding the ECAP decision however they were rejected, and the votes were ultimately declared invalid.<sup>106</sup>

<sup>101</sup> Agreement on Official Visits, November 2014.

<sup>102</sup> Klan Kosova, "Breaking News: Marko Đurić gets arrested", 26 March 2018, at <https://klankosova.tv/lajmi-i-fundit-arrestohet-marko-gjuriq/>

<sup>103</sup> Koha, "Kosovar citizen was buried in Novi Sad, nobody showed up to retrieve the body", 30 August 2019, at <https://www.koha.net/arberi/181757/kosovari-u-varros-ne-novi-sad-askush-nuk-u-paraqit-per-te-marre-trupin-e-tij/>

<sup>104</sup> Insajderi, "These are the two people who allegedly brought the poisonous envelopes from Serbia", October 2019, at <https://insajderi.com/keta-jane-dy-personat-qe-dyshohet-se-sollen-zarfet-helmuese-nga-serbia/>

<sup>105</sup> Radio Free Europe, "CEC waits for results of the investigations for Serbia's envelopes", 13 October 2019, at <https://www.evropaelire.org/a/kqz-zarfe-serbi-/30214237.html>

<sup>106</sup> Telegrafi, "Supreme Court rejects complaints from other candidates regarding votes from Serbia", 14 November 2019, at <https://telegrafi.com/gjykata-supreme-refuzon-ankesat-e-kandidateve-per-deputete/>



## LOCAL ELECTIONS/ FUNCTIONING OF MUNICIPALITIES IN THE NORTH

### FROM PRINCIPLES OF NORMALIZATION

11. Municipal elections shall be organised in the northern municipalities in 2013, with the facilitation of the OSCE in accordance with Kosovo law and international standards.

*The First Agreement on Principles Governing the Normalization of Relations*, in Article 11 had included the holding of local elections in Kosovo's northern municipalities in 2013 with the facilitation of the OSCE and in accordance with Kosovo's laws and international standards.<sup>107</sup>

| Municipality    | Local Elections | Extraordinary Mayoral Elections |
|-----------------|-----------------|---------------------------------|
| North Mitrovica | 2013, 2017      | 2014, 2019                      |
| Leposavić       | 2013, 2017      | 2019                            |
| Zubin Potok     | 2013, 2017      | 2019                            |
| Zvečan          | 2013, 2017      | 2019                            |

Source: Central Election Commission (CEC)

The aim was that, for the first time since Kosovo's independence, to hold legitimate elections in these municipalities and to build local institutions almost from scratch, followed by their integration in Kosovo's jurisdiction. From Belgrade's point of view, holding elections in the north would create conditions for the establishment of the Association of Serb-majority municipalities, which was part of the same agreement.<sup>108</sup>

As foreseen in the normalization agreement, local elections in the northern municipalities were held for the first time in November 2013.<sup>109</sup> Since then, despite the difficulties, citizens have participated satisfactorily in local and central elections in Kosovo. In 2014, extraordinary mayoral elections were held in the Municipality of North Mitrovica. In 2017, local elections were held in the four northern municipalities of Kosovo, while in 2019, extraordinary local elections were held once again in these municipalities.<sup>110</sup>



<sup>107</sup> First Agreement on Principles Governing the Normalization of Relations, April 2013.

<sup>108</sup> Elections would be held and formalize the creation of the municipality of North Mitrovica, along with three other municipalities, according to the Ahtisaari Plan that which were already part of the laws of Kosovo.

<sup>109</sup> During local elections in May 2014 in four northern municipalities, based on CEC, voter turnout was higher than 42 percent. See Radio Free Europe, "Preliminary results: Serb List wins in four north municipalities", 19 May 2019, at <https://www.evropaelire.org/a/komunat-veriore-ne-zgjedhje-te-jashtezakonshme/29949941.html>

<sup>110</sup> Central Election Committee (CEC) at <http://www.kqz-ks.org/per-kryetar-te-komunave/>

However, these municipalities are constantly challenged by the parallel structures and the lack of support for their full consolidation in the legal and democratic framework.<sup>111</sup> The agreement provided for the integration of parallel municipalities into the framework of Kosovo created after the elections, and the dissolution of Serbian municipal structures. This did not happen, and new municipalities were

created with new personnel, with a portion of them working for both systems leading to the continuation of parallel municipalities. The Civil Service in the Local Administration of the Municipality of North Mitrovica employs 150 citizens.<sup>112</sup> The table below presents the number of civil servants in the four northern municipalities divided by departments, according to budgetary allocation for 2020.

| INSTITUTION                                 | North Mitrovica | Leposavić  | Zubin Potok | Zvečan     |
|---|-----------------|------------|-------------|------------|
| Office of the Mayor                         | 6               | 9          | 14          | 20         |
| Administration and Personnel                | 33              | 72         | 40          | 27         |
| Inspections                                 | 6               |            | 9           |            |
| Procurement                                 | 3               |            |             |            |
| Municipal Assembly Office                   |                 |            |             |            |
| Budget and Finance                          | 8               | 10         | 9           | 13         |
| Public Services, Civil Protection Emergency | 39              | 19         | 13          | 13         |
| Municipal Office for the Community          | 3               | 7          | 7           | 4          |
| Agriculture, Forestry and Rural Development | 2               | 5          | 7           | 8          |
| Economic Development                        | 2               | 5          | 6           | 6          |
| Cadastral and Geodesy                       | 8               | 5          | 11          | 4          |
| Urban Planning and Environment              | 6               | 5          | 10          | 9          |
| Health and Social Welfare                   | 93              | 84         | 70          | 76         |
| Social and Residential Services             | 14              | 10         | 12          | 12         |
| Secondary Health                            | 225             |            |             |            |
| Culture, Youth, and Sports                  | 5               | 6          | 8           | 5          |
| Education and Science                       | 404             | 332        | 205         | 171        |
| <b>Total</b>                                | <b>857</b>      | <b>569</b> | <b>421</b>  | <b>368</b> |

Source: Law No. 06/L-020 on the Budget of Republic of Kosovo for the Year 2020

<sup>111</sup> International Crisis Group, *Will the Real Serbia Please Stand Up?*, 23 April 2008.

<sup>112</sup> Balkans Group interview with the Ministry of Administration and Local Government (MALG) officials.

These new municipalities still operate without an official logo; they respect the inclusion of Kosovo's state symbols only when communicating with Kosovo's institutions. Their Mayors are politically used by Belgrade, such as when they were forced to resign (November 2018) after Kosovo imposed the 100% tariff.<sup>113</sup>


However, the establishment of these municipalities in the north and the continued participation of their citizens in the local elections in Kosovo can be seen as a very positive achievement. Citizens have also increased their interest in municipal services, civil registries and other documentation. As the new municipalities of Kosovo in the north still do not fully function according to the law, they fail to receive sufficient funds to implement various development and infrastructure projects. Also, due to political problems, other important processes have also failed, such as the census.<sup>114</sup>

In spite of this, the minimum standards of their functioning according to the laws of Kosovo have been met, and their communication with the Ministry for Local Government Administration (MLGA) is regular. In relation to the institutions of Kosovo, these municipalities issue valid documents according to the laws of Kosovo, but in relation to its citizens and Serbia, they use the logo and stamps of Serbia. Emphasizing once again, the main challenge of their legal functioning is related to the presence of parallel administrative structures in this part, as well as the application of Serbian laws in some local sectors.

In the extraordinary parliamentary elections of 6 October 2019 in these four municipalities, the OSCE only served in a technical advisory role to the Municipal Election Commission.<sup>115</sup> As for the elections of 2019, the Central Election Commission has issued an instruction that valid voting in the next elections of 6 October is only possible through identification documents issued by the institutions of the Republic of Kosovo.<sup>116</sup>

This was made possible as most Serb citizens in the north, already around 35,000, have been issued with IDs from Kosovo.<sup>117</sup> Political parties representing Kosovo Serbs had reacted against this decision.



|  |  |
|--|--|
| <br>Republika e Kosovës<br>Republika Kosova-Republic of Kosovo<br>Qeveria-Vlada-Government<br>Opština Leposaviq<br>Komuna e Leposaviq<br>Municipality of Leposaviq |  |
| DATE/A   | 11.12.2017   |
| REFERENC-Ë:  |  |
| PER/ZA/TO:   | Doganën e Kosovës/ Carinu Kosova   |
| CC:  |  |
| PERMES/PREKO/THROUGH:  |  |
| NGA/OD/FROM:   | Dragan Jablanovic<br>Kryetar i komunës e Leposaviq/Gradonacelnik Opštine Leposaviq |
| TEMA/SUBJEKAT/SUBJECT:   | Konfirmim/Potvrda  |

Te nderuar/ Poštovani  
 Konfirmojmë se importi është raportuar dhe vërtetuar si grant, financiar nga Unioni Evropian dhe menaxhuar nga ARDA.  
 Te bashkangjitur gjeni: kontraten e grantit, kontraten e shitblerjes se mallit, profatura nr 066/17, urdherpagesat nga banka si dhe dokumentacioni i rregjistrimit te biznesit i perfituesit te grantit- "DARKO VUKASINOVIC I.B."  
 Potvrdjume da je uvoz prijavljen i provenen kao grant, finansiran od Evropske Unije i upravljan od ARDA.  
 U prilogu nadjite: Ugovor granta, ugovor o kupoprodaji robe, predracun br. 066/17, naloge za placanje od banke kao i dokumentaciju registracije biznisa korisnika granta- "DARKO VUKASINOVIC I.B."  
 Me respect / S poštovanjem  
 Dragan Jablanovic

<sup>113</sup> DW, "Four Mayors of northern Kosovo municipalities resign", 27 November 2018, at <https://www.dw.com/sq/japin-dor%C3%ABheqje-kat%C3%ABr-kryetar%C3%ABt-serb%C3%AB-t%C3%AB-komunave-n%C3%AB-veri-t%C3%AB-kosov%C3%ABs/a-46470410>

<sup>114</sup> Radio Free Europe, "Kosovo's Government continues to insist on population census in the north", 9 June 2016, at <https://www.evropaelire.org/a/27786862.html>

<sup>115</sup> Radio Free Europe "Daka: Early elections are challenging due to deadlines", 4 September 2019, at <https://www.evropaelire.org/a/valdete-daka-zgjedhjet-6-tetor-/30146142.html>

<sup>116</sup> Radio Free Europe "In the 6 October, voting is done only with Kosovo documents", 13 September 2019, at <https://www.evropaelire.org/a/zgjedhjet-votimi-kqz/30162255.html>

<sup>117</sup> Balkans Group Interview with an expert on Kosovo-Serbia dialogue, 1 August 2020.



## TELECOMMUNICATION

### MAIN POINTS OF THE AGREEMENT

Kosovo will receive its 3-digit dialling code from the ITU.

Operators from both sides will reduce the costs of local calls in accordance with EU practices.

Regulators on both sides will agree on a technical agreement regarding the Global System of Mobile Communication (GSM) and television signal, interconnection process, roaming, and harmonization of digital frequencies.

A license for fixed telecommunications services will be issued to a new company, a subsidiary of a Serbian company which will be registered in accordance with Kosovo's legal framework.

On mobile telephony, Kosovo will issue a new company temporary authorization, based on its legal framework. The authorization expires once Kosovo issues a new full license as a result of a tender.

Postal services will be discussed at a later stage.



in the field of telecommunications for citizens in the territory of Kosovo and in relation to Serbia, as well as the provision of an international dialling code for Kosovo.

More specifically, the agreement defines one dialling code for domestic and international calls and reduces the costs of local calls for citizens by removing all illegal operators from Kosovo.<sup>118</sup>

Telecommunication was one of the topics discussed throughout the technical dialogue, and the final agreement was achieved on 25 August 2015 with the signing of the Action Plan for the implementation of the Telecommunication Agreement.<sup>119</sup> The agreement indicated that it would further improve relations between Kosovo and Serbia by defining a border of telecommunications between them.

The Agreement on Telecommunication was reached on 8 September 2013, but talks for its implementation began in January 2014. The purpose of this agreement was the normalization of relations

Since 1999, Serbian telephony operators had been operating inside a part of Kosovo's territory, and after many years, the Regulatory Authority of Electronic and Postal Communication of Kosovo had managed to remove some of their stations, except in the

<sup>118</sup> Telecommunication Action Plan, August 2015, at [http://www.kryeministri-ks.net/repository/docs/Plani\\_i\\_perbashket\\_i\\_veprimit\\_per\\_Telekomin\\_FINAL\\_-\\_25\\_Gusht\\_-\\_2015\\_-\\_perkthimi\\_zyrtar\\_Shqip.pdf](http://www.kryeministri-ks.net/repository/docs/Plani_i_perbashket_i_veprimit_per_Telekomin_FINAL_-_25_Gusht_-_2015_-_perkthimi_zyrtar_Shqip.pdf)

<sup>119</sup> Kosovo Ministry of Dialogue, Brussels Agreements Implementation State of Play: March - September 2015, 6 October 2015, at [https://kryeministri-ks.net/wp-content/uploads/docs/RAPORT\\_MBI\\_GJENDJEN\\_NE\\_ZBATIMIN\\_E\\_MARREVESHJEVE\\_TE\\_BRUKSELIT\\_061015-signed.pdf](https://kryeministri-ks.net/wp-content/uploads/docs/RAPORT_MBI_GJENDJEN_NE_ZBATIMIN_E_MARREVESHJEVE_TE_BRUKSELIT_061015-signed.pdf)

northern municipalities and in sensitive areas, to avoid tensions, such as the Serbian Orthodox Monastery in Gračanica.<sup>120</sup>

The agreement was made possible with the support of international partners, especially Austria, which submitted a request to the International Telecommunication Union (ITU) on behalf of Kosovo, based on which Kosovo was allocated a 3-digit dialling code.<sup>121</sup> The process depended on Serbia's consent as only countries in the UN can be members of the ITU.

On 15 December 2016, the ITU announced that Kosovo had been provided with its international dialling code +383, enabling Kosovo's presence in online telecommunication with the code becoming operational from 2 February 2018.<sup>122</sup>



The Action Plan recognized Kosovo's right to administer its dialling code like other countries, and the Regulatory Authority of Electronic and Postal Communication (RAEPC) is obliged to cooperate with the ITU for the implementation of the new code.

Regarding the implantation plan, some objection arose during between Kosovo and Serbia on the wording used to refer to the code. Even though Kosovo requested that it should be referred to as 'country dialling code' the reciprocal solution was: "international code for Kosovo".<sup>123</sup> The three most problematic issues were the transfer of assets, the distribution of frequencies, and locations of base stations.<sup>124</sup>

MTS was licensed as a temporary operator which would provide fixed and mobile telephony services in certain areas, in accordance with the agreement and license issued by RAEPC. Regarding the transfer of its assets, it was decided that a new company (MTS d.o.o.); registered on 13 October 2015 would take ownership over the assets of Telekom Srbija J.S.C. in Kosovo and its employees.<sup>125</sup>

On that same date, licenses were officially entered into force, and RAEPC issued 60,000 mobile numbers and 74,000 landline numbers to MTS. In January 2017 the MTS mobile telephony signal for customers in Brezovica and Štrpce was activated. In May 2017, MTS reactivated the fixed telephony signals in all area where Serb communities live in Kosovo.<sup>126</sup> The agreement has finally established order in the field of telecommunications both inside and outside the country.<sup>127</sup>

<sup>120</sup> "Serbian telephony operators were present in Kosovo before 1999 and have remained largely untouched until recently. The national operator, Mobilna Telefonija Sbrije (MTS) has developed its network in Kosovo and until 2010 its signal covered most of the territory... Mobitel, the property of a Serb magnate in Kosovo, Bogoljub Karić, before it was confiscated by Belgrade and sold to Norwegian operator Telenor had been cooperating with Albanians but was never officially registered in Kosovo. In April 2010, the Telecommunications Regulatory Authority (TRA) unannouncedly shut down some MTS antennas, dramatically reducing network capacity, but was unable to turn off the other ten antennas in the north. See International Crisis Group Report, Kosovo and Serbia after the ICJ opinion, 26 August 2010, page 22.

<sup>121</sup> KFOS, *Darkness, and Silence after the Bruxelles Agreement: Analysis of the Agreement on the Energy and Communication*, 2018, at <http://crnobelisvet.com/wp-content/uploads/2018/02/DARKNESS-AND-SILENCE-AFTER-THE-BRUXELLES-AGREEMENT.pdf>

<sup>122</sup> Operation Bulletin No. 1114 (December 15, 2016) and Annex List: List of Recommendations ITU-T E.164 assigned country codes, ITU, at <https://www.itu.int/pub/T-SP-OB.1114-2016>

<sup>123</sup> Office for Kosovo and Metohija, *Progress Report on the Dialogue between Belgrade and Pristina*, April 2015, at <http://kim.gov.rs/doc/Final-ni%20Izvestaj%20KKiM%20april%202015%20engl.pdf>

<sup>124</sup> Office for Kosovo and Metohija, *Progress Report on the Dialogue between Belgrade and Prishtina: April – October 2016, October 2016*, See Annex I of Decision No. 905 (No. Prot. 056/B/16) for the use of the spectrum by 'MTS' d.o.o during the temporary authorization for the provision of mobile telephony services under limited infrastructure, at <http://www.arkep-rks.org/repository/docs/Individual%20Authorization%20on%20spectrum%20usage%20by%20mts%20D%20O%20O%20-%20905.pdf>

<sup>125</sup> RAEPC decisions, at [http://arkep-rks.org/?cid=1%2C26&fbclid=IwAR2lguRgqHruf45kMqwn\\_2C2fc7Y6Y3jI6ERbv-97mKfMUNrzCZwa-3tac](http://arkep-rks.org/?cid=1%2C26&fbclid=IwAR2lguRgqHruf45kMqwn_2C2fc7Y6Y3jI6ERbv-97mKfMUNrzCZwa-3tac). It is reported that the company 'MTS d.o.o.' has paid over 300,000 euros in taxes to TAK for the year 2017-2018. While over 500,000 euros for 2019. Balkans Group interview, Pristina, February 2020

<sup>126</sup> KFOS, *Darkness, and Silence after the Bruxelles Agreement: Analysis of the Agreement on the Energy and Communication*, 2018

<sup>127</sup> Presentation of national ITU-T E.164 numbering plan for country code: 383, at [https://www.itu.int/dms\\_pub/itu-t/oth/02/02/T02020000F-D0001PDFE.pdf](https://www.itu.int/dms_pub/itu-t/oth/02/02/T02020000F-D0001PDFE.pdf)

Citizens using the services of the new company in Kosovo will be able to call Serbia without using the three-digit international code (no additional roaming costs) and vice versa. Under the agreement, the company's base stations will be located in 30 locations. During the dialogue, Serbia had sought to maintain 72 active stations in Kosovo while Kosovo insisted on only 22 locations.<sup>128</sup>

The agreement will increase security in the field of telecommunications by controlling fixed and mobile telephony traffic from Kosovo. It also provides revenues to Kosovo, as there is no longer a need to use other countries' dialling codes. Since its establishment in the year 2000, the mobile operator Vala had paid Monaco Telecom around 200 million euros, in total, for the use of Monaco's prefix (+377).<sup>129</sup> With its country code, Kosovo is able to provide better telephony services at more favourable costs for its citizens, given that the managing server of this code will be in Pristina.

The agreement also aimed at the creation of preconditions for commercial agreements between the operators of the two countries for roaming and to facilitate the interconnection process. Reaching these agreements has directly affected the reduction of tariffs and communication costs for citizens of both countries regardless of ethnicity.<sup>130</sup> According to the Government of Kosovo, limited progress has been made on roaming agreements between the two operators to reduce prices for its customers.

Individual operators in Kosovo and Serbia have not however been able to advance the agreement regarding roaming charges.<sup>131</sup> An earlier RCC's initiative to resolve the roaming issue, supported by the EU, has been advanced in recent. The First Regional Roaming Agreement (RAA) was signed in September 2014 but did not include Kosovo and Albania, but only Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia.<sup>132</sup> This was due to Kosovo's lack of a country dialling code.

At the Second Digital Summit held in Belgrade in April 2019, in the framework of the Berlin Process and the Multi-annual Action Plan for a Regional Economic Area (MAP REA) for the Western Balkans, the agreement on the reduction of roaming charges was signed by all the ministers of the region.<sup>133</sup> Roaming charges are used when citizens utilize the telecommunication services of a different country. These charges used to be very high for the region. This agreement was initiated by the European Union as a way of facilitating communication between citizens. The roaming agreement is expected to be fully implemented by July 2021, while the reduction of charges is already being implemented.<sup>134</sup>

<sup>128</sup> RAACP, "Decision No. 905 for Individual Authorization", Appendix I, at <http://www.arkep-rks.org/repository/docs/Individual%20Authorization%20on%20spectrum%20usage%20by%20mts%20D%20O%20O%20-%20905.pdf>

<sup>129</sup> KSPAG, "Alo Kosovo", 26 August 2019, at <http://k-s-pag.org/alo-kosova/>

<sup>130</sup> See Telecommunication Agreement.

<sup>131</sup> Kosovo Ministry of Dialogue, Brussels Agreement Implementation State of Play, 18 June 2018, at [http://www.votaimo.org/Uploads/Data/Documents/RaportmbiarritjetdhesfidatnezbatimineMarreveshjevetBrukselit\\_18qershor2018\\_GAc6YnWvKU\(1\)\\_hxnKkAUHPK.pdf](http://www.votaimo.org/Uploads/Data/Documents/RaportmbiarritjetdhesfidatnezbatimineMarreveshjevetBrukselit_18qershor2018_GAc6YnWvKU(1)_hxnKkAUHPK.pdf)

<sup>132</sup> The work of the platform was expanded to support the implementation of actions under the MAP REA and the Digital Agenda for the Western Balkans. The platform consists of representatives of the ICT ministries and regulatory agencies for electronic communications in the Western Balkans. It has also been responsible for the first consolidated regional analysis of the institutional, legal and regulatory framework relevant to roaming policies, and has served as a systematic regional summary of RRA market impact data. Regional Roaming Platform, at [https://www.rcc.int/working\\_groups/18/regional-roaming-platform](https://www.rcc.int/working_groups/18/regional-roaming-platform)

<sup>133</sup> Regional Roaming Agreement for the Western Balkans, at <https://www.rcc.int/docs/476/regional-roaming-agreement-for-the-western-balkans>

<sup>134</sup> European Commission, "Entry into force of the new Western Balkans regional roaming agreement: clear drop in roaming charges", 1 July 2019, at <https://ec.europa.eu/digital-single-market/en/news/entry-force-new-western-balkans-regional-roaming-agreement-clear-drop-roaming-charges>

|                               | Time                         | Outgoing calls     | Incoming calls     | SMS               | Data transfer MB   |
|-------------------------------|------------------------------|--------------------|--------------------|-------------------|--------------------|
| <b>Albania</b>                | Costs until 30 June          | 1.72               | 1.40               | 0.52              | 2.92               |
|                               | % Change                     | -87% do -97%       | -97%               | -86% do -95%      | -93% do -99%       |
| <b>Bosnia and Herzegovina</b> | Max costs as of 1 July 2019  | 0.14               | N/A                | 0.05              | 0.13               |
|                               | % Change                     | WB4 (-25% do -27%) | WB4 (-13% do -20%) | WB4 (-6% do -17%) | WB4 (-27% do -31%) |
|                               | Albania & Kosovo             | (-85% do -92%)     | (-87% do -97%)     | (-71% do -88%)    | (-94% do -99%)     |
| <b>Kosovo</b>                 | Costs until 30 June          | 1.75               | 0.5                | 0.3               | 2.0                |
|                               | Max costs as for 1 July 2019 | 0.15               | 0.04               | 0.04              | 0.04               |
|                               | % Change                     | -91%               | -90%               | -85%              | -98%               |
| <b>Montenegro</b>             | Costs until 30 June          | 0.23               | 0.06               | 0.07              | 0.24               |
|                               | Max costs as of 1 July 2019  | 0.09               | 0.04               | 0.04              | 0.03               |
|                               | % Change                     | -57%               | -20%               | -42%              | -87%               |
| <b>North Macedonia</b>        | Costs until 30 June          | 1.22               | 0.49               | 0.26              | 4.19               |
|                               | Max costs as of 1 July 2019  | 0.08               | 0.05               | 0.04              | 0.03               |
|                               | % Change                     | -93%               | -90%               | -84%              | -99%               |
| <b>Serbia</b>                 | Costs until 30 June          | 0.23               | 0.05               | 0.07              | 0.25               |
|                               | Max costs as of 1 July 2019  | 0.09               | 0.05               | 0.03              | 0.03               |
|                               | % Change                     | -62%               | -20%               | -50%              | -87%               |

Source: **Regional Cooperation Council**

## INTEGRATION OF POLICE

### FROM NORMALIZATION PRINCIPLES

7. All of the police in the north shall be integrated into the Kosovo Police framework.

8. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.

9. There shall be a Regional Police Commander for the four northern Serb-majority municipalities, nominated by the MIA of Kosovo from a list provided by the Mayors of these municipalities.

*The First Agreement of Principles Governing the Normalization of Relations* envisages the integration of MUP police officers, offering them a place in the equivalent structures of Kosovo. Also, the Ministry of Internal Affairs of the Republic of Kosovo (MIA) appoints the Regional Commander for the territory of the four northern municipalities, from the list provided by the mayors of the four municipalities, on behalf of the Association and who must come from the Serb community.<sup>135</sup>

When the agreement was reached, the Serbian Police (MUP) operated illegally in the northern part of Kosovo. This structure has functioned according to the laws and within the command of the Ministry of Internal Affairs of Serbia. In addition to uniformed police officers, a part of this structure were also the civil administration of the MIA, who issued documents of the civil registry of Serbia and performed other administrative functions.<sup>136</sup>

<sup>135</sup> First Agreement on Principles Governing the Normalization of Relations, at [http://kryeministri-ks.net/wp-content/uploads/docs/First\\_agreement\\_of\\_principles\\_governing\\_the\\_normalization\\_of\\_relations\\_April\\_19\\_2013\\_Brussels\\_en.pdf](http://kryeministri-ks.net/wp-content/uploads/docs/First_agreement_of_principles_governing_the_normalization_of_relations_April_19_2013_Brussels_en.pdf)

<sup>136</sup> International Crisis Group, *North Kosovo: Dual Sovereignty in Practice*, 14 March 2011, at <https://d2071andvip0wj.cloudfront.net/211-north-kosovo-dual-sovereignty-in-practice.pdf>



During the talks in Brussels, the Serbian side submitted to the Pristina authorities a list of 337 police officers who needed to be integrated. Out of these, 285 were invited to join the integration process while 52 were removed from the list.<sup>137</sup> Out of 71 members of the Serbian Police Secretariat, 45 faced issues in the integration process in the civil registry offices in the four municipalities.<sup>138</sup> Out of the 668 members who are thought to have served in the Serbian Ministry of Internal Affairs, the final number of integrated police officers in the Kosovo Police, specifically in the Regional Directory of North Mitrovica was 287.<sup>139</sup>

In practice, this was more complicated because the number of Serb police officers was much higher than expected to be integrated into the Kosovo Police according to the standards applied in Kosovo and the EU-based number of police officers per number of inhabitants and the percentage of minorities involved.<sup>140</sup> According to these standards, with less than two million citizens, Kosovo should have about 6,000 police officers, but the current number is now above 8,000.<sup>141</sup> However, the Kosovo Police planned to admit 300 more members of the Serb community from the four northern municipalities.

This was closer to the number of those who had worked until 2008 within the Kosovo Police, and many of them had worked for the Serbian MIA after Kosovo's declaration of independence. While these municipalities cover a large area, their population is estimated to be lower than fifty thousand. However, the previous population census was previously boycotted, and there is no accurate indicate to the actual number of people living there.<sup>142</sup>

Among those who were not integrated were persons who did not successfully pass background checks of criminal activity by Kosovo's institutions. A small number of individuals were close to retirement while a small number of individuals either refused to integrate or sign the "Declaration of Loyalty", a document that obliged the signers to officially declare that they would only respect the laws of Kosovo, would not receive a salary other than the Kosovo Police would be subject to the orders of its command chain. The administrative part of the Serbian MIA remained unintegrated, and it was agreed that all 45 individuals would become part of the Civil Registration Agency which hired them after some time.

<sup>137</sup> QBPS and QKSS, *Police Integration in North Kosovo: Progress and remaining challenges in implementation of Brussels Agreement*, 2014.

<sup>138</sup> North Mitrovica, Zubin Potok, Leposavić and Zvečan.

<sup>139</sup> Kosovo Ministry of Dialogue, *Brussels Agreement Implementation State of Play*, 18 June 2018.

<sup>140</sup> In general, a police force of 318 officers for every 100,000 residents in Europe, 2016, at <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20190104-1>

<sup>141</sup> Kosovo has between 327 and 398 police for 100,000 resident, compared to 427 in Croatia, 476 in North Macedonia, and 540 in Italy, See International Crisis Group, *The Rule of Law in Independent Kosovo*, 19 May 2010, page 7.

<sup>142</sup> "Evaluation: Kosovo population 2019" from the Kosovo Agency of Statistics, at <http://ask.rks-gov.net/media/2127/vlersim-popullsia-e-kosoves-2011.pdf>



After the dialogue was suspended, some of these individuals, even though they underwent training and were ready to start issuing civil documents for northern municipalities, have yet to begin working. As a result, only 39 people were integrated.<sup>143</sup> All locations where the Serbian MIA was based have been closed, including the storehouses. Uniforms, weapons, and equipment have been returned to Serbia through a process coordinated by EULEX.

At the end of 2013, Serbia ruled that all employment contracts for MIA officials operating in Kosovo should be terminated, sending them in mandatory retirement.<sup>144</sup>

According to the agreement, the composition of the Kosovo Police should reflect the ethnic composition of the population in the four northern municipalities. In addition to the Regional Police Commander for the four northern Serb-majority municipalities, a regional structure was also established for four other municipalities south of the Ibar River, South Mitrovica, Skenderaj and Vučitrn. The implementation of this agreement required the review of the Organizational Structure of the Kosovo Police, including the establishment of the Northern Regional Directory and procedures for the appointment of the Regional Director.<sup>145</sup>

Even though it was not a special arrangement, Kosovo's MIA has managed to functionalize the Police Inspectorate in the north. The Kosovo Police Inspectorate is one of the rare institutions of the country to function in North Mitrovica.

This institution aims to investigate violations within the police structures, including all of its employees. It is a mechanism that serves under the authority of MIA; however, as a structure, it is separate from the Kosovo Police and operates independently.<sup>146</sup> This office was opened on 30 December 2015 for residents of the four municipalities to have a place to submit their complaints.<sup>147</sup> Two investigators are employed in this office, one from the Serb community and one Albanian. It could be said that the PIK is not very transparent in relation to media and civil society when it comes to providing information, as they usually offer incomplete data about their work in North Mitrovica.

Based on annual reports of the PIK, in 2017, a total of 57 complaints were received, and 7 police officers were investigated.<sup>148</sup> In 2018, there were again 57 complaints followed by 14 investigations.<sup>149</sup> In 2019, there were 55 complaints followed by 14 investigations.<sup>150</sup> In 2017, in the region of North Mitrovica, there were 80 criminal offences while in 2018 this number fell to 61.<sup>151</sup>

<sup>143</sup> This was confirmed by representatives of the Union of Administrative Staff of former employees of the MIA, that three (3) persons have retired and three (3) persons have refused to integrate into Kosovo institutions. Situation Report over the implementation of Brussels Agreement: June 16 – November 25, 2016, Report from the Kosovo Ministry of Dialogue in EU, 25 November 2016.

<sup>144</sup> "Uredba o uslovima za ostvarivanje prava na posebnu penziju zaposlenih u Ministarstvu unutrašnjih poslova na teritoriji AP Kosovo i Metohija: 115/2013-23, 42/2014-9" ["Decree on the conditions of exercising a special retirement for employees of the MIA inside the territory of the Autonomous Province of Kosovo and Metohija: 115 / 2013-23, 42 / 2014-9"] at <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/4642dec9-6337-451d-8ac9-2442d0ea8f9b>

<sup>145</sup> Administrative Instruction No. 12/ 2013 from the Ministry of Internal Affairs of Kosovo for the appointment of Police Regional Director for the region of North Mitrovica, at [https://mpb.rks-gov.net/Documents/UDHEZIMI\\_ADMINISTRATIV\\_Nr\\_12-2013\\_-\\_MPB\\_PER\\_ZG-JEDHJEN\\_E\\_DREJTORIT\\_RAJONAL\\_TE\\_POLICISE\\_PER\\_RAJONIN\\_MITROVICE-VERI.pdf](https://mpb.rks-gov.net/Documents/UDHEZIMI_ADMINISTRATIV_Nr_12-2013_-_MPB_PER_ZG-JEDHJEN_E_DREJTORIT_RAJONAL_TE_POLICISE_PER_RAJONIN_MITROVICE-VERI.pdf)

<sup>146</sup> For more about the mission of Kosovo's Police Inspectorate, read at <https://ipk.rks-gov.net/rreth-nesh/misioni-dhe-vizioni/>

<sup>147</sup> See IPK Media Communication "New IPK office begins work in North Mitrovica", 30 December 2015, at <https://ipk.rks-gov.net/fillon-punen-zyra-e-ipk-se-ne-mitrovicen-e-veriut/>

<sup>148</sup> See annual IPK report for the year 2017, at <https://ipk.rks-gov.net/wp-content/uploads/2015/02/Raporti-vjetor-2017-IPK.pdf>

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> See Inspection Report on Crime Investigations, detections and Case Administration, December 2019, at <https://ipk.rks-gov.net/wp-content/uploads/2020/01/RAPORTI-I-INSPEKTIMIT-NR.-06-2019-MENAXHIMI-I-HETIMIT-DHE-ZBULIMIT-T%C3%8B-KRIMIT-SI-DHE-ADMINISTRIMI-I-RASTEVE.pdf>

### **Declaration prior to integration**

I, the undersigned .....,  
hereby declare that I am willing to transfer to the Kosovo institution and be employed by the Kosovo institution (employer).

I confirm that I understand the Kosovo legal framework will apply to my employment with the employer, and that I will be bound by such. In particular, the Law on the Civil Service will govern my employment and I will be bound by its provisions.

I confirm that I have read the First Agreement and the Article 5 of the Law on the Civil Service concerning Conflicts of Interest, and declare that I agree to work exclusively for the Kosovo institution.

I declare that I will not accept any salary or other compensation from any other source than the employer in relation to my duties.

I confirm that I am willing to participate in the training modules set up by the employer to enhance my performance and to contribute to my integration.

I accept that the employer, with assistance and supervision of EULEX will perform background checks to verify information provided by myself and I am aware that my current employer will provide information to my education and professional experience. Furthermore I declare that I have no objections to exchange relevant personal data.

I understand that an employment contract with my employer will be signed following the agreed conclusions concerning the integration process.

I understand that any false information provided in this document, will result in my integration into the Kosovo institution being canceled.

Place and Date:

Signed: .....

Name:

Address:

## JUSTICE

### FROM PRINCIPLES OF NORMALIZATION

10. The judicial authorities will be integrated and operate within the Kosovo legal framework. The Appellate Court in Pristina will establish a panel composed of a majority of K/S judges to deal with all Kosovo Serb-majority municipalities.

Since declaring independence, Kosovo has insisted on the removal of parallel security institutions that were funded and operated under Serbian law. This was also the starting point and purpose of the dialogue.<sup>152</sup> Based on the First Agreement on Principles Governing the Normalization of Relations, the Judiciary Agreement was reached on 9 September 2015. However, its implementation has encountered numerous difficulties, in particular in the integration of judges and prosecutors.

The agreement stipulates that the premises of the Basic Court in North Mitrovica will consist of:

- *Appellate Court Division in Mitrovica*, with 5 Serb and 2 Albanian judges; and
- *Department for Serious Crimes*, with 4 Serb and 4 Albanian judges.

According to the agreement, a Basic Court and a Basic Prosecutor's Office were established for the region of Mitrovica which included the four northern municipalities as well as the Albanian-majority municipalities of Skenderaj and Vučitrna, as defined in the Law on Courts of the Republic of Kosovo.<sup>153</sup> The only Basic Court for the region of Mitrovica will have its premises in the northern municipality as well as in South Mitrovica, and four branches in Zubin Potok, Leposavić, Skenderaj, and Vučitrna.

The Basic Court in North Mitrovica will include the *General Department* that handles all criminal offences in North Mitrovica, South Mitrovica, and Zvečan. The premises in South Mitrovica will house the Juvenile Department for the entire region. It will try civil cases, criminal cases, and misdemeanours for juveniles in of North Mitrovica, South Mitrovica and Zvečan.

The agreement enabled the establishment of a unitary judicial system throughout the territory of Kosovo and the integration of judges, prosecutors, and administrative staff of the Serb community in Kosovo's judicial institutions. Similar to the police, a significant number of integrated judges and prosecutors had worked in Kosovo's systems before 2008, as well as before 1989. Some of them were returning to work with their old colleagues.<sup>154</sup>

Under the agreement, the composition of judges and prosecutors would look like the table below. This table, made available to the Balkans Group, has never been made public by the Government of Kosovo.

<sup>152</sup> "We are clear that Germany has accepted Kosovo's independence while Serbia has not. This situation needs advancement and results in direct dialogue, in the work of EULEX and the dissolution of parallel structures" said Merkel. See Merkel-Tadic conference transcript for the press, at <https://www.bundeskanzlerin.de/ContentArchiv/DE/Archiv17/Mitschrift/Pressekonferenzen/2011/08/2011-08-23-pkmerkel-tadic.html>.

<sup>153</sup> Law No. 06/L-054 on Courts, 24 August 2018.

<sup>154</sup> Belgrade has accepted UNMIK's initiative to have Serb judges begin work in North Mitrovica. The initiative should also create space for a restart of the work of local judges, alongside their international counterparts. See International Crisis Group Report, Kosovo's Fragile Transition, 5 September 2008, page i.

| Integration of judges, prosecutors, and administrative staff based on the agreement |          |       |             |       |           |       |
|---|----------|-------|-------------|-------|-----------|-------|
|   | Judges   |       | Prosecutors |       | Personnel |       |
|   | Albanian | Serbs | Albanians   | Serbs | Albanians | Serbs |
| <b>Basic Court of Mitrovica (Premises in the North)</b>                             | 10       | 14    |             |       | 26        | 54    |
| <b>Basic Court of Mitrovica (Premises in the South)</b>                             | 14       | 11    |             |       | 54        | 26    |
| <b>Serious Crimes Department</b>  | 4        | 4     |             |       |           |       |
| <b>General Department</b>   | 4        | 5     |             |       |           |       |
| <b>North Mitrovica Appellate Court Division</b>                                     | 2        | 5     |             |       |           |       |
| <b>Leposavić Branch</b>   |          | 2     |             |       |           | 7     |
| <b>Zubin Potok Branch</b>   |          | 2     |             |       |           | 7     |
| <b>Basic Prosecution in Mitrovica</b>   |          |       | 9           | 9     | 24        | 24    |

In 2015, the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC) recruited 34 judges and 9 prosecutors from the Serb community. The second wave of recruitment took place in 2016. All candidates passed the jurisprudence test. This process, supported by EULEX, ended with the appointment of 40 judges and 13 prosecutors from the Serb community in October of 2017. The Courts and Prosecutor's Office began their work in 2018 and have hired a total of 149 administrative staff, out of which 115 were integrated into new courts, and 34 are working within the Prosecutor's Office.<sup>155</sup>

In October 2017, 40 Serb judges and 13 prosecutors were appointed and began work after three days in the northern part of Kosovo.<sup>156</sup> One month later the Basic Court of Mitrovica relocated to new premises in the north.

In the Basic Court of Mitrovica, work a total of 30 judges, 18 of whom belong to the Serb community and 12 to Albanians. In total, 149 support staff work there, 75 of whom are Albanians and 72 are Serbs. The following table shows the number of judges, prosecutors and their administrative staff, divided by branches and departments. It should be taken into account that a part of the following data are based on the calculations made according to the figures on the Judicial Council website and the Kosovo Prosecutorial Council as well as their statistical reports.

<sup>155</sup> Kosovo Ministry of Dialogue, *Brussels Agreement Implementation State of Play: June 16 – November 25, 2016*, November 25, 2016.

<sup>156</sup> Radio Free Europe, "The judiciary in the north ready to judge with the laws of Kosovo" 9 November 2017, at <https://www.evropaelire.org/a/gjyqesori-ne-veri-i-gatshem-te-gjykoje-me-ligjet-e-kosoves-/28844872.html>

| Number of integrated judges, prosecutors, and administrative staff in practice  |          |       |             |       |           |       |
|---|----------|-------|-------------|-------|-----------|-------|
|   | Judges   |       | Prosecutors |       | Personnel |       |
|   | Albanian | Serbs | Albanians   | Serbs | Albanians | Serbs |
| <b>Basic Court of Mitrovica (Premises in the North)</b>   | 4        | 11    |             |       | 24        | 48    |
| <b>Basic Court of Mitrovica (Premises in the South)</b>   | 14       | 11    |             |       | 54        | 24    |
| <b>Department for Serious Crimes</b>  | 4        | 4     |             |       |           |       |
| <b>General Department</b>   | 4        | 5     |             |       |           |       |
| <b>North Mitrovica Appellate Court Division</b>   | 2        | 5     |             |       |           |       |
| <b>Branch in Skenderaj</b>  | 5        |       |             |       | 32        |       |
| <b>Branch in Vučitrna</b>   | 5        |       |             |       | 25        |       |
| <b>Branch in Leposavić</b>  |          | 2     |             |       |           | 25    |
| <b>Branch in Zubin Potok</b>  |          | 2     |             |       | 2         | 27    |
| <b>Basic Prosecution in Mitrovica</b>   |          |       | 11          | 11    | 33        | 32    |
| Taken from the third quarterly Statistical Report of the Basic Court of Mitrovica from 2019 / Balkans Group interview with the Basic Prosecutor's Office of Mitrovica |          |       |             |       |           |       |

With the integration of judges, prosecutors, and the establishment of the courts, the number of cases admitted has increased, and so have their decisions.<sup>157</sup> The following table depicts the correct number of cases admitted in both branches of the Basic Court of Mitrovica.

| Basic Court in Northern Mitrovica          |         |                     |         |  |         |                     |         |
|--|---------|---------------------|---------|--|---------|---------------------|---------|
| Basic Court of Mitrovica, Leposavić Branch |         |                     |         | Basic Court of Mitrovica, Zubin Potok Branch |         |                     |         |
| 2018                                       |         | 2019                |         | 2018   |         | 2019                |         |
| Admitted                                   | Decided | Admitted            | Decided | Admitted                                     | Decided | Admitted            | Decided |
| 767  | 304     | 965                 | 373     | 434  | 322     | 514                 | 222     |
| 290 major, 14 minor                        |         | 350 major, 23 minor |         | 322 major, 0 minor                           |         | 208 major, 14 minor |         |

Serbia must also dissolve its parallel judicial structures in Kosovo, which de facto have ceased functioning in 2013. To this end, Serbia is required to make legal amendments to the Law on the Seats and Territorial

<sup>157</sup> See The Annual Statistics Report of the Kosovo Judicial Council for 2019, Pristina, at [https://www.gjyqesori-rks.org/wp-content/uploads/reports/37650\\_Raporti\\_vjetor\\_statistikor\\_per\\_vitin\\_2019\\_mbi\\_punen\\_gjykatave\\_Shq.pdf](https://www.gjyqesori-rks.org/wp-content/uploads/reports/37650_Raporti_vjetor_statistikor_per_vitin_2019_mbi_punen_gjykatave_Shq.pdf)



Jurisdictions of Courts and Public Prosecutor's Offices.<sup>158</sup>

According to a decision by the Appellate Court in Niš on 5 March 2018, it is impossible to change the law, but the cases of former judges in the territory of Kosovo have been temporarily transferred to the jurisdiction of Leskovac's courts for them to be decided.<sup>159</sup> It states that *"the jurisdiction must be transferred to a functional court within the judicial system of Serbia, to protect the citizens' right, especially the rights of property, inheritance, work, marriage, etc"*.

Except in cases regarding the execution of criminal sanctions, criminal cases of former Serb judges will not be included in this transfer. The cases transferred to the Higher Court of Leskovac have been decided by former judges of the court in Mitrovica. It also states that the archives will remain in the region of Mitrovica, while the deposit and inventory are transferred to the courts in Leskovac.<sup>160</sup>

EULEX has provided direct assistance to the justice dialogue process by participating as a member of the selection panels for judges, prosecutors, and support staff. In addition, EULEX has also played an advisory and facilitatory role to local institutions. Furthermore, the European Union Special Representative (EUSR), EULEX, and USAID have supported the functionalization and renovation of the Basic Court premises.

In conclusion, justice institutions have been functioning relatively well for more than two years in the north.<sup>161</sup> Technical issues, such as the lack of professional translation or even staff, continue to hamper the full functionality of the courts. Citizens also think that there are benefits from the integration of judicial authorities as this cooperation will reduce the number of crimes and criminal offences, thus increasing security for all.<sup>162</sup>



The Court in North Mitrovica

<sup>158</sup> Zakon o Sedištima i Područjima Sudova i Javnih Tužilaštava, broj 116/08, ["Law No. 116/2008 on Seats and Areas of Courts and Public Prosecutor's Offices"], at [https://www.paragraf.rs/propisi/zakon\\_o\\_sedistima\\_i\\_podrucjima\\_sudova\\_i\\_javnih\\_tuzilastava.html](https://www.paragraf.rs/propisi/zakon_o_sedistima_i_podrucjima_sudova_i_javnih_tuzilastava.html)

<sup>159</sup> The Decision on Temporary Transfer of Jurisdiction Su I-1-23/18, Appellate Court in Niš, 16 April, 2018

<sup>160</sup> Serbia's Ministry of Justice implemented the transfer of the electronic registry in the courts in Leskovac. This includes more than 5,000 executive cases (for enforcement) and 1,000 litigations. Each judge in Leskovac was assigned with over 300 cases from Mitrovica. Article 223, Paragraph 2 of the Law on Civil Procedures states that a case may be suspended if "the party is located in a region where the court has no access due to exceptional circumstances" was expected to become a frequent reference. Another problem was the representation of lawyers from Mitrovica, who are formally members of the Kosovo Bar Association. See report from YUCOM, "Integration of Judiciary in the context of Belgrade-Prishtina dialogue and EU accession process" May 2019, at <http://en.yucom.org.rs/wp-content/uploads/2019/05/Integracija-pravosudja-ENG-za-sajt-1-1.pdf>

<sup>161</sup> Editorial written by a Prosecutor in the Basic Court of Mitrovica, Nataša Radović for the Balkans Group "My impressions for the integration of justice institutions in Mitrovica", 8 November 2019, at <https://balkansgroup.org/blog/post/articles/my-impressions-integration-judiciary-mitrovica>

<sup>162</sup> Ibid.

## DISSOLUTION AND INTEGRATION OF “CIVIL PROTECTION”

### MAIN POINTS OF THE AGREEMENT

Belgrade submitted a list of 751 CP members to be integrated

Pristina offered 483 positions in the north, where they would receive salaries, but final workplaces would be determined in the public sector within 3 years.

Belgrade provided to the EU facilitator a list and locations of premises and ‘observation points’ currently manned by the members of the CP.

Each “observation point” including technical equipment and a situation centre will be removed and/or handed over to Kosovo Police.

Belgrade will provide an inventory of all equipment currently in use and possession of the CP to the EU. Pristina will decide whether they will be used by Kosovo’s institutions in the north while remaining equipment will be transferred to the Belgrade party and be verified by KP and EULEX.

By 24 April 2015 Belgrade will notify in written form the EU that CP in Kosovo no longer exists within the Serbian system from 1 September 2015.

The agreement on the dissolution of “Civil Protection” was reached on 26 March 2015.

The implementation of this agreement has been developed in three parts:

1. Dissolution of the “Civil Protection”;
2. Integration of its former members in the central civil institutions of Kosovo, and
3. Legal abrogation of its activity and suspension of their salaries by Serbia.

Presented as an emergency response organization, “Civil Protection” has functioned as an organized paramilitary structure in northern Kosovo, where it had offices, warehouses, observation points, alarm systems, and other security equipment. For a time, the organization acted in secret, and its existence was denied. After the dissolution of Serbian police structures, Kosovo repeatedly requested the dissolution of the “Civil Protection” as well.<sup>163</sup>

The agreement enabled the integration of 479 out of a total of 735 members submitted by the Serbian side.<sup>164</sup> The same logic was used for the integration of police officers as well. Initially, their past was verified by Kosovo’s institutions. A number of them did not pass this stage, and some of them were not citizens of Kosovo at all, and they were not allowed to integrate.<sup>165</sup> Some requested early retirement, while others refused to sign the Declaration of pre-integration in Kosovo institutions.

The Government of Kosovo had committed to integrating these members in its institutions, and as a result, from July 2015, their distribution has been done according to the table below.<sup>166</sup>

<sup>163</sup> DW, “‘Civilna Zastita’ in the North gets disbanded until 1 September” 3 April 2015, at <https://www.dw.com/sq/civilna-zastita-n%C3%AB-veri-shp%C3%ABrb%C3%ABhet-deri-m%C3%AB-1-shtator/a-18360103>

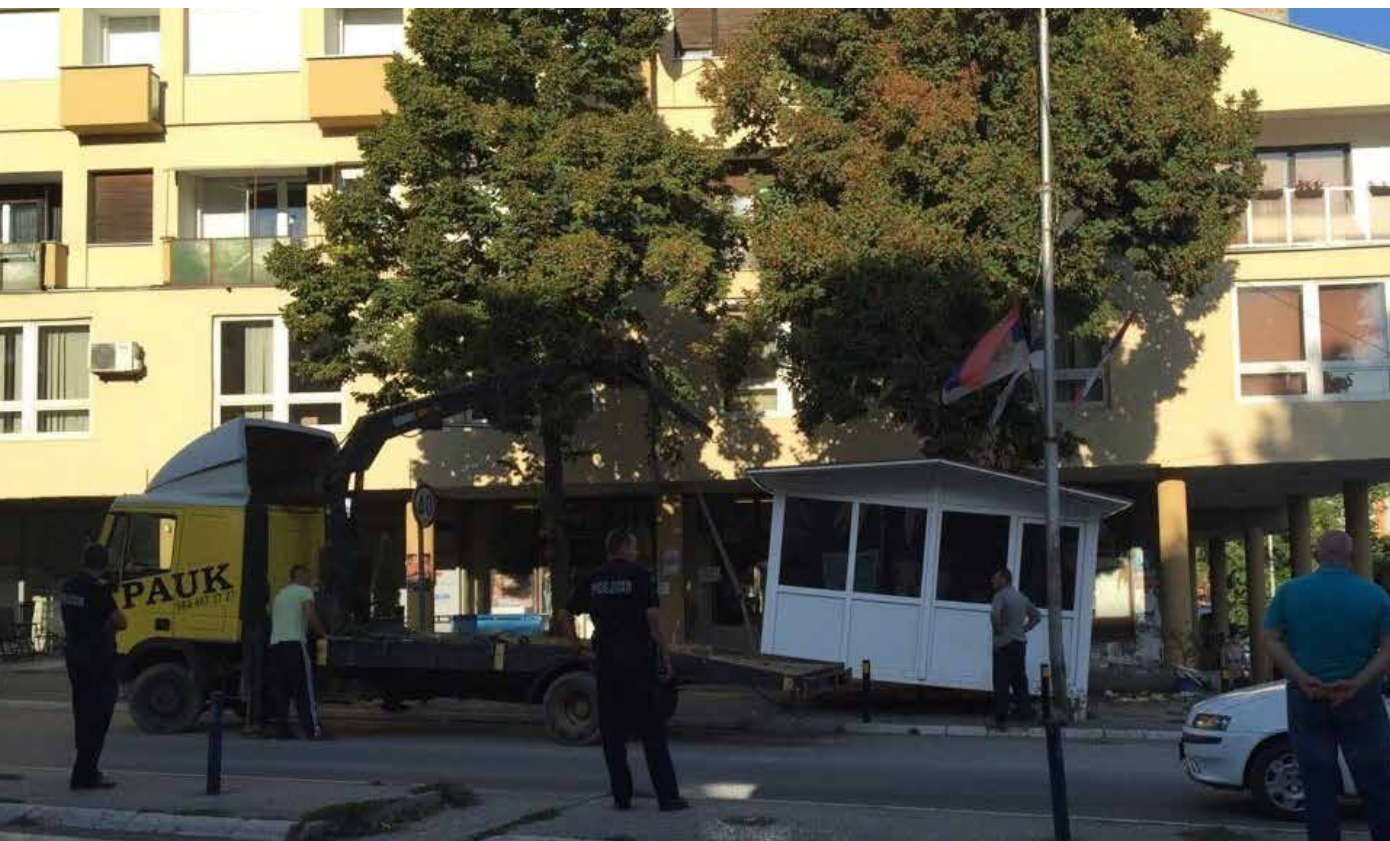
<sup>164</sup> Kosovo Ministry of Dialogue, Brussels Agreement Implementation State of Play: 1 October 2014 – 20 March, 2015”, 23 March 2015, at [https://kryeministri-ks.net/wp-content/uploads/docs/Raport\\_mbi\\_Zbatimin\\_e\\_Marreveshjeve\\_te\\_Brukselit\\_23\\_mars\\_2015-signed.pdf](https://kryeministri-ks.net/wp-content/uploads/docs/Raport_mbi_Zbatimin_e_Marreveshjeve_te_Brukselit_23_mars_2015-signed.pdf)

<sup>165</sup> Integration Process, at [http://kryeministri-ks.net/wp-content/uploads/docs/Agreement\\_on\\_CP\\_-\\_initialed\\_by\\_Kosovo\\_260315.pdf](http://kryeministri-ks.net/wp-content/uploads/docs/Agreement_on_CP_-_initialed_by_Kosovo_260315.pdf)

<sup>166</sup> Kosovo Ministry of Dialogue, Brussels Agreement Implementation State of Play: 1 January– 15 June, 2016”, 15 June 2016, page 14, at [https://kryeministri-ks.net/wp-content/uploads/docs/RAPORT\\_MBI\\_ZBATIMIN\\_E\\_MARREVESHJEVE\\_TE\\_BRUKSELIT\\_15\\_qer-shor\\_2016-signed.pdf](https://kryeministri-ks.net/wp-content/uploads/docs/RAPORT_MBI_ZBATIMIN_E_MARREVESHJEVE_TE_BRUKSELIT_15_qer-shor_2016-signed.pdf)

| 24 INSTITUTIONS   | 479 INDIVIDUALS |
|---|-----------------|
| Emergency Management Agency                             | 80              |
| Kosovo Correctional Service                             | 25              |
| Ministry of Labour and Social Welfare                   | 30              |
| Ministry of Environment and Spatial Planning            | 32              |
| Ministry of Education, Science, and Technology          | 32              |
| Ministry of Agriculture, Forestry and Rural Development | 8               |
| Agricultural Development Agency                         | 8               |
| Kosovo Forestry Agency                                  | 20              |
| Tax Administration of Kosovo                            | 15              |
| Ministry of Health                                      | 22              |
| Ministry of Infrastructure                              | 32              |
| Ministry of Culture, Youth, and Sports                  | 22              |
| Ministry of Trade and Industry                          | 26              |
| Ministry of Local Government Administration             | 14              |
| Agency of Information Society                           | 7               |
| Kosovo Agency of Statistics                             | 10              |
| State Archives Agency                                   | 9               |
| Food and Veterinary Agency                              | 6               |
| Kosovo Customs  | 22              |
| Ministry of Public Administration                       | 13              |
| Ministry of Communities and Returns                     | 17              |
| Ministry of Economic Development                        | 18              |
| Kosovo Cadastral Agency                                 | 6               |
| Ministry of Finance                                     | 5               |





Removal of Civil Protection observation point in North Mitrovica

The integrated have undergone a training program with three modules:

1. The first module was related to getting better acquainted with Kosovo's public administration, democratic functioning, and public services which will help with the reintegration of these individuals in public administration.
2. The second module provided detailed descriptions of the legal basis for their work, including the Law on Civil Service and its bylaws.
3. The third module included professional training; getting acquainted with the institutions and the work where these individuals are engaged. This module was led by representatives of each institution where they were integrated.<sup>167</sup>

In parallel, the observation points used by these structures, together with their offices and warehouses, have been closed. Their uniforms and equipment were sent to Serbia under EULEX supervision.

The Government of Kosovo has been in the process of opening offices in the northern municipalities. However, an explosive device was thrown at the selected premises in North Mitrovica, and the process for opening these offices was stopped (except for the Emergency Management Agency, Correctional Service, Customs and AVUK).

The integration process has stalled due to the fall of successive governments, and subsequent governments have been reluctant to deal with this process. The National Audit Office has raised remarks that despite having employment contracts with the Government of Kosovo, these individuals do not regularly report at their workplaces.<sup>168</sup> This issue needs to be addressed urgently treated, otherwise there a risk that the ministries and agencies of Kosovo which have integrated these people might terminate their contracts. One option is their systemization in workplaces in other institutions in different locations such as Pristina, etc.

<sup>167</sup> Kosovo Ministry of Dialogue, *Brussels Agreement Implementation State of Play: June 16 – November 25, 2016*, 25 November 2016

<sup>168</sup> Zëri, "40 employees have taken over 200 thousand euros without working a single day in our Ministries", 13 June 2019, at <https://zeri.info/ekonomia/267110/40-nepunes-i-kane-marre-rreth-200-mije-euro-pa-punuar-asnje-dite-ne-ministrite-tona/>

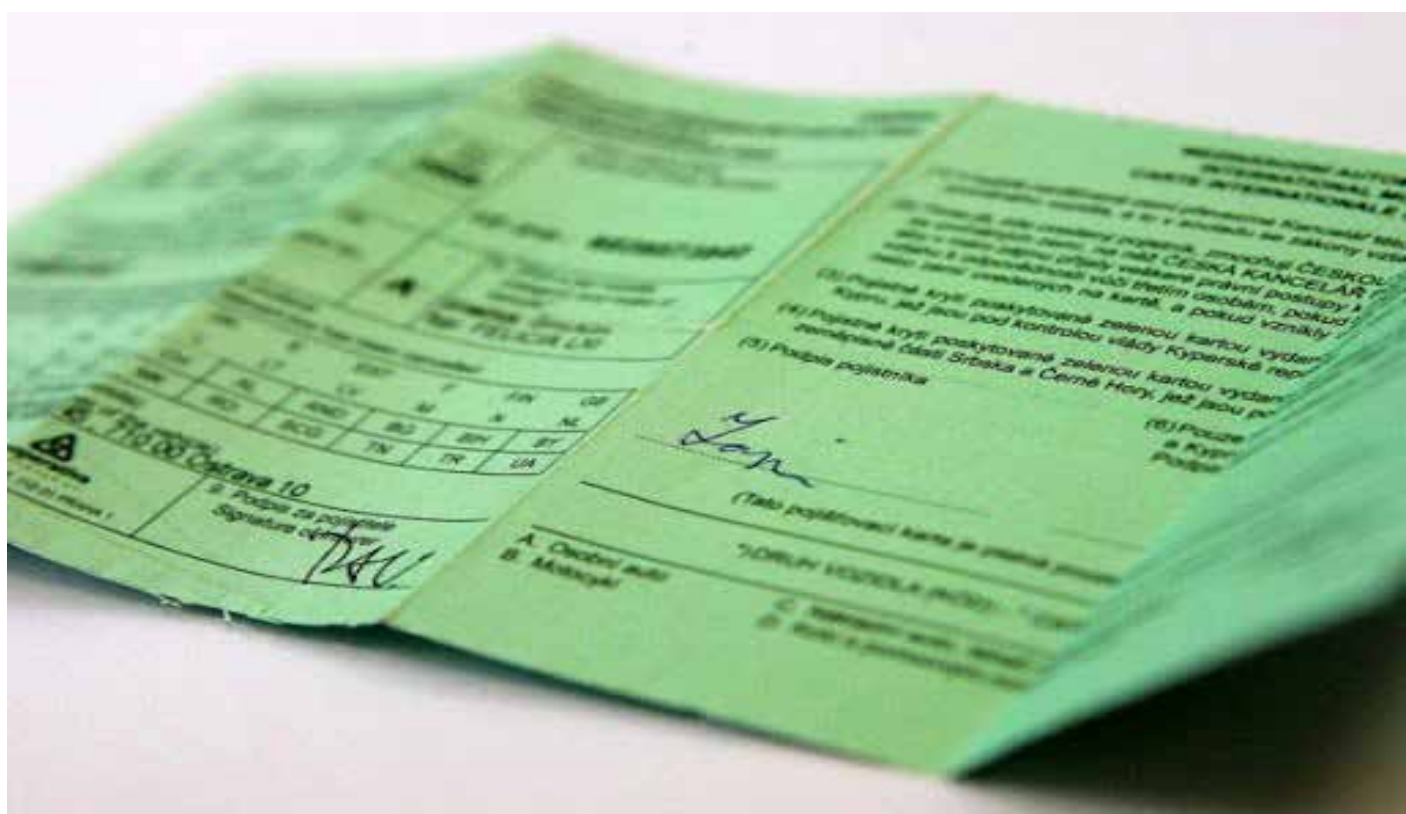
## MUTUAL RECOGNITION OF VEHICLE INSURANCE

### MAIN POINTS OF MEMORANDUM OF UNDERSTANDING

Reciprocal recognition and acknowledgement of valid Third Party Liability (TPL).

Processing and payment of damage claims as a result of accidents caused by vehicles with valid insurance coverage in the jurisdiction of each party.

The implementation of this MoU under the jurisdiction of each party.



On 23 June 2015, with the facilitation of the Council of Bureaux (CB), a Memorandum of Understanding for the reciprocal recognition of insurance policies was signed between the Association of Serbian Insurers (SSI) ("Udruženje osiguravača Srbije", UOS) and Kosovo's Insurance Bureau (KIB) as authorized entities responsible for vehicle insurance matters.<sup>169</sup>

The memorandum was signed in the presence of the two Prime Ministers, Kosovo and Serbia, and EU representatives, where they agreed on the mutual recognition and acceptance of valid Third-Party Liability (TPL) as well as the procedures regarding

the payment of damages caused by a vehicle insured under the jurisdiction of whichever country.<sup>170</sup>

This agreement is still being carried out, and there have been no reports of any wrongdoings by either party.

With the signing of the Memorandum of Understanding regarding vehicle insurance, costs have been reduced, and the crossings at the integrated border between Kosovo and Serbia have been simplified.

<sup>169</sup> Memorandum of Understanding, at [http://kryeministri-ks.net/wp-content/uploads/docs/Signed\\_MoU\\_Border\\_Vehicle\\_Insurance.pdf](http://kryeministri-ks.net/wp-content/uploads/docs/Signed_MoU_Border_Vehicle_Insurance.pdf)

<sup>170</sup> "TPL plus insurance will cost 40 euros for one year. Based on this agreement, vehicles with 'RKS' plates will be able to travel to Serbia, but only through replacing them with 'Temporary' plates" See Koha, "Today the Kosovo-Serbia border will have reciprocal insurance policies", 12 August 2015, at <https://archive.koha.net/?id=1&l=70329>



Through the mutual recognition of insurance policies between the Serbian and Kosovo insurance bureaus, the latter will have the possibility of joining the Council of Bureaux and Green Card system, if it fulfils other criteria as well.<sup>171</sup> Kosovo still has a very large number of uninsured vehicles in circulation; it is estimated that about 150,000 uninsured vehicles circulate on Kosovo's roads.<sup>172</sup>

Furthermore, the Council of Bureaux had asked that Kosovo fulfil the necessary preconditions to begin the application procedure for membership in the Green Card system. One of the most important preconditions was the approval of the Law on Compulsory Motor Third Party Liability Insurance, the establishment of the Kosovo Insurance Bureau, the Insurance Information Centre as well the establishment of the Guarantee Fund in the amount of 4 million euros.<sup>173</sup> These preconditions have been met, and Kosovo's Insurance Bureau has applied for membership in the Council of Bureaux in 2011.<sup>174</sup>

However, the lack of UN membership is the main barrier in Kosovo's path towards membership in the Council of Bureaux in Brussels, taking into consideration that the membership request must be submitted by a United Nations member state.<sup>175</sup>

The fulfilment of all criteria for membership remains a process that requires conditions that Kosovo has not yet met. In addition, to being a member of the UN, Kosovo's Bureau must have competences over the entire territory of the country, meaning that unregistered and uninsured vehicles in northern Kosovo should not be in circulation.

Another criterion is that the country must ratify the 1968 Vienna Convention on Road Traffic. After Kosovo is accepted as a member and can serve as a National Bureau, it will initially have the status of transitional member for a period of 10 years. During this period, a transitional can issue a Green Card only for vehicles registered in its country. Furthermore, each transitional member must provide financial guarantees following the Financial Guarantees Criteria.<sup>176</sup>

Foreign insurance companies in the EU and abroad exclude Kosovo from their insurance coverage, and as a result, no Green Card of any other country is valid in the Republic of Kosovo, except that of the Republic of Albania, North Macedonia, and Serbia, countries with which Kosovo has signed Memorandums of Understanding on mutual recognition of insurance policies.<sup>177</sup> For this reason, citizens of the EU are obliged to purchase insurance policies when entering the territory of Kosovo. This mostly affects Kosovo's diaspora, which lives in European countries. By reaching a cooperation agreement between the Ministry of Finance, the Ministry of Internal Affairs, the Central Bank of Kosovo, and the Kosovo Insurance Bureau in July 2020, the Government of Kosovo has undertaken to fully cover insurance policy premiums for individuals who are subject to border police and are coming to Kosovo in 2020.<sup>178</sup>

<sup>171</sup> The Green Card system allows citizens of a member country holding a green card to be exempt from paying vehicle insurance when traveling to the territory of another member country.

<sup>172</sup> Radio Free Europe, "Over 148 thousand unregistered vehicles challenge the green card", 18 February 2020, at <https://www.evropaelire.org/a/vetura-regjistrim-kartoni-i-gjelber-/30440946.html>

<sup>173</sup> Balkans Group Interview, with a Kosovo Insurance Bureau official, January 2020.

<sup>174</sup> Kosovo Insurance Bureau was established on 07.09.2011 by 10 insurance companies licensed to operate in the Republic of Kosovo based on the Law No. 04/L-018 on Compulsory Motor Liability Insurance, at <https://www.bqk-kos.org/repository/docs/2011/Ligji%20per%20Sigurimin%20%28shqip%29.pdf>

<sup>175</sup> Balkans Group Interview, with a Kosovo Insurance Bureau official, January 2020.

<sup>176</sup> For more information read "Articles of Association of Council of Bureaux", at [https://www.cobx.org/sites/default/files/cob\\_file\\_folder/2020-01-15-Articles-of-Association-EN.pdf](https://www.cobx.org/sites/default/files/cob_file_folder/2020-01-15-Articles-of-Association-EN.pdf)

<sup>177</sup> Balkans Group Interview, with a Kosovo Insurance Bureau official, January 2020.

<sup>178</sup> Ministry of Finance, "Agreement over the coverage for vehicle insurance available at the border crossing points for Kosovar citizens and foreigners who enter the territory of Kosovo was signed" 29 July 2020, at <https://mf.rks-gov.net/page.aspx?id=2,2,948>

## MUTUAL RECOGNITION OF ADR CERTIFICATES

### MAIN POINTS OF THE AGREEMENT

Free movement of dangerous goods, without hindrance and in line with international/European standards.

Acceptance of all documentation in line with the ADR convention (certificates for drivers and vehicles).

The above does not affect each party's international obligations.

An implementation group will be set up by the EU to monitor implementation.

The agreement on mutual recognition of ADR Certificates was reached on 19 April 2016.<sup>179</sup> Through this agreement, Kosovo and Serbia committed to the free movement of goods, including dangerous goods, without hindrance and in accordance with international and European standards.

Before the agreement, Serbia did not recognize Kosovo's ADR Certificates as Kosovo is not a contracting party of the ADR Treaty.<sup>180</sup> Therefore, Kosovo citizens were not allowed to transport dangerous goods to or through the territory of Serbia, and this hindered the movement of goods to a large extent and caused significant financial losses to companies.<sup>181</sup>

Dangerous goods, in this regard, are explosives; gases; flammable liquids; dangerous solid materials, self-reactive substances and solid desensitized explosives; substances liable to spontaneous combustion; substances which, in contact with water, emit flammable gases; oxidizing substances; organic peroxides; toxic substances; infectious substances; radioactive material; corrosive substances; and miscellaneous dangerous substances.<sup>182</sup>



<sup>179</sup> Brussels Agreement on mutual recognition of the ADR Certificates, Conclusions of the EU Chair of 19 April 2016, 19 April 2016.

<sup>180</sup> ADR Treaty or formally the European Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road, is a United Nations Treaty that governs the transport of hazardous materials. So far, 52 countries (including Serbia) are part of this treaty. Kosovo, however is not part of this treaty, at: [https://www.unece.org/trans/danger/publi/adr/adr\\_e.html](https://www.unece.org/trans/danger/publi/adr/adr_e.html)

<sup>181</sup> "Toxic load, safe transfer – The effects of implementing the Agreement on ADR Certificates", an editorial written by Lulzim Krasniqi for KSPAG, 16 August 2019, at <http://k-s-pag.org/ngarkese-toksike-transportim-i-sigurt-efektet-e-zbatimit-te-marreshjes-mbi-certifikatat-adr/>

<sup>182</sup> Law On Land Transport Of Dangerous Goods, Official Gazette of the Republic of Kosovo, at [https://www.mit-ks.net/repository/docs/L04183sh\\_32461390767811.pdf](https://www.mit-ks.net/repository/docs/L04183sh_32461390767811.pdf)



There are two types of certificates required for a vehicle or a driver to be involved in the carriage of dangerous goods by road:

1. Certificate of approval for a vehicle carrying dangerous goods- which confirms that the vehicle meets all necessary technical requirements for the carriage of these goods, and which may only be issued by a competent authority of a contracting party to the ADR in which the vehicle is registered, and
2. Certificate for the driver of a vehicle carrying dangerous goods- which confirms that the driver meets all specified requirements for operating a vehicle carrying these goods, and which may be issued by a competent body of any contracting parties to the ADR.

The agreement entered into force on 25 April 2016 and has been implemented successfully by both parties.

| CERTIFIKATA E APROVIMIT TË AUTOMJETIT PËR BARTEN E MATERIEVE TË CAKTUARA TË RREZIKSHME<br>CERTIFICATE OF APPROVAL FOR VEHICLES CARRYING CERTAIN DANGEROUS GOODS   |                              |                               |                                |  |  |
|---|------------------------------|-------------------------------|--------------------------------|--|--|
| <p><b>F</b> <b>FETTERJA</b></p> <p>This certificate confirms that the vehicle specified below fulfils the conditions prescribed by the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR).</p>   |                              |                               |                                |  |  |
| 1. Certificate no.  | 2. Production / registration | 3. No. / date of registration | 4. Name / registration (state) |  |  |
| ADR-002516  | MERCEON M343 RORP 02 (F)     | VFM343R010435042              | Vitë / No.                     |  |  |
| 5. Exact description of the vehicle / description of the vehicle  |                              |                               | FISH.VRAGOLI FUSHE KOSOVE      |  |  |
| <p>6. Type of operation / use: (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d) <input type="checkbox"/> (e) <input type="checkbox"/> (f) <input type="checkbox"/> (g) <input type="checkbox"/> (h) <input type="checkbox"/> (i) <input type="checkbox"/> (j) <input type="checkbox"/> (k) <input type="checkbox"/> (l) <input type="checkbox"/> (m) <input type="checkbox"/> (n) <input type="checkbox"/> (o) <input type="checkbox"/> (p) <input type="checkbox"/> (q) <input type="checkbox"/> (r) <input type="checkbox"/> (s) <input type="checkbox"/> (t) <input type="checkbox"/> (u) <input type="checkbox"/> (v) <input type="checkbox"/> (w) <input type="checkbox"/> (x) <input type="checkbox"/> (y) <input type="checkbox"/> (z) <input type="checkbox"/> (aa) <input type="checkbox"/> (ab) <input type="checkbox"/> (ac) <input type="checkbox"/> (ad) <input type="checkbox"/> (ae) <input type="checkbox"/> (af) <input type="checkbox"/> (ag) <input type="checkbox"/> (ah) <input 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type="checkbox"/> (bp) <input type="checkbox"/> (bq) <input type="checkbox"/> (br) <input type="checkbox"/> (bs) <input type="checkbox"/> (bt) <input type="checkbox"/> (bu) <input type="checkbox"/> (bv) <input type="checkbox"/> (bw) <input type="checkbox"/> (bx) <input type="checkbox"/> (by) <input type="checkbox"/> (bz) <input type="checkbox"/> (ca) <input type="checkbox"/> (cb) <input type="checkbox"/> (cc) <input type="checkbox"/> (cd) <input type="checkbox"/> (ce) <input type="checkbox"/> (cf) <input type="checkbox"/> (cg) <input type="checkbox"/> (ch) <input type="checkbox"/> (ci) <input type="checkbox"/> (cj) <input type="checkbox"/> (ck) <input type="checkbox"/> (cl) <input type="checkbox"/> (cm) <input type="checkbox"/> (cn) <input type="checkbox"/> (co) <input type="checkbox"/> (cp) <input type="checkbox"/> (cq) <input type="checkbox"/> (cr) <input type="checkbox"/> (cs) <input type="checkbox"/> (ct) <input type="checkbox"/> (cu) <input type="checkbox"/> (cv) <input 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| <p>7. 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# UNIMPLEMENTED AGREEMENTS

From the agreements reached between Kosovo and Serbia, some were satisfactorily implemented, some partially, and others were not implemented at all. Increased tensions between the two countries and developments within the two countries caused some of the agreements to remain unimplemented. One of them was the establishment of the Association of Serb-majority Municipalities (ASM) in Kosovo. This agreement triggered an unprecedented rise of tensions within Kosovo but also between the two governments and diminished support for the dialogue (which was already minimal), at least in Kosovo.<sup>183</sup>

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<sup>183</sup> Balkans Group, *Association of Serb Municipalities: Understanding Conflicting Views of Albanians And Serbs*, January 2017



## MUTUAL RECOGNITION OF UNIVERSITY DIPLOMAS

### MAIN POINTS OF THE AGREEMENT

In line with European best practices, students should have access to education programmes and employment opportunities throughout the region.

Both parties decided to solve the issue through an international body or academic institution.

Both sides have requested that the EUA conduct the certifications.

The implementation of this agreement will occur after the EUA finishes certification. Recognition will be divided into professional and academic.

This procedure will be implemented in the following educational levels: Bachelor, Master, PhD and Pre-University Education.

At the end of 2008, the Government of the Republic of Serbia decided to recognize Kosovo diplomas with the UNMIK stamp, but not those with the inscription “Republic of Kosovo”; and only for use in the labour market, and not as valid diplomas for continuing studies in higher education institutions in the Republic of Serbia.<sup>184</sup> Therefore, this issue received attention from the very beginning of the Brussels dialogue, and on 2 July 2011, an agreement was reached on the mutual recognition of university degrees. The agreement stipulated that “in accordance with European best practices, students should have access to educational programs and employment opportunities in the entire region”.<sup>185</sup>

The solution would be achieved with the involvement of an international mechanism or third-party academic institution. The European University Association (EUA) was invited to certify the diplomas to be used in the other country, either for continuing education or for employment. By the end of June 2012, the European University Association supported by the non-governmental organization SPARK, recognized the first 74 diplomas from Kosovo, to continue their studies or apply for a job in Serbia’s public sector.<sup>186</sup> Between 2012-2014, 408 applications for recognition were submitted in Pristina and 25 in Belgrade. Out

of these, EUA has certified 374 diplomas issued by universities in Kosovo and 13 issued by universities in Serbia.<sup>187</sup>

On 19 January 2016, the dialogue groups agreed to divide the recognition of diplomas into *professional* and *academic*, to suit their specific procedures.<sup>188</sup> In March of the same year, the groups agreed on *joint operational conclusions* for the implementation of this agreement.<sup>189</sup> Just one month later - in April 2016, they agreed on an *EU Guidance on Mutual Recognition of Diplomas based on the original agreement from 2011*.<sup>190</sup> Both parties reaffirmed their commitment to the implementation of the mutual recognition of diplomas agreement for both professional and academic diplomas.

On 1 March 2012, the Government of Kosovo opened an office within the Ministry of Education, Science, and Technology and established cooperation with SPARK. In the meantime, EUA began certifying diplomas issued by Kosovo universities verified by SPARK. SPARK’s mandate expired in July 2014 and in 2016 it was selected again by the European Union to serve as an implementing partner.

<sup>184</sup> Balkans Group Interview with a representative of the Commission for Degree Verification, January 2020.

<sup>185</sup> See Agreed Conclusions, Acceptance of University Diplomas, July 2011.

<sup>186</sup> Office for Kosovo and Metohija, *Progress Report on the Dialogue between Belgrade and Pristina: October 2015- April 2016*, April 2016, at <http://kim.gov.rs/doc/pregovaracki-proces/2.1%20Izvestaj%20okt-mart%202016%20EN.pdf>

<sup>187</sup> CIG, *Kosovo’s and Serbia’s Parliament members support the recognition of university diplomas*, June 2015.

<sup>188</sup> Conclusions over the Mutual Recognition of Diplomas based on the original 2011 Agreement.

<sup>189</sup> Operational conclusion of the working group for Diplomas, Brussels, March 2016.

<sup>190</sup> EU Guidance on Mutual Recognition of Diplomas based on the original agreement from 2011, at [https://kryeministri-ks.net/wp-content/uploads/docs/Udhezuesi\\_i\\_BE-se.pdf](https://kryeministri-ks.net/wp-content/uploads/docs/Udhezuesi_i_BE-se.pdf)



| Number of Applications for the Recognition of Diplomas submitted by Kosovo and Serbia |     |                          |                          |
|---|-----|--------------------------|--------------------------|
|   |     | Applications from Kosovo | Applications from Serbia |
| The overall number of applications submitted to the EUA                               | 433 | 408                      | 25                       |
| Number of approved applications   | 387 | 374                      | 13                       |
| Number of rejected applications   | 46  | 30                       | 12                       |
| Total number of certificates issued   | 375 | 362                      | 13                       |

Serbia blamed Kosovo for not implementing the agreement as Pristina does not recognize ‘The University of Pristina in Mitrovica’ which operates within Serbia’s educational system.<sup>191</sup> Kosovo, on the other hand, agreed to recognize diplomas from accredited universities, but not universities that operate illegally and represent parallel institutions, such as the University of North Mitrovica.<sup>192</sup>

The Government of Kosovo adopted a special regulation to facilitate the certification of diplomas for citizens of the Republic of Kosovo (mainly the Serb community) who have graduated from the University of North Mitrovica (UNM).<sup>193</sup> With MEST’s proposal, in March 2016, the Government authorized the NGO - European Centre for Minority Issues in Kosovo (ECMI) to support the work of the Commission for the Verification of Diplomas issued by the University of North Mitrovica.<sup>194</sup> The following table shows the number of applications and diploma verifications issued by the University of North Mitrovica on 31 January 2020.<sup>195</sup>

|  |      |
|--|------|
| Number of Applications submitted by the University of North Mitrovica. | 1703 |
| <i>Positively verified</i>   | 1629 |
| <i>Negatively verified</i>   | 40   |
| <i>Unfinished</i>  | 10   |
| <i>Under review</i>  | 24   |

<sup>191</sup> Office for Kosovo and Metohija, *Progress Report on the Dialogue between Belgrade and Pristina: October 2016- April 2017*, April 2017, at <http://kim.gov.rs/doc/pregovaracki-proces/Izvestaj%20oktobar%20april%202017%20ENG.pdf>

<sup>192</sup> Kosovo Ministry of Dialogue, Implementation State of Play Report June 18, 2018.

<sup>193</sup> Regulations on Procedures and Criteria for the issue of Certificates to citizens of the Republic of Kosovo who have obtained degrees from the University of Mitrovica/ Mitrovica North, at [http://kryeministri-ks.net/repository/docs/RREGULLORE\\_\(QRK\)\\_-\\_NR\\_21-2015\\_PER\\_PROCEDURAT\\_DHE\\_KRITERET\\_PER\\_LESHIMIN\\_E\\_CERTIFIKATAVE\\_SHTETASVE\\_TE\\_REPUBLIKES\\_SE\\_KOSOVES\\_TE\\_CILET\\_KANE\\_MARR.pdf](http://kryeministri-ks.net/repository/docs/RREGULLORE_(QRK)_-_NR_21-2015_PER_PROCEDURAT_DHE_KRITERET_PER_LESHIMIN_E_CERTIFIKATAVE_SHTETASVE_TE_REPUBLIKES_SE_KOSOVES_TE_CILET_KANE_MARR.pdf)

<sup>194</sup> Balkans Group interview with a Commission for Diploma Verification representative, January 2020.

<sup>195</sup> Ibid.

On the other hand, the decree by the Government of Serbia to implement this agreement never entered into force.<sup>196</sup> This happened because, in 2014, the Constitutional Court of Serbia ruled that the decree of the Government of Serbia (also referred to as Regulation) for the special manner of recognising higher education documents was not in accordance with the Constitution and the law.<sup>197</sup>

In Serbia, the National Centre for Recognition of Documents of Higher Education Schools (ENIC/NARIC) was tasked with the verification of degrees issued by universities in Kosovo.<sup>198</sup> However, recognition for the purpose of further education

remained the responsibility of independent higher education institutions or universities in cooperation with the faculties. So far, only a small number of diplomas submitted to the Serbian authorities have been processed.

The diploma agreement was not implemented. As a result, Albanians in Serbia (mainly in the Preševo Valley) who study in Kosovo cannot be employed or continue their education in Serbia. The situation is better regarding the recognition of Serbian diplomas in Kosovo, which was done mainly as assistance to Kosovo Serbs for employment in state institutions, although their number is still small.

## CADASTRAL RECORDS

### MAIN POINTS OF THE AGREEMENT

To protect people's property rights, the parties will commit to establishing a fully reliable cadastre in Kosovo.

The EUSR will receive scanned copies of all original pre-1999 cadastral records and will provide Kosovo with specific information.

A technical expert group will specify which cadastral registries are credible.

The Supreme Court of Kosovo will be the second instance of this mechanism. Its decisions will be reviewed by a panel of international judges who will give a final assessment.

Kosovo Cadastral Agency will implement the final decision by implementing necessary changes to Kosovo cadastre.

<sup>196</sup> Kosovo Ministry of Dialogue, *The Technical Dialogue: State of Play and Serbia's Failure in Fulfilling the EU Conditions*, 16 February 2012, at [https://kryeministri-ks.net/wp-content/uploads/docs/2.\\_Kosova\\_Report\\_on\\_Technical\\_Dialogue\\_state\\_of\\_play\\_16022012.pdf](https://kryeministri-ks.net/wp-content/uploads/docs/2._Kosova_Report_on_Technical_Dialogue_state_of_play_16022012.pdf)

<sup>197</sup> "Uredba o posebnom načinu priznavanja visokoškolskih isprava i vrednovanja studijskih programa visokoškolskih ustanova sa teritorije Autonomne pokrajine Kosovo i Metohija koje obavljaju delatnost u skladu sa Rezolucijom 1244 Saveta bezbednosti Ujedinjenih nacija: 125/2014-3, 16/2016-26 ["Decree on the special manner of recognition of higher education documents and evaluation of study programs of higher education institutions from the territory of the Autonomous Province of Kosovo and Metohija that perform activities in accordance with Resolution 1244 of the United Nations Security Council: 125/2014-3, 16/2016-26, at <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/uredba/2014/125/1/reg> For more information about this decree read Ustavni Sud Republike Srbije, predmet IUo-225/2013, [Case No. IUo - 225/2013, Constitutional Court of Serbia, 2014], at [http://www.ustavni.sud.rs/page/view/sr-Latn-CS/0-102006/saopstenje-sa-16-sednice-ustavnog-suda-odrzane-30-aprila-2014-godine-kojom-je-predsedavala-vesna-ilic-prelic-predsednica-ustavnog-suda?\\_qs=kosovo](http://www.ustavni.sud.rs/page/view/sr-Latn-CS/0-102006/saopstenje-sa-16-sednice-ustavnog-suda-odrzane-30-aprila-2014-godine-kojom-je-predsedavala-vesna-ilic-prelic-predsednica-ustavnog-suda?_qs=kosovo)

<sup>198</sup> Obaveštenje, Ministarstvo prosvete, nauke i tehnološkog razvoja. [Notice from the Ministry of Education and Science], at <http://www.mpn.gov.rs/enicnaric-srbija>



The agreement on cadastral documentation that Serbia took from Kosovo in 1999 was reached on 2 September 2011. The purpose was to return the cadastral documentation of Kosovo from Serbia to complete its cadastral records.

Both governments have consistently delayed the implementation of this agreement. Initially, Kosovo delayed the adoption of the law regarding the formation of a new technical agency, the Kosovo Agency for Comparison and Verification of Property (KPCVA) for several years. On the other hand, a decision of the Constitutional Court of Serbia found that the Cadastral Registry Agreement was not in accordance with its Constitution.<sup>199</sup>

In 2016, Kosovo established a technical agency through the adoption of the law where the Kosovo Property Agency was transformed into the Kosovo Property Comparison and Verification Agency (KPCVA).<sup>200</sup> This Agency intends to compare the scanned documents with the reconstructed cadastral registry by Kosovo's Cadastral Agency. Serbia has

also received funding from the EU through the IPA instrument for scanning cadastral documentation. The process of scanning and indexing cadastral records displaced from Kosovo has now been completed.<sup>201</sup> However, over 4 million cadastral documents are still expected to be returned from Serbia, which must be done through the EU Special Representative in Pristina, as mentioned in the agreement.<sup>202</sup>

The lack of implementation of this agreement by Serbia and Kosovo is also documented in the 2019 EU Progress Reports for Serbia and Kosovo, which states: "*Issues of cadastre and university diplomas recognition are yet to be solved as are the licence plate related elements of the agreement on freedom of movement*".<sup>203</sup>

Serbia demands that Pristina first annul all acts and decisions resulting from the Law on the Kosovo Agency for Property Comparison and Verification, as well as all other legal actions together with the consequences resulting from its implementation.

<sup>199</sup> Agreed Conclusions. Cadastral Records, September 2011.

<sup>200</sup> Law on the Kosovo Property Comparison and Verification Agency, 3 November 2016, at [http://www.kpaonline.org/framesworkPDFs/English/LAW\\_NO\\_05\\_L010\\_ON\\_KOSOVO\\_PROPERTY\\_COMPARISON\\_AND\\_VERIFICATION\\_AGENCY.pdf](http://www.kpaonline.org/framesworkPDFs/English/LAW_NO_05_L010_ON_KOSOVO_PROPERTY_COMPARISON_AND_VERIFICATION_AGENCY.pdf)

<sup>201</sup> Answer given by Vice-President Mogherini on behalf of the European Commission, 22 August 2019, at [https://www.europarl.europa.eu/doceo/document/E-9-2019-002211-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2019-002211-ASW_EN.html)

<sup>202</sup> Working Plan for year 2020, Kosovo Agency for Property Comparison and Verification, January 2020, page 8, at <http://www.kpcva.org/pdf/plani%20punes%202020.doc>

<sup>203</sup> European Commission, *Serbia Report 2019*, 25 May, 2019, page 54 and *Kosovo Report 2019*, 29 May, 2019, page 54.

Only then, according to Serbia, can the agreement be fully implemented as it was signed.<sup>204</sup>

On the other hand, Kosovo hesitated; the adoption of the law on the technical agency was delayed for three years, and with the arrival of these documents, many decisions taken after 1999 were challenged where many public properties were appropriated or changed title, were usurped or transferred. Various interest and criminal groups became part of these schemes, but also involved central and local

institutions, including the courts.<sup>205</sup> Due to the involvement of political elements and institutions in these massive public property transfer schemes, especially in and around the Pristina region, successive governments were reluctant to proceed with the implementation of this agreement. According to the members of the Kosovo delegation in the dialogue process, as experts on this issue, this agreement may never be fully implemented by the Kosovo institutions.<sup>206</sup>

## ENERGY

|                              |   |
|------------------------------|---|
| MAIN POINTS OF THE AGREEMENT | Kosovo allows EPS to establish a power trade company in Kosovo (ElektroSever).  |
|                              | EPS will apply to the Kosovo Business Registration Agency before the end of August 2015.  |
|                              | ElektroSever will apply to the Energy Regulatory Office (ERO) for the necessary license to supply customers.  |
|                              | The supply license will be operational when KOSTT becomes a member of the ENTSO-E.  |
|                              | ElektroSever will sign agreements with KOSTT to participate in the Kosovo's energy market and to become a responsible party for balancing.  |
|                              | Serbia, and EMS, will support KOSTT's application to sign an interconnection agreement with ENT-SO-E, including in the appeal process.  |
|                              | <b>Denial:</b><br><b>Kosovo considers that... property within the territory of Kosovo is ownership of the Republic of Kosovo.</b><br><br><b>Serbia considers that ...property within the territory of Kosovo is ownership of Serbia, under specific provincial regulation and in full accordance with the Constitution of Serbia.</b> |

<sup>204</sup> Office for Kosovo and Metohija, *Progress Report on the Dialogue between Belgrade and Priština: 1 May – 15 December 2018*, December 2018, page 17 “The law in question was adopted by Pristina on June 2016, contrary to all procedures and despite opposition raised by Belgrade and the Serbian List. The Serbian List submitted a request to the so-called Constitutional Court of Kosovo to review the constitutionality of the procedure by which this law was adopted, but the Court rejected it.”, at <http://www.kim.gov.rs/doc/pregovaracki-proces/Sestomesečni%20izvestaj%20o%20dijalogu%20dec%202018%20%2011%2002%202019%20en.pdf>

<sup>205</sup> Gazeta Express, “An indictment is filed against Azem Sylja and 39 individuals involved in property scams”, 25 October 2016, at <https://www.gazetaexpress.com/lajme-ngrihet-aktakuze-ndaj-azem-sylye-dhe-39-personave-te-perfshire-ne-dallaveret-me-prona-270057/>

<sup>206</sup> Balkans Group Interviews, July 2015 – May 2016, Pristina.





The Energy Agreement has been part of the technical issues that were discussed since the beginning of the technical dialogue in 2011. It is considered a technical issue, although it has a tremendous economic and political impact not only for Kosovo but also for the region as a whole. This agreement has made progress recently, allowing Kosovo's energy transmission system operator KOSTT to gain its energy independence and become a member of the European Network of Transmission System Operators for Energy (ENTSO-E).

The field of energy presents many challenges because it involves many complex infrastructure networks and maintenance systems; it is also social welfare as access to sufficient, affordable, and safe energy is essential for a good quality of life. Since the war, Serbia has held the brakes on Kosovo's energy infrastructure which has led to financial losses for Kosovo and has also affected four the municipalities in northern Kosovo where the electricity supply was highly volatile, and electrical utility bills were never collected.<sup>207</sup>

In 2013, the governments of Kosovo and Serbia agreed that the Kosovo Electricity System, Transmission and Market Operator (KOSTT), and the Energy Network of Serbia (EMS) would sign a bilateral agreement within three months to decide and regulate the relationship between the two transmission operators. It was expected that both regulators would issue trade (import, export, transit) and supply licenses to their



respective distribution companies. The parties also agreed to establish a new company under Kosovo law to supply energy and provide distribution services in the four Serb-majority northern municipalities. Arrangements were made in 2013, but implementation has not yet begun because the Serbian company "Elektrosever" has not yet applied for an operating license in the Energy Regulatory Office in Kosovo. The Action Plan, signed on 14 September 2014, envisages that KOSTT and EMS operate as two independent operators that fulfil the requirements set by ENTOS-E, which represent 42 TSOs from 35 European countries.<sup>208</sup>

<sup>207</sup> Emini, D. & Stakic, I. "Belgrade and Pristina: lost in normalization?", April 2018, at <https://www.iss.europa.eu/content/belgrade-and-pristina-lost-normalisation>

<sup>208</sup> Energy Action Plan, September 2014, at [http://kryeministri-ks.net/wp-content/uploads/docs/Energy\\_Action\\_Plan\\_18\\_September\\_2014.pdf](http://kryeministri-ks.net/wp-content/uploads/docs/Energy_Action_Plan_18_September_2014.pdf)



KOSTT was part of the Serbia-Montenegro-North Macedonia block, coordinated by the Serbian TSO, EMS. For this reason, KOSTT faced obstacles in establishing relations with ENTSO-E due to Serbia's direct intervention. However, on 1 October 2015, KOSTT signed a Connectivity Agreement with ENTSO-E and its 35 member states which meant that Kosovo would eventually be able to control its power transmission lines and receive tariff revenue from the energy that circulates through Kosovo's grid. This would happen on the condition that the Serbian company "ElektroSever" would first obtain a license for electricity supply and become operational under the laws of Kosovo. However, this agreement did not enter into force immediately as Serbia was still blocking this process by not allowing "ElektroSever" to receive its license and by not recognizing KOSTT as an independent TSO.<sup>209</sup>

The non-implementation of this agreement by Serbia until recently had seriously affected the energy system of Kosovo, regional security, as well as slowed the implementation of the regional agenda of the Berlin Process on regional interconnection in the field of energy. This stagnation also negatively affected the implementation of the interconnectivity system between Albania and Kosovo, built with German funds.<sup>210</sup>

In 2008, a complaint was officially filed by KOSTT to the Energy Community Secretariat ("the Secretariat"), which assessed the EMS compliance with the Energy Community laws.<sup>211</sup> The Secretariat found that the lack of compensation to KOSTT for costs incurred as a result of the transit of electricity in its network grid violates Regulation (EC) 1228/2003. Consequently, it was assumed that revenues were

not used for the benefits of increasing available capacity, investments in KOSTT's network, nor as revenues to reduce the overall level of transmission tariffs in its network. On 14 October 2016, the Ministerial Council of the Energy Community decided that Serbia had failed to fulfil its obligations and requested that it take all appropriate measures to correct the identified violations and to ensure compliance with Energy Community law until December 2016.<sup>212</sup> With the official ruling of this decision, the case was closed. However, the Secretariat initiated a new case in October 2017, claiming that the Republic of Serbia failed to initiate any measures to correct the identified violations and that the non-implementation of the Decision of the Ministerial Council constitutes a violation of the Energy Community law.<sup>213</sup>

Despite Serbia's non-implementation, the decision of the Union for Coordination of Transmission of Energy (UCTE) operators to recognize KOSTT as a regulatory area within continental Europe, remained in force.<sup>214</sup> This ensured Kosovo's participation and commitment in the European electricity network, and the continuation of Kosovo's steps towards its membership and full functioning in ENTSO-E. In December 2019, KOSTT signed an agreement with the Transmission System Operator of Albania (TSO), for the establishment of the regulatory Kosovo-Albania energy systems block. This made it possible for KOSTT to secede from the Serbian regulatory area and join that of Albania. KOSTT stated that the agreement was signed with the consent of the European Network of Transmission System Operators for Electricity (ENTSO-E). Following lengthy negotiations facilitated by the European Network of Transmission System Operators for

<sup>209</sup> KFOS, *Darkness, and Silence after the Bruxelles Agreement: Analysis of the Agreement on the Energy and Communication*, 2018, at <http://cnobelisvet.com/wp-content/uploads/2018/02/DARKNESS-AND-SILENCE-AFTER-THE-BRUXELLES-AGREEMENT.pdf>

<sup>210</sup> "The projects approved for each WB6 country are funded in part by EU mechanisms and in part by these countries themselves. The Connectivity Agenda combines policies and infrastructure, linking WB6 countries to each other. The EU governments have established a basic and comprehensive regional infrastructure network, making the Western Balkans part of the Trans-European Network of Transportation (TEN-T). The Berlin Process has also generated regional link initiatives, such as energy cooperation, the Regional Youth Cooperation Office (RYCO), the creation of a Regional Economic Zone, and the signing of the Transport Community Treaty. "Balkans Group Report, "The Berlin Process in the Western Balkans: Benefits and Challenges for Kosovo", 2018.

<sup>211</sup> KOSTT found that EMS stopped compensating KOSTT for electricity transfers and from revenues from the distribution of transmission capacity to interconnectors with neighbouring countries in Kosovo \*. The problem took an international dimension when KOSTT failed to maintain the required frequency of 50 Hz in the transmission network for more than a year and a half, ostensibly initiated by the fact that electricity in northern Kosovo is not billed, and even if it is billed, KOSTT does not receive those revenues.

<sup>212</sup> "Regulation (EC) No. 714/2009 of the European Parliament and Council on the conditions for access to the network for cross-border electricity exchanges and for repealing Regulation (EC) No 1228/2003", Article 12 and Article 6, 13 July 2009, at [https://mzhe-ks.net/repository/docs/Regulation\\_714\\_2009\\_Alb.pdf](https://mzhe-ks.net/repository/docs/Regulation_714_2009_Alb.pdf)

<sup>213</sup> Case ECS-3 / 08S, ["Reasoned Request of the Energy Community Secretariat, dated 31 May 2016"], at <https://www.energy-community.org/legal/cases/2008/case0308RS.html> Case ECS-03/08: Serbia / electricity, [Decision 2016/02 / MC-EnC of the Ministerial Council of the Energy Community], 14 October 2016, at <https://www.energy-community.org/legal/cases/2008/case0308RS.html> EnCS was invited to monitor Serbia's compliance with the EnC *acquis communautaire* and to request the imposition of measures under Article 92 of the Treaty in 2019, if Serbia does not implement MC-EnC Decision 2016/02 / MC-EnC by 1 July 2019. This Decision entered into force upon its adoption and was submitted to the EnCT institutions and the Parties (Article 3, MC-EnC Decision 2018/12 / MC-EnC

<sup>214</sup> The full list of Continental Europe TSOs can be found, at <https://www.entsoe.eu/about/inside-entsoe/members/>

Electricity (ENTSO-E), a major step towards resolving the dispute between KOSTT and EMS came on 20 April 2020, when Continental Europe TSOs voted in favour of the connectivity agreement with KOSTT.<sup>215</sup>

Once signed and implemented, this agreement will end the long-standing dispute between the two TSOs and give a boost to market integration in the Western Balkans and enable broader integration with the rest of Europe. It entered into force on 20 April 2020. This agreement also required the approval of the RGCE (Regional Group of Continental Europe), which is one of the bodies of ENTSO-E.<sup>216</sup> Furthermore, the Serb operator in the north, “ElektroSever”, will have to operate as a licensed supplier in accordance with the legal and regulatory framework of the Republic of Kosovo in the field of energy.

Establishing energy relations between the two countries with the facilitation and guarantees of the EU will undoubtedly contribute to better energy services for citizens. Moreover, the cooperation between Pristina and Belgrade in this area is crucial for the economic growth of both parties.

However, the issue of an energy operator in the northern municipalities of Kosovo remains unresolved. The operator registered with the Kosovo Business Registration Agency, “ElektroSever”, has not yet applied for an operating license in the Energy Regulatory Office in Kosovo. As a result, the north is still outside Kosovo’s energy system, bills are not collected, and the government has to pay millions of euros. These extra funds were previously received through increasing the bills of other citizens, while from 2017 a budget was allocated by the Government.<sup>217</sup>

## ASSOCIATION/COMMUNITY OF SERB MAJORITY MUNICIPALITIES IN KOSOVO

### FROM PRINCIPLES OF NORMALIZATION

An Association of Serb-majority Municipalities in Kosovo shall be established.

The Association will be established on the same basis as the existing Association of Kosovo Municipalities.

Competencies will be established by following the European Charter of Local Self-Government and Kosovo’s Law on Municipalities; and will exercise other additional competencies delegated by central authorities.

The Association will have a representative role to the central authorities and will have a seat on the Communities Consultative Council.

A considerable part of the First Agreement of Principles Governing the Normalization of Relations refers to the establishment of the Association of Serb-majority Municipalities. In August 2015, Kosovo and Serbia reached an Agreement on General

Principles / Key Elements of the Association of Serb Municipalities in Kosovo, which aimed to define the establishment of the Association including its structure and scope. In practice, through this document, an Association will be established for

<sup>215</sup> Koha, “The new agreement between KOSTT and ENTSO-E is approved, Hajdari says that Kosovo gains energy independence”, 20 April 2020, at <https://www.koha.net/arberi/218456/miratohet-marreshja-e-re-kostt-dhe-entso-e-hajdari-thote-se-kosova-fiton-pavaresine-energetike/>

<sup>216</sup> Kosovo received 22 votes in favour, 4 abstentions (Hungary, Bulgaria, and Greece), and 3 against (Spain, Bosnia and Herzegovina and Slovakia). Reuters, “Kosovo’s power firm hooks up with European grid”, 21 April 2020, at <https://uk.reuters.com/article/kosovo-energy-albania/kosovos-power-firm-hooks-up-with-european-grid-idUKL5N2C91PU>

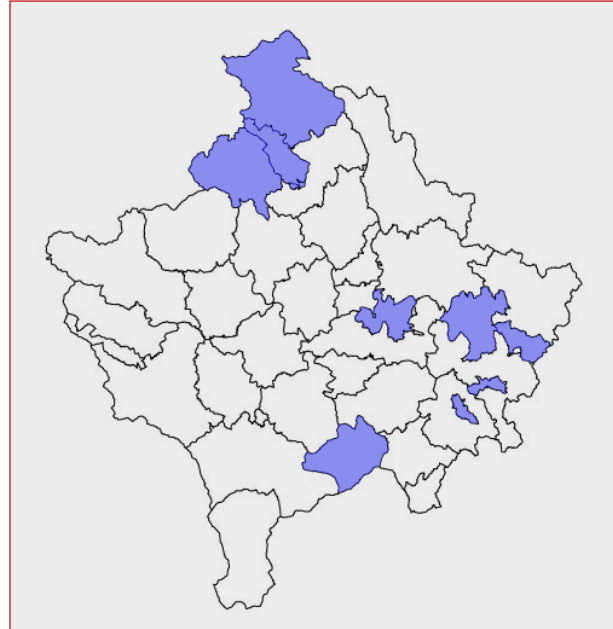
<sup>217</sup> Radio Free Europe, “Government no longer pays energy bills in the north”, 20 August 2018, at <https://www.evropaelire.org/a/qeveria-nuk-paguan-me-faturat-e-energjise-ne-veri/29443484.html>

the 10 Serb-majority municipalities (membership will be open to any other municipality, provided the existing members agree).<sup>218</sup> It can only be dissolved through a decision by the participating municipalities’.

According to the agreement, the Association’s structure will be on the same basis as the existing Association of Kosovo Municipalities, e.g., President, Vice President, Assembly, Council, etc., as well as following the competencies provided by the European Charter for Local Self-Government and the laws of Kosovo. Participating municipalities will have the right to cooperate in exercising their collective competencies through the Association. Meanwhile, the Association will have full oversight in the areas of economic development, education, health, urban and rural planning as well as other additional competencies that can be delegated by central authorities.

Following the ratification of the *First Agreement of Principles Governing the Normalization of Relations* between the Republic of Kosovo and the Republic of Serbia on 22 April 2013, 12 Assembly members

had submitted the ratified law for review by the Constitutional Court.<sup>219</sup> The Court had concluded that the procedure followed for the ratification, and implementation was in accordance with the Constitution of the Republic of Kosovo.<sup>220</sup>



### GENERAL PRINCIPLES/ MAIN ELEMENTS OF THE ASSOCIATION OF SERB MAJORITY MUNICIPALITIES IN KOSOVO

The ASM will be able to:

- Propose amends to the legislation and other relevant regulations;
- Initiate or participate in the proceedings before competent courts, including the Constitutional Court;
- Nominate representatives in the competent organs of the central government;
- Own movable and immovable property, to conclude contracts, etc.;
- Have its own budget;
- Have its symbols and coat of arms.

In August 2015, Kosovo and Serbia agreed on the general principles/key elements for the Association of Serb Municipalities. These principles defined the legal statute of ASM, competencies, legal status,

budget, etc. This agreement caused unprecedented tension in Kosovo since the declaration of independence in 2008. Opposition parties organized mass protests, boycotted the assembly by throwing

<sup>218</sup> North Mitrovica, Zubin Potok, Zvečan, Leposavić, Gračanica, Štrpce, Novo Brdo, Kllokot, Ranillug and Parteš.

<sup>219</sup> Law no. 04 / L-199 on the Ratification of the First International Agreement on Principles Governing the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia, at <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8892>

<sup>220</sup> Judgment in Case No. KO95 / 13, Constitutional Court of Kosovo, 9 September 2013.

tear gas, and organized a petition against the ASM.<sup>221</sup> To prevent a worst-case scenario, on 31 October 2015, former President of Kosovo Atifete Jahjaga sent the document on the general principles/main elements for the Association of Serb Municipalities to the Constitutional Court.<sup>222</sup> The Court decided that these principles were not entirely in accordance

with Kosovo's laws; based on the ruling the ASM had to be established based on the First Agreement, ratified by the Assembly while the decree and Association statute must be sent back for evaluation to the Court once they are drafted.<sup>223</sup>

## GENERAL PRINCIPLES/KEY ELEMENTS POINTS OF VIOLATION OF THE ASSOCIATION OF SERB MAJORITY MUNICIPALITIES IN KOSOVO

### (JUDGMENT OF THE CONSTITUTIONAL COURT OF KOSOVO)

The objectives, budget of the structural organization, support and general provisions of the Association exceed the constitutional standards of local self-governing in Kosovo.

The right of legislative initiative is given exclusively to the President of the Republic of Kosovo, the Government, members of the Assembly, or at least ten thousand citizens.

The Association / Community cannot be given full and exclusive authority to promote the interests of Kosovo Serbs in their relations with the central authorities.

As a result, since 2013, the establishment of the Association became the most contentious issue of the dialogue and extremely polarized the political scene and public opinion in Kosovo.<sup>224</sup> There are different attitudes and views regarding this agreement within Kosovo's citizens, Kosovo Serbs, Serbia, and the international community, all of which have made the implementation of this agreement even more difficult.<sup>225</sup> Kosovo's society, and especially its opposition political parties see this agreement as a tendency of Belgrade to use the Association as a tool to undermine the country's territorial integrity and sovereignty.

This view has culminated in numerous protests. Kosovo continues to insist that it will not allow the establishment of the Association without fully opening the bridge over the Ibar River, as well as without the dissolution of the Serbian parallel institutions. The two sides do not agree on its name either. Some documents refer to it as the 'Association of Serb Municipalities', others as 'Community' while some prefer the term 'Serb-majority Municipalities'. This issue requires a more serious re-engagement of the political scene to be correctly defined. It also requires an appropriate solution to address and implement the agreement or return it to the negotiating table.

<sup>221</sup> Balkans Group, *Association of Serbian Municipalities: Understanding Conflicting Views of Albanians and Serbs*, January 2017.

<sup>222</sup> "Taking into consideration that the Principles of the Association govern the establishment and functioning of the Association of Serb Municipalities in Kosovo, are these principles and elements in line with the Constitution, Article 3, paragraph 1 (multi-ethnic nature), Chapter II (fundamental rights and freedoms) and Chapter III (rights of communities and their members) of the Constitution of the Republic of Kosovo?", Judgment in Case no. KO130 / 15 Constitutional Court of Kosovo, 23 December 2015, at [http://gjk-ks.org/wp-content/uploads/vendimet/gjk\\_ko\\_130\\_15\\_shq.pdf](http://gjk-ks.org/wp-content/uploads/vendimet/gjk_ko_130_15_shq.pdf)

<sup>223</sup> According to the Constitutional Court in the First Agreement, the Association should have a structure similar to the existing association of Kosovo municipalities. Its employees do not have the status of civil servants, a status reserved for employees of government institutions. Most importantly, the Association will not be given "full and exclusive authority" over Kosovo's ethnic Serb community. The Association will be part of the Community Advisory Council, but will not undermine its powers. As a member, the Association can suggest legislative proposals but has no right to bring laws to the Assembly, which by the Constitution is reserved for the President, the Government, the deputies, or for available at least ten thousand citizens. The association's access to the Constitutional Court is limited. The judgment of the Constitutional Court no. KO130 / 15.

<sup>224</sup> Balkans Group, *Association of Serbian Municipalities: Understanding Conflicting Views of Albanians and Serbs*, January 2017, page 24.

<sup>225</sup> Ibid. "The first is committed to establishing the Association only to fulfill its commitment to the Brussels dialogue, to fulfill the integration of Serbs and to reach the final stages of normalization with Serbia. The latter wants the Association of Serb Municipalities to serve Kosovo Serbs, transfer funding powers from Belgrade to a new legal body and use it as a bridge of cooperation with Kosovo, within the normalization of relations framework. Kosovo Serbs, on the other hand, have micro views and want the community to be a practical tool that will help them maintain their identity, strengthen their tools to deal with the Government of Pristina, and maintain services. "Vital" funding from Serbia and ties with Belgrade. "Ibid. page 10.

Since the agreement was ratified in 2013 by the Assembly of Kosovo, 15 provisions of the First Agreement have become an international obligation for Kosovo. This means that the Association must be established in accordance with the General Principles, and the agreement must be implemented, regardless of which leads in government.<sup>226</sup>



## REMOVAL OF BARRICADES AND REVITALIZATION OF THE BRIDGE IN MITROVICA

|                              |   |
|------------------------------|---|
| MAIN POINTS OF THE AGREEMENT | Revitalization will begin on 14 August 2016   |
|                              | The bridge will be opened for all traffic on 20 January 2017  |
|                              | The Municipality of North Mitrovica will revitalize its main street in the pedestrian zone.   |
|                              | A working group will regularly monitor and review together with both mayors the prevailing political and security conditions in the municipalities during and after the revitalization process. |

The barricade placed on the Ibar River Bridge in Mitrovica, which had become a symbol of the division of the city since the end of the war in 1999, was removed after much discussions in Brussels. In 2016, an agreement was ratified for its opening.<sup>227</sup>

The European Union had provided financial support for the reconstruction and revitalization of the bridge, but it is not yet open for traffic, as the process of dividing the administrative line between the Municipalities of South and North Mitrovica according to the Ahtisaari Plan is complicated.<sup>228</sup>

<sup>226</sup> Balkans Group interview with high-ranking EU official, Pristina, 14-15 June 2016.

<sup>227</sup> EU Implementation Plan of the Agreement on the Mitrovica Bridge, 5 August 2016, at [http://kryeministri-ks.net/wp-content/uploads/docs/EU\\_Implementation\\_Plan\\_of\\_the\\_Agreement\\_on\\_the\\_Mitrovica\\_Bridge\\_5\\_August\\_2016.pdf](http://kryeministri-ks.net/wp-content/uploads/docs/EU_Implementation_Plan_of_the_Agreement_on_the_Mitrovica_Bridge_5_August_2016.pdf)

<sup>228</sup> Radio Free Europe, "Suhodolli 'hassle' between North and South, 22 February 2016, at <https://www.evropaelire.org/a/27567189.html>





Based on the Ahtisaari Plan, with the signing of the agreement, settlements on the Ibar River, such as Suvi Do/Suhodolli, Gushanci, and Vinarci, inhabited by Albanians, would pass under the administration of South Mitrovica.<sup>229</sup> According to the conclusions of the working group, it was requested that the administrative boundaries for the cadastral zones of Suvi Do/Suhodoll and Brdjani/Kroi i Vitakut be determined through a Memorandum of Understanding between the two municipalities.<sup>230</sup>

The Municipality of North Mitrovica claims that the administrative division line is across the bridge, towards the south, while the Municipality of South Mitrovica, based on the Ahtisaari Plan and the laws of Kosovo, claims the opposite as that line was designated to be above the Ibar River, towards the north in the Vienna Process.<sup>231</sup> Practically, the problem is the definition of the administrative line in the village of Upper Suhodoll, which North Mitrovica claims to have under its administrative area, while according to South Mitrovica, it is and should remain under its administration. An option has circulated in the media for this part to be administered by both municipalities according to the model of inter-municipal partnership.<sup>232</sup>

Prior to the agreement to open the bridge, it had been transformed into a so-called “peace park” by Serbian and North Mitrovica officials. Even with the revitalization of the bridge, tensions did not stop as North Mitrovica decided to close its main road (“King Peter Street”) and turn it into a promenade, which Albanian citizens saw as a tendency to impede the freedom of movement of the southern citizens. However, under the applicable law in Kosovo, local institutions have the authority to decide which streets, squares, or public spaces may be closed or open.<sup>233</sup> The Municipality of North Mitrovica has conditioned the movement of motor vehicles on the bridge over the Ibar River with a clear definition of the administrative line between the North and South. Defining cadastral boundaries remains a very sensitive issue for both parties.

However, the Government of Kosovo, together with EU and Serbian representatives, must find a common language and modalities for opening the bridge and increasing trust between the citizens of both sides. If not, the issue should be returned to the meetings in Brussels for the final settlement.

<sup>229</sup> The northern and southern municipalities of Mitrovica have had differing views over which municipality is the village of Suhodoll located on. The administrative border of the two municipalities is based on the map that emerges from the document of Martti Ahtisaari. According to the Brussels agreement, the Ministry of Environment and Spatial Planning (MESP) will help both municipalities reach a memorandum of understanding to overcome the difference but not to break the law because the law on Municipal Administrative Boundaries is a vital law adopted on 20 February 2008. According to this law, article 3.3: “The border between the Municipality of North Mitrovica and the Municipality of South Mitrovica will be the defined line that will pass through the cadastral zone of Suhodoll”.

<sup>230</sup> Working Group (Freedom of Movement/Bridge Conclusions) 25 August 2015.

<sup>231</sup> Ibid.

<sup>232</sup> Insajderi, “Agim Bahtiri tells why they cannot remove the barricade over the Ibar River”, June 2016, at <https://insajderi.com/agim-bahtiri-tregon-se-pse-nuk-po-largohet-barrikada-mbi-iber/>

<sup>233</sup> See Ministry of Local Government Administration, “Organization and functioning of self-governing in Kosovo”, page 34, Table 4, No. 10, August 2013, at <https://mapl.rks-gov.net/wp-content/uploads/2018/03/ORGANIZIMI-DHE-FUNKSIONIMI-I-VETEQEVERISJES-LOKALE-NE-KOSOVE.pdf>

# **RATIFICATION OF AGREEMENTS**

*The First Agreement on Principles Governing Normalization of Relations* was ratified by the Assembly of Kosovo on 27 June 2013 as an international agreement. **Out of the 120 Assembly members, 84 voted in favour, 3 against, and 1 abstained.** The Constitution of Kosovo requires that international agreements must be ratified by two thirds (2/3) of the votes whenever there is a change in regards to territory, peace, alliances, political and military issues, fundamental rights and freedoms, membership of the Republic of Kosovo in international organizations, and the undertaking of financial obligations from the Republic of Kosovo.<sup>234</sup> As a result, in accordance with Article 19, Paragraph 2 of the Constitution of Kosovo, international agreements that are ratified by the Assembly of Kosovo have precedence over the Constitution and the country's laws.<sup>235</sup> This means that the first agreement's approval as an international agreement is above Kosovo's Constitution, which prevents legal initiatives against the implementation of provisions from the agreement. The Constitutional Court of the Republic of Serbia refused to review the constitutionality of the First Agreement, declaring it a political and illegal issue, which made its ratification by the Assembly of Serbia impossible.<sup>236</sup>

Other technical dialogue agreements have never been sent to the Assembly of Kosovo for approval. According to the Government, this due to agreed conclusions, and it was not required to change legislation for their implementation. Exceptions were made when the Government had to approve the IBM Technical Protocol, issue a decision at a Ministry level to implement certain parts of the agreement such as for the integration of the police and judiciary, or when an extra article needed be added to the budget such as the establishment of the Development Fund. The agreements that have been approved by the Government of Kosovo, in addition to the IBM Technical Protocol, are also the Integration of the former Civil Protection personnel, the Agreement for the completion of the implementation of the Free Movement Agreement of 2011, as well as the Agreement for Telecommunication and Energy.

The agreements which had to be assessed by the Constitutional Court of Kosovo are the Normalization Agreement, the Law on Amnesty, the Development Fund (in the context of the Law on Budget), and the Association of Serb Municipalities (as well as its general principles). For the latter, the Constitutional Court of Kosovo has found some inconsistencies between the principles of the agreement and the Constitution of Kosovo. One of the reasons for the reluctance of the Government to send such agreements for approval to the Assembly may be the prolongation of the process due to tensions and divisions within different political entities.

## LAW ON AMNESTY

To enable the integration of members from the former parallel security structures funded by Belgrade, Kosovo adopted the Law on Amnesty which entered into force on 17 September 2013.<sup>237</sup> This law has been continuously implemented in the process of integrating Kosovo Serbs to Kosovo's institutions, as provided by the Brussels Agreement.

Specifically, the Law on Amnesty has been implemented in the process of integrating members of the Serb police and those of the Civil Protection in the Kosovo Police. This law defined the conditions and procedures in which amnesty could be granted to individuals who were convicted of a criminal offence, prosecuted for a criminal offence, or were subject to criminal prosecution for offences committed before 20 June 2013. The law was also reviewed by the Constitutional Court of Kosovo, which assessed that all procedures for the adoption of this law were in accordance with the Constitution.<sup>238</sup> Throughout 2014, the Court of Mitrovica reviewed 941 cases, and 1237 individuals benefited from the Law on Amnesty (mainly for illegal weapon possessions), out of which 1000 were Albanians, 216 Serbs, and 21 Bosnians.<sup>239</sup>

<sup>234</sup> Law no. 04 / L-052 on International Agreements, Article 18, paragraphs 1 & 2, 2011, at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2789>

<sup>235</sup> Ibid, Article 19.

<sup>236</sup> Zëri, "There is no normalization of relations", 20 April 2019, at <https://zeri.info/aktuale/253872/ska-normalizim-te-marredhenieve/>

<sup>237</sup> Law No. 04/L-209 on Amnesty.

<sup>238</sup> Judgment in Case no. KO108 / 13, "Assessment of the constitutionality of the Law, no. 04 / L-209, on Amnesty", September 2013.

<sup>239</sup> Koha, "The Law on Amnesty is not showing results", 11 September 2014.

## POLITICAL, LEGAL, AND ADMINISTRATIVE ACTIONS OF KOSOVO INSTITUTIONS REGARDING THE DIALOGUE WITH SERBIA

Kosovo took several steps to develop the dialogue with Serbia with the EU's help:

|      |       |  |
|------|-------|--|
| 2011 | 01.03 | Government platform for technical dialogue with Serbia.  |
|      | 10.03 | Resolution on the Dialogue between the Republic of Kosovo and the Republic of Serbia   |
|      | 28.07 | Resolution for the north of Kosovo   |
|      | 07.12 | The Assembly's Decision for the approval of the recommendations of the LVV parliamentary group   |
| 2012 | 20.01 | Kosovo's Assembly Decision in support of the Brussels dialogue   |
|      | 18.10 | Resolution on the Normalization of Relations between Kosovo and Serbia   |
| 2013 | 22.04 | Resolution of the Assembly on giving support for the Signing of the First Agreement of Principles  |
|      | 27.06 | Ratification of the First Agreement of Principles Governing the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia   |
|      | 9.09  | Review of the constitutionality of the Law on Ratification of the First Agreement, as well as its Implementation Plan  |
| 2014 | 29.04 | <i>Government of Kosovo, Brussels Dialogue, Next Steps</i>   |
| 2015 | 15.01 | Program of the Government of Kosovo for the Brussels Dialogue, 2014 - 2018   |
|      | 15.12 | Evaluation of the compliance of the principles contained in the document "Association / Association of Serb-majority municipalities - main principles" with the Constitution of the Republic of Kosovo |
| 2016 | 29.12 | Assembly resolution for the demolition of the illegal wall in the northern part of Mitrovica   |
| 2020 | 15.03 | Resolution on the Dialogue between the Republic of Kosovo and the Republic of Serbia   |

To implement the Dialogue's agreements, Kosovo has passed numerous other laws, amongst them:

1. Law No. 04 / L-199 on Ratification of the First International Agreement of Principles Governing the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia
2. Law No. 04 / L-201 on Amending and Supplementing Law no. 04 / L-165 on the Budget of the Republic of Kosovo for the Year 2013
3. Law No. 06 / L-133 on the Budget Appropriations for the Budget of the Republic of Kosovo for 2019 - budget tables for 2020
4. Law No. 04 / L-209 on Amnesty
5. Law No. 05 / L-010 On Kosovo Property Comparison and Verification Agency



Furthermore, Kosovo's institutions have undertaken other administrative and sub-legal actions to support the dialogue process.

## 1. IBM

### *IBM Technical Protocol, 24 February 2012*

- Approved by the Government of Kosovo on 29 February 2012, no. 09/63

### *IBM Permanent Buildings 5 September 2014*

- Approved by the Government of Kosovo regarding the expropriation decision with number 04/147 on 15 June 2017 for the construction of permanent integrated border management buildings (IBM) in the border crossing points of Brnjak/Bërnjak, Merdare/Merdarë, and Mutivoda.

### *Opening of two new crossing points (Kapi and Izvor)*

- Approved in the Government of Kosovo the decision for expropriation no. 10/67 on 30 December 2015

### **Recognition of phytosanitary certificates**

- Administrative Instruction No. 16/2011 MAFRD on assessment form and content of data to the phytosanitary certificate for export, re-export, and phytosanitary certificate on the internal movement of plants, plant productions, and other facilities

### **Integration of northern customs officials who left their jobs in February 2008**

- Decision on the establishment of the integration panel
- Declaration of loyalty

## 2. REGIONAL REPRESENTATION AND COOPERATION

- Guide circulated by the MFA for regional representation 2012

## 3. FREEDOM OF MOVEMENT

### **Approval of the new agreement on Freedom of Movement 2016**

- Approved by the Government of Kosovo with number 02/132 on 16 February 2017

### **Extension of the validity of Kosovo license plates with the inscription KS**

- Administrative Instruction (MIA) No. 02/2018 on the registration of vehicles with KS plates

### **Return to use of KS plates**

- Administrative Instruction (MIA) No. 24/2011 on the registration of vehicles with license plates

### **Acceptance of old documents to enable the issuance of ID cards to the integrated community**

- Administrative Instruction (MIA) No. 05/2017 about the criteria that contain evidence about the citizenship of the federal republic of Yugoslavia and permanent residence in the territory of Kosovo on 1 January 1998

### **Allowing the transformation of old registrations into those of Kosovo**

- Administrative Instruction (MIA) No. 38/2012 - on the registration of vehicles from former FRY plates to temporary plates of the Republic of Kosovo

### **Opening of Civil Registry offices in the north**

- The decision for the integration panel

## 4. CIVIL REGISTRY BOOKS

### **Integration of scanned books into the existing system of the Civil Registration Agency**

- Administrative Instruction (MIA) No. 11/2018 on the use of certified copies of the original principal civil status registers of Kosovo which were taken by the former Serbian regime prior to June 1999
- Administrative Instruction (MIA) No. 01/2015 on the use of certified copies of the original principal civil status registers of Kosovo which were taken by the former Serbian regime prior to June 1999

## 5. POLICE INTEGRATION

### **Establishment of a new Kosovo Police regional directorate in the north**

- Administrative Instruction (MIA) No. 12/2013 - on the election of the Regional Police Director for the region of North Mitrovica

## 6. DISSOLUTION OF "CIVIL PROTECTION"

### **Approval of the agreement by the Government**

- Approved by the Government of Kosovo, Decision No. 6/39 dated 22 July 2015



### Integration

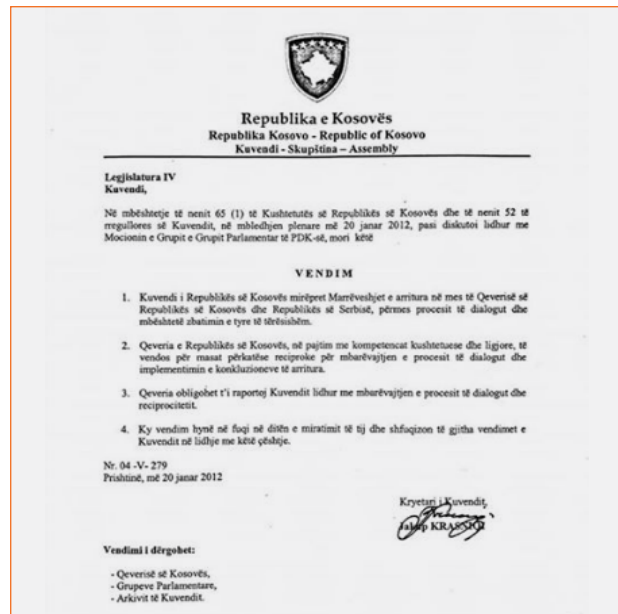
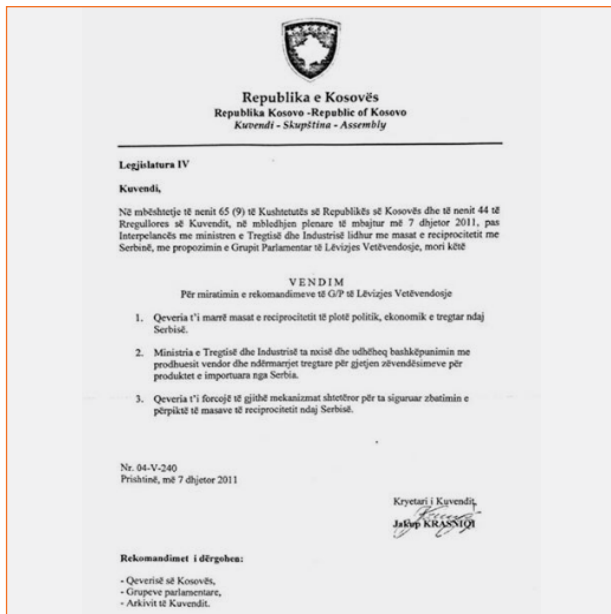
- Decisions for the creation of recruitment panels 2015
- Oath/Declaration before integration, 2016
- Guide circulated by the Ministry for Dialogue for the integration of members of the former “CP” in Ministries and Agencies 2015
- Guide issued by Ministry for Dialogue regarding the further consolidation of the activity of Central Institutions in the country's north

### 7. JUSTICE

- Decision on the establishment of the integration panel

### 8. ASSOCIATION/COMMUNITY OF SERB MAJORITY MUNICIPALITIES

- Decision of the Minister of MLG (Ministry of Local Government) for replacing members of the management group, 30 June 2016
- Decision of the Minister of MLG (Ministry of Local Government) for the appointment of members to the management group, 14 June 2013



In addition to the steps mentioned above, Kosovo's relationship with Serbia and the dialogue itself have been influenced by two decisions of the Assembly of Kosovo, the first dated 7 December 2011 (initiated by LVV) that requires full political, economic, and trade reciprocity with Serbia and the second dated 20 January 2012 (initiated by PDK), that is viewed as contradictory to the former, where technical dialogue agreements appear to be of a higher priority.<sup>240</sup>

On March 2020, the Government of Kosovo, elected from the October 6 elections, pledged to normalize relations with Serbia - for dialogue and reciprocity, insisting on “hot topics”, such as missing persons, war reparations, the request of the Kosovar share

from the wealth of the former Yugoslavia and mutual recognition between the two states. The plan also determined *the character of Kosovo is inviolable, considering that the creation of a third administrative authority for settlements with a specific ethnic population is contrary to the spirit of the Constitution of the Republic of Kosovo and therefore will not be approved by the Government of Kosovo.*<sup>241</sup>

Whereas on 15 March 2020, in a session boycotted by the opposition, the Assembly of Kosovo adopted a resolution on negotiations with Serbia, from which the Assembly authorized the Government of Kosovo to lead talks with Serbia to request mutual recognition between Kosovo and Serbia with the guarantee of the territorial integrity of Kosovo.<sup>242</sup>

<sup>240</sup> Gazeta Express, “The story of reciprocity, when Kurti accused Thaçi after stopping his measures against Serbia”, 7 February 2020, at <https://www.gazetaexpress.com/historia-e-reciprocitetit-kur-kurti-e-akuzonte-thacin-se-ia-ndali-masat-ndaj-serbise/>

<sup>241</sup> Radio Free Europe, “Kurti: I will lead the dialogue, not the president”, 10 October 2019. <https://www.evropaelire.org/a/kurti-dialogun-e-udheheq-une-jo-presidenti/30210044.html>

<sup>242</sup> VOA (Voice of America), “Kosovo Parliament adopts resolution on talks with Serbia”, 15 February 2020, at <https://www.zeriamerikes.com/a/parlamenti-i-kosov%C3%ABs-miratoi-rezolut%C3%ABn-p%C3%ABr-bisedimet-me-serbin%C3%AB/5329771.html>

# CHALLENGES AND OPPORTUNITIES

A particular challenge throughout the dialogue process has been the lack of timelines for the talks, which has resulted in irregular meetings in Brussels. For certain periods, more than six months passed without any discussions between the parties. Apart from international developments, these obstacles were also caused by domestic issues, which have often produced internal crises and tensions between the two countries. Ongoing reviews or renegotiations of agreements have created delays, hindered their implementation, and reduced the involvement of both parties in the process. These reviews were also caused after the members of the negotiating teams were changed, especially that of Serbia. In the absence of transparency as well as due to conflicting interpretations of the agreements, their level of implementation is difficult to accurately monitor. Both dialogue groups have made the agreements ambiguous and failed at informing the public but also implemented them in a mainly confidential manner. The only exception is when they could be used for political advantages. Although the negotiating teams produced regular six-month reports for their respective governments about developments, institutions did not publicise their decisions related to the implementation of the agreements; appointed certain groups of officials and often concealed their actions. This, however, spread a negative and erroneous perception of dialogue.

The composition of the agreements provided space for different interpretations, and consequently for delays in their implementation; the energy agreement ends with a “denial” - a clause at the end of the agreement, which emphasizes Kosovo’s and Serbia’s opposing views on ownership. Several other agreements contain additional information (footnotes) which again highlights the differences in perspectives and attitudes between the two dialogue groups. Another example is whether the dividing line between Kosovo and Serbia is the border (between the two countries) or the “administrative border” (within a single country), on the IBM, the Customs Revenue, and the Mutual Legal Assistance Agreements.<sup>243</sup>

Therefore, the negotiation process between Pristina and Belgrade has often been presented as a “battlefield” between the two countries, rather than as an opportunity to find practical solutions for their citizens’ problems. This has made the agreements be perceived through the lenses of “loss” or “victory” concerning the other party, and not as agreements that improve their citizens’ quality of life and increase trust between Kosovo and Serbia. Moreover, the presentation of this process by the two groups involved as a “diplomatic duel”, has led to unrealistic expectations. Consequently, high expectations have also caused despair to the public and significantly reduced their trust in the dialogue.

Regardless, the Brussels dialogue should be seen as a joint path for Kosovo and Serbia towards the full integration of both countries in European structures. In Serbia, the dialogue allowed for the sensitive issue of Kosovo to be discussed in public, and that various opportunities presented as solutions were no longer taboo.<sup>244</sup> Therefore, a shortcoming could be considered that the public only focuses on the “tangible” results of the process, neglecting the key purpose of this process, at least as stated by both countries. The “constructive ambivalence” approach, which although at the beginning of the process allowed the working groups to (despite differences and contradictions in their attitudes) find the right formula for resolving some practical issues, also allowed for different interpretations of the agreements. This impaired the implementation process. This approach also enabled the ongoing revisions of agreements on which the two governments initially agreed, which resulted in additional meetings on the same topics and “agreements on agreements”, which were also presented as a success. In fact, they were the result of the non-dedication of the two groups in fulfilling the previously reached agreements. Therefore, if ambiguity was necessary to start the process, it should not proceed further and even less so in the implementation stages of the reached agreements.

<sup>243</sup> KoSsev, “Jović: Stav građana o Briselskom dijalogu negativan – veruju da vodi priznanju Kosova i gašenju srpskih institucija”, [“Jović: The citizens’ opinion on the Brussels Dialogue is negative”] 13 December 2019, at <https://kossev.info/jovic-stav-gradjana-o-briselskom-dijalogu-negativan-veruju-da-vodi-priznanju-kosova-i-gasenju-srpskih-institucija/>

<sup>244</sup> From the Panel “Perspectives on the Technical Dialogue Agreements between Kosovo and Serbia”, organized by KSPAG, Pristina, 21 February 2020.

# APPENDIXES

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## 1. PATH OF THE BRUSSELS DIALOGUE PROCESS

|      |          |  |
|------|----------|--|
| 2008 | 17.02    | Kosovo declares independence   |
|      | 15.08    | Serbia seeks the ICJ's opinion on the legality of this declaration   |
| 2010 | 22.07    | The ICJ declares the act compatible with international law   |
|      | 09.09    | The UN adopted the Resolution to start the technical dialogue  |
| 2011 | 24.02    | Edita Tahiri is elected head of Kosovo's delegation for Dialogue   |
|      | 25.02    | Robert Cooper meets with the governments of Kosovo and Serbia to launch a dialogue   |
|      | 07.03    | Resolution of the Assembly of Kosovo in support of the technical dialogue with Serbia  |
|      | 8,9.03   | <i>ROUND 1 of technical dialogue; civil registry, cadastral registry, CEFTA, customs stamps</i>  |
|      | 16.03    | Robert Cooper meets in Pristina and Belgrade representatives from the two countries  |
|      | 28.03    | <i>ROUND 2: energy, telecommunications, civil registries, cadastral registry</i>   |
|      | 15.04    | <i>ROUND 3: Freedom of movement, diplomas, energy, telecom, civil registers, cadastral registries, customs stamps</i>                    |
|      | 12.05    | Borko Stefanovic, leader of the Serbian team, becomes the first Serbian representative to meet the Kosovo government in its institutions |
|      | 17,18.05 | <i>ROUND 4: missing people, cultural heritage, and recognition of diplomas</i>   |
|      | 2.07     | ROUND 5: Agreement on Freedom of Movement, Recognition of Diplomas, Civil Registers  |
|      | 19.07    | ROUND 6: - Canceled. Serbia does not accept Kosovo's customs stamps  |
|      | 20.07    | The Government of Kosovo establishes reciprocity, not recognizing the customs stamps of Serbia and Bosnia & Hercegovina                  |
|      | 25.07    | The government of Kosovo takes action to take control of border points 1, 31   |
|      | 02.09    | Agreement on cadastral files and mutual recognition of customs stamps  |
|      | 16.09    | The implementation of the agreement on customs stamps begins in practice   |
|      | 21,22.11 | ROUND 4: IBM, regional cooperation, telecom, energy. Agreement on Recognition of Degrees   |
|      | 02.12    | The agreement is reached on Integrated Border Management, IBM  |
|      | 07.12    | The process of certification of civil status books begins  |
|      | 26.12    | Implementation of the free movement agreement begins   |
| 2012 | 04.01    | IBM action plan signed   |
|      | 24.02    | Agreement on cooperation and regional representation. Technical protocol for the implementation of IBM                                   |
|      | 29.02    | The Government of Kosovo approves the IBM technical protocol   |
|      | 17.10    | Assembly Resolution on the normalization of relations between Kosovo and Serbia  |
|      | 20.10    | The political dialogue begins, Prime Ministers Thaçi and Daçiç meet. Mediator, Baroness Ashton   |
|      | 7.11     | The second meeting between the prime ministers is held   |
|      | 10.12    | Implementation of the IBM agreement in Jarinje/Jarinjë and Merdare/Merdarë begins  |
|      | 31.12    | IBM starts implementation in Brnjak/Bërnjak, Mutivoda, Bela Zemlja/Dheu i Bardhë and Muçibaba  |

|      |           |  |
|------|-----------|--|
| 2013 | 9.01      | Mutual Legal Assistance Agreement under IBM  |
|      | 17.01     | Northern Municipal Development Fund, revenue collection and licensing of companies in the north  |
|      | 24.01     | Agreement for the exchange of information through the SEED system  |
|      | 19.04     | The first agreement is reached on the normalization of relations between the prime ministers   |
|      | 25.04     | The first meeting of the tripartite group for the implementation of the IMB agreement  |
|      | 21.05     | <i>The Plan for the implementation of the normalization agreement is signed by the prime ministers</i>   |
|      | 30, 31.05 | The first meeting for the implementation of the Agreement on the normalization of relations.   |
|      | 11.07     | <i>Kosovo Parliament approves the Law on Amnesty</i>   |
|      | 05.09     | Mutual recognition of phytosanitary certificates   |
|      | 8.09      | Agreements are reached on energy and telecommunications  |
|      | 3.11      | Local elections are held, including the four Serb-majority municipalities in the north   |
|      | 5.11      | Joint conclusions for the start of implementation of the agreement on the collection of customs revenues in Jarinje/Jarinjë and Brnjak/Bërnjak   |
| 2014 | 31.01     | The process of integration of Serbian police in the north is over  |
|      | 6.03      | The latest copies of civil status registers are returned from Serbia   |
|      | 18.06     | <i>Barricades are removed in the north. The one over the Ibar bridge is replaced by the "peace park".</i>  |
|      | 22.07     | Conclusions on removing the barricades and starting the revitalization of the Ibar bridge  |
|      | 4.09      | The agreement for IBM permanent buildings is signed  |
|      | 22.09     | Belgrade Airport opens transit for the citizens of Kosovo, in accordance with the agreement  |
|      | 14.11     | An agreement is reached on the administration of official visits   |
|      | 15.11     | Agreement on freedom of movement for Nis Airport and crossing points with Croatia, Hungary, Macedonia, Bulgaria                                  |
| 2015 | 9.02      | An agreement on justice is reached   |
|      | 26.03     | Agreement reached on the abolition of "Civil Protection" in the north and the integration of its members   |
|      | 5.05      | An agreement is reached on mutual recognition of Pharmaceutical Certificates   |
|      | 22.05     | Agreement reached on the opening of two new crossing points (Kapi and Izvor)   |
|      | 17.06     | Meetings of working groups for the implementation plan of KAS begin  |
|      | 23.06     | Agreement on Mutual Recognition of TPL Security and for the processing and payment requests  |
|      | 10.08     | An agreement is reached on mutual recognition of vehicle insurance   |
|      | 25.08     | Agreement on the implementation plan of agreements for energy, telecommunication, KAS elements, and design for revitalization of the Ibar bridge |
| 2016 | 19.04     | An agreement is reached on mutual recognition of ADR certificates  |
|      | 5.08      | An agreement is reached on the revitalization plan of the Ibar bridge  |
|      | 14.09     | An agreement is reached on advancing the agreement on freedom of movement  |
|      | 15.12     | Kosovo receives the international telephone code +383  |
| 2017 | 10.01     | Kosovo justice institutions are installed in the northern municipalities   |
| 2020 | 20.04     | The agreement for the operation of KOSTT as an independent regulatory area within ENTSO-E is approved  |



## 2. REGIONAL AND INTERNATIONAL INTEGRATION OF KOSOVO DURING THE BRUSSELS DIALOGUE

| NO. | ORGANIZATION   | MISSION  | COMMENTS                             |
|-----|--|--|--------------------------------------|
| 1.  | Central European Free Trade Agreement, CEFTA   | <i>(2006) Trade agreements between countries in the integration process as a preparatory phase for EU membership</i>   | UNMIK, representing Kosovo           |
| 2.  | Vienna Economic Forum, VEF   | <i>(2004) Promotes economic cooperation and investment attraction in countries from the Adriatic Sea to the Black Sea</i>  |                                      |
| 3.  | Brdo Process   | <i>Strengthens relations between the countries of the Western Balkans on the path of integration. Gathers the main leaders of its member states, with invited EU and US officials</i>    |                                      |
| 4.  | Western Balkans Investment Framework, WBIF   | <i>(2009) Regional structure that supports integration and socio-economic development in the region</i>  |                                      |
| 5.  | Energy Community – EnC   | <i>International organization that involved the EU and its neighbors to create an integrated Pan-European energy market.</i>   |                                      |
| 6.  | European Association of Public Service Media in SEE                                  | <i>Protocol on Regional Cooperation in Education and Training between members of the Association of Public Media Services in Southeast Europe</i>  |                                      |
| 7.  | South East Europe Investment Committee, SEEIC (As part of RCC)                       | <i>Aims at being a coordinating body with a mandate to initiate and support reforms and implementation of policies that promote domestic and foreign investments in Southeast Europe</i> | Kosovo as observer                   |
| 8.  | Regional Rural Development Standing Working Group of South East Europe, SWG          | <i>International Intergovernmental Organization that brings together the institutions responsible for rural development in respective countries and regions.</i>                         |                                      |
| 9.  | SEE Trade Union Forum, SEETUF  | <i>Promotes the social dimension of economic reforms in the region</i>   |                                      |
| 10. | Electronic South Eastern Europe Initiative – eSEE + bSEE Task Force (As part of RCC) | <i>eSEE Initiative and bSEE Task Force operate under the umbrella of the RCC and aim to promote a single, open and competitive regional ICT market</i>                                   | UNMIK, representing Kosovo           |
| 11. | Energy Community Secretariat   | <i>Permanent institution responsible for day-to-day support of the Energy Community activities and monitoring of the implementation of the Treaty</i>                                    |                                      |
| 12. | South East Europe Transport Observatory - SEETO                                      | <i>Regional transport organization to promote cooperation and development of infrastructure</i>  | Kosovo + UNMIK - KE – DGMOVE         |
| 13. | Network of Associations of Local Authorities of SEE, NALAS                           | <i>Network of associations of local authorities of Southeast Europe, with 16 Associations, about 9000 local authorities elected by over 80 million inhabitants.</i>                      |                                      |
| 14. | South East European Public Privat Partnership Network, SEEPPPN                       | <i>(2009) Regional coordination of the exchange of expertise on PPPs and advancement of the environment and measures for the development of PPPs in the region.</i>                      |                                      |
| 15. | US – Adriatic Charter (A5)   | <i>An association originally formed by Albania, Croatia, and Macedonia alongside the US, to provide support in their efforts to join NATO.</i>   | Observers: Serbia, Kosovo, Slovenia  |
| 16. | Education Reform Initiative of South Eastern Europe - ERI SEE                        | <i>Regional platform for cooperation in the field of education and training.</i>   | Observers: Kosovo, Bulgaria, Romania |

|     |   |  |                                    |
|-----|---|--|------------------------------------|
| 17. | RCC Task Force Fostering and Building Human Capital - TF FBHC                       | <i>Promotes coherence and coordination in the field of education and research in Southeast Europe by creating a platform for dialogue and cooperation of actors involved in these sectors.</i>   |                                    |
| 18. | South East European Center for Entrepreneurial Learning – SEECCL                    | <i>Promotes entrepreneurial learning as a main goal, in line with EU policies and practice.</i>  |                                    |
| 19. | Regional Environmental Network for Accession – RENA                                 | <i>Increasing regional co-operation in the Western Balkans and Turkey in the field of the environment within the perspective of EU membership.</i>   |                                    |
| 20. | The Implementation of Single European Sky in South East Europe Programme - ISISECAA | <i>European Commission initiative aimed at reforming the European air traffic management system.</i>   | Ended in 2017                      |
| 21. | (OECD) Investment Compact for SEE   | <i>Supports the governments of the region to improve their investment circumstances and strengthen private sector development.</i>   | Kosovo as observer                 |
| 22. | Regional Cooperation Council – RCC  | <i>Comprehensive regional framework for cooperation between Southeast European countries, the international community, and donors supporting the region's European and Euro-Atlantic integration.</i>  |                                    |
| 23. | Regional School of Public Administration - ReSPA                                    | <i>International organization aimed at advancing regional cooperation in the field of Public Administration in the Western Balkans.</i>  | Kosovo in the process of admission |
| 24. | South-East European Cooperation Process - SEECP                                     | <i>Forum for diplomatic and political dialogue.</i>  |                                    |
| 25. | Berlin Process - WB6  | <i>Advances integration processes in the Western Balkans. Four high-level summits have been held; the next summit being held in London. RYCO and TCT are the result of agreements reached so far. Currently, the creation of the Regional Economic Area is being considered, for which the Multi-annual Action Plan (MAP) has been approved.</i> |                                    |
| 26. | Centre for Security Cooperation – RACVIAC   | <i>Aims to provide weapons control training, promote confidence, build security and expand co-operation in Southeast Europe.</i>   | Kosovo invited to participate      |
| 27. | Migration, Asylum, Refugees Regional Initiative - MARRI                             | <i>Promotes regional cooperation and a comprehensive and harmonized approach in the areas of migration, asylum, border controls, visa regime, integration and refugee return</i>   |                                    |
| 28. | Western Balkans Research and Innovation Centre - WISE                               | <i>Supports the strengthening of regional and international cooperation, improving the Western Balkans' climate for research and innovation</i>  |                                    |

|     |  |   |                                |
|-----|--|---|--------------------------------|
| 29. | Western Balkans Fund – WBF   | <i>Promotes cooperation between members, strengthening regional relations and cohesion, to advance EU integration process</i>   |                                |
| 30. | Regional Youth Cooperation Office - RYCO   | <i>Institutional mechanism that functions independently, established by WB6 participants to promote the spirit of reconciliation and cooperation among young people in the region through exchange programs</i>   |                                |
| 31. | Transport Community Treaty – TCT   | <i>Deeper integration of the Western Balkans with the EU transport market towards common standards, network efficiency, and quality of services provided to citizens and businesses</i>   |                                |
| 32. | South East European International Institute for Sustainable Technologies                           | <i>Cooperation in the field of science, technology, and industry, namely the training of young talents based on the transfer of knowledge and technology from European centers.</i>   |                                |
| 33. | Regional Environmental Centre For Southern and Central Europe - REC                                | <i>Projects focused on environmental governance, low carbon economy, climate change adaptation, natural resource management, and environmental protection</i>   |                                |
| 34. | Business Advisory Council for South Eastern Europe - BACSEE  | <i>Advisory body consisting of 35 international investors and business representatives from more than 20 countries</i>  |                                |
| 35. | Steering Platform for Research in Western Balkans - WBC-RTI  | <i>Advancing the integration of the Western Balkans in the European Research Area within the perspective of EU membership</i>   |                                |
| 36. | WB6 Advocacy Group   | <i>Initiative of Western Balkan think tanks aimed at facilitating and assisting the enlargement of the European Union to the Western Balkans</i>  |                                |
| 37. | South East Europe Regional Council - International Council on Large Electric Systems – SEERC CIGRE | <i>CIGRE is an international non-profit organization that promotes collaboration between experts from around the world to share experiences, join forces and share knowledge to improve electrical systems</i>  |                                |
| 38. | Police Cooperation Convention for Southeast Europe - PCC SEE                                       | <i>The Convention provides modern forms of co-operation between its Contracting Parties, such as joint threat analysis, liaison officers, prompt prosecution, witness protection, cross-border surveillance, controlled surrender, covert crime investigations, and the prevention of criminal offenses</i> | Kosovo's membership as 'guest' |
| 39. | Cetinje Parliamentary Forum - CPA  | <i>Regional Parliamentary Cooperation Initiative in Southeast Europe on its path to the EU</i>  |                                |

### 3. LEVEL OF IMPLEMENTATION OF THE AGREEMENTS

[illegible]

## 4. TEXTS OF TECHNICAL DIALOGUE AGREEMENTS

| FREEDOM OF MOVEMENT, <i>Agreed Conclusions</i>   | 2 July 2011 |
|--|-------------|
| <ol style="list-style-type: none"> <li>1. Residents of each party should be able to travel freely within or through the territory of the other;</li> <li>2. Each party will apply, as soon as operationally feasible, a TD card system for cross border/boundary travel of residents from the other party;</li> <li>3. Each party may apply a system whereby ID cards will be accompanied by written 'entry/exit' documents<sup>1</sup> for persons from the other party who wish to transit to a third country;</li> <li>4. As an interim solution, each party will enable residents of the other to purchase border/boundary insurance. Under the auspices of the EU, the parties will continue to work for a commercial arrangement on mutual vehicle insurance cover so that all vehicles are covered on both sides of the border/boundary as soon as possible;</li> <li>5. Each party will take all necessary measures to enable residents of the other party to travel freely within or through the territory of the other using driving licenses issued by their own authorities;</li> <li>6. As an interim measure, the authorities in Kosovo will extend the validity of KS vehicle license plates for an initial period of five years at the end of which the issue will be reviewed by the two parties (with the facilitation by the EU if required);</li> <li>7. All car owners residing in Kosovo will use either RKS or KS (as per bullet 6 above) vehicle license plates. These will be issued by the relevant authorities in Kosovo and distributed with facilitation by EULEX where required. Each party will do its best to ensure the implementation of the above;</li> <li>8. As an interim measure, the authorities in Belgrade will enable vehicles from Kosovo bearing KS vehicle license plates to travel freely in or through its territory;</li> <li>9. As an interim measure, for every car owner who wishes, temporary vehicle license plates will be made available at the relevant border/boundary crossings;</li> <li>10. With regard to readmission, and taking account of Pristina's obligations in this area, the arrangements agreed above will not create new obligations for Belgrade to accept readmission requests for persons holding Kosovo documents within the context of the existing readmission agreement between Belgrade and the EU;</li> <li>11. An implementation group will be set up, chaired by the EU, by mid-July, that will start preparing implementation in order to ensure that all arrangements above and any necessary follow up will be applied as soon as operationally feasible, bullet 7 arrangements will be applied from 1 November 2011;</li> <li>12. All exit / entry documents will contain neutral language.</li> </ol> |             |
| <sup>1</sup> All input-output documents will contain neutral language  |             |

| FINAL OPERATIONAL CONCLUSIONS, FREEDOM OF MOVEMENT IMPLEMENTATION GROUP  | 29 November 2011 |
|--|------------------|
| <ol style="list-style-type: none"> <li>1. The operational conclusions of the Dialogue on Freedom of Movement of 2 July 2011 are fully implemented on 29 November 2011;</li> <li>2. Residents of Kosovo travelling in or through Serbia will receive an entry/exit document;</li> <li>3. Residents of Serbia travelling in or through Kosovo will receive an entry/exit document;</li> <li>4. The final entry/exit documents from each side are attached to these conclusions;</li> <li>5. Upon request for confirmation of identity, the ID card is shown together with the entry/exit document);</li> <li>6. The entry/exit document is called entry/exit document. The language on the entry/exit document will be procedural only: 'the entry/exit document must not be lost and in case of loss, the respective individual must refer to the nearest police station to get a receipt that he/she lost the entry/exit document etc.;</li> <li>7. The entry/exit document will not contain a photograph;</li> <li>8. Minors that are travelling with a birth certificate will get their own entry/exit document and will need to bring a photograph to make the system secure against child trafficking;</li> <li>9. Initially, two crossing, one between Serbia and Hungary (Horgosh) and one between Serbia and Croatia (Batrovci) will be opened for entering/leaving Serbia. Gradually, all other crossings will be opened thereafter;</li> <li>10. Initially, Gates 1, 3 and 5 will be opened. Gradually, all other crossings will be opened thereafter;</li> <li>11. Noting the conclusions on IBM, the parties agreed to look at the transition period for implementation of bullet 7 on license plates of the operational conclusions on Freedom of Movement in the light of the situation on the ground;</li> <li>12. KS vehicle license plated cars will be able to travel in/through Serbia;</li> <li>13. A border/boundary insurance scheme will be introduced at each side. The cost of the insurance will be in accordance with the pricing list of an applicable border/boundary insurance which currently foresees as shortest period one month on the Belgrade side. The Belgrade side will make every effort to introduce cheaper insurance policies for shorter periods within a matter of weeks;</li> <li>14. Simultaneously, the parties will, under the auspices of the EU/Council of Bureaux, continue to work for a commercial arrangement on mutual vehicle insurance cover so that all vehicles are covered on both sides of the border/boundary as soon as possible;</li> <li>15. RKS vehicle license plates will be exchanged with temporary vehicle license plates on the Serbian side. As soon as operationally possible, a diminished fee will be charged for the temporary vehicle license plates. The Pristina side will charge the same fee;</li> <li>16. The Kosovo side reserves itself the right to, after consultation with the EU, apply a temporary vehicle license plate regime as well;</li> <li>17. Initially, the temporary vehicle license plates as they currently are, will be used;</li> <li>18. Belgrade and Pristina committed themselves to work on introducing a 'neutral' temporary vehicle license plate as soon as operationally feasible;</li> </ol> |                  |



| ARRANGEMENTS CONCERNING THE FINALIZATION OF IMPLEMENTATION OF 2011 FREEDOM OF MOVEMENT  | 14 September 2016 |
|---|-------------------|
| <ol style="list-style-type: none"> <li>1. The parties agree to cover relevant parts of the respective license plates with two white stickers.</li> <li>2. This sticker regime will enter into force on 15 November 2016.</li> <li>3. The administrative infrastructure for the issuance of all documents needed to register vehicles with license plates issued by Kosovo authorities will be in place in November 2016.</li> <li>4. The registration of all vehicles with license plates issued by Kosovo authorities (KS/RKS) will commence on 15 January 2017 and will last for 12 months at the end of which the issue will be reviewed by the two parties with facilitation by the EU.</li> <li>5. Kosovo will extent the validity of KS license plates for 5 years at the end of which the issue will be reviewed by the two parties (with the facilitation by the EU if required).</li> <li>6. Exceptions from duties and fees for the registration of vehicles will be granted by Kosovo in the same manner as in previous such occasions. Close and swift cooperation will be established between the two parties to verify legal ownership of vehicles.</li> <li>7. An information campaign will be carried out by the two parties and the EU to explain to the affected residents' modalities for re-registering vehicles. Further discussions on scope and modalities of such an information campaign will be discussed in the implementation group.</li> <li>8. License plates affected by the registration process will not be affected by the sticker regime.</li> <li>9. Due to the sensitivities attached to the above, parties agree to review implementation of these conclusions at regular intervals.</li> </ol> |                   |

| CIVIL REGISTRY BOOKS, <i>Agreed Conclusions</i>   | 2 July 2011 |
|---|-------------|
| <ol style="list-style-type: none"> <li>1. The parties will jointly make every possible effort to establish a fully reliable civil registry in Kosovo;</li> <li>2. A tripartite 'joint' committee, consisting of civil registry experts from the two parties and EULEX, the latter acting as a chairperson, will be established to identify gaps in missing original pre-1999 civil registry books;</li> <li>3. EULEX will certify copies of all original civil registry books from Kosovo, municipality by municipality, in consultation with experts from both sides if required. EULEX will process the certified copies in order to establish a fully reliable civil registry in Kosovo;</li> <li>4. Upon request, EULEX will be ready to provide specific information from Kosovo.</li> </ol> |             |

| UNIVERSITY DIPLOMAS, <i>Agreed Conclusions</i>   | 2 July 2011 |
|--|-------------|
| <p><b>2 JULY, 2011</b></p> <ol style="list-style-type: none"> <li>1. In line with European best practices, students should have access to education programs and employment opportunities throughout the region to make best use of their skills and talents.</li> <li>2. The two parties have agreed in principle to resolve the question of the acceptance of university either through a mutually agreed international body or through a third-party academic institution.</li> <li>3. The details will be finalized at the next meeting of the Dialogue.</li> </ol> <p><b>21 NOVEMBER, 2011</b></p> <ol style="list-style-type: none"> <li>1. On the basis of the operational conclusions of 2 July 2011 on the acceptance of university diplomas, the parties agree to require the European University Association to certify university diplomas issued by universities of each party for use by the other in connection with further education and/or public employment;</li> <li>2. Upon verification that university diplomas are issued by authorized institutions in line with European best practices, the certification will be done by a Committee of European academic experts, established by the European University Association.</li> <li>3. Diploma supplements and the transcript of the records in the format of those tabled during the Dialogue will be attached to the university diploma. It will be up to the authorities of either party to decide which of the documents are valid for this process, provided that the effect is the acceptance of the qualification presented by the diploma;</li> <li>4. The EU will make every effort to ensure the implementation of above conclusions from 1 January 2012;</li> </ol> |             |

| CONCLUSIONS ON MUTUAL RECOGNITION OF DIPLOMAS BASED ON THE ORIGINAL AGREEMENT OF 2011  | 19 January 2016 |
|--|-----------------|
| <ol style="list-style-type: none"> <li>1. Acknowledging the limited progress achieved in the implementation of the 2011 Agreement on mutual recognition of diplomas, the Parties agree to renew their efforts and build on the experience to overcome challenges and simplify processes.</li> <li>2. Parties agree to implement the agreement on diplomas following certification by the EUA. Recognition will be divided into professional and academic. Professional recognition will be performed by the respective relevant governmental bodies, within a maximum of 90 days after receipt of the application and with a ceiling limit fee of equivalent to 50 euros or an equivalent amount. Professional recognition will be deemed sufficient for employment opportunities, including in governmental bodies. Academic recognition will be needed only for the continuation of studies; procedures will depend on the individual higher education institution and will have an overall deadline of five months.</li> <li>3. All EUA certificates previously obtained will be recognized by the Parties and diplomas certified by the EUA can be directly submitted for recognition. All previous recognitions of diplomas will be treated as valid. The implementing partner will provide the Parties with information on the nature of the applicant's request (professional or academic) within a maximum period of two months. In addition, Parties agree to exchange all relevant information on requisite procedures, including fee costs, by the end of February 2016.</li> <li>4. The agreement on diplomas and these conclusions apply only to all accredited higher education institutions and programs by relevant respective bodies of parties, Belgrade and Pristina respectively. The Parties will exchange the list of accredited Higher Education Institutions by the end of February 2016.</li> <li>5. The Parties agree that this procedure applies to the following levels of education: Bachelor, Master and PhD. The Parties also agree to recognize the diplomas of elementary, secondary, vocational education, and the fifth level of qualification as per European Qualification Framework (EQF), for which modalities of implementation will be discussed in the next meeting.</li> <li>6. Building on the above, the Parties agree to commence phase two of the original project.</li> <li>7. The EU will establish a tripartite implementation group by the end of February 2016 to monitor the implementation of these agreements and conclusions.</li> <li>8. Concurrent implementation of the agreement on Mutual Recognition of Diplomas by both Parties will resume on 1 March 2016.</li> </ol> |                 |

| UNIVERSITY DIPLOMAS - <i>Operational conclusion of the working group</i>  | 21 March 2016 |
|---|---------------|
| <ol style="list-style-type: none"> <li>1. Parties informed each other of their respective procedures for the recognition of Higher Education Institution diplomas for professional and academic use, primary, secondary and vocational training diplomas and for diploma of the fifth level of qualification as per European Qualification Framework (EQF) and PhDs.</li> <li>2. Parties agree to fully respect deadlines/fees as stipulated under the conclusions of January 2016</li> <li>3. Parties agree that all previously certified EUA diplomas submitted for recognition will start to be processed as of 4 April 2016 and recognition procedures will be completed in line with the deadlines as stipulated under the conclusions from January 2016.</li> <li>4. Parties handed over to the EU chair the respective list of accredited Higher Education Institutions. The EU chair will share them with parties</li> <li>5. The EU will move forward on the project(s) to select implementing partners (for certifying and administrative purposes) and will keep parties informed of progress.</li> <li>6. In the meantime, respective ministries from the parties will collect applications for recognition of diplomas as of 4 April 2016 and will hand them over to the implementing / administrative partner once selected. Parties will submit relevant email addresses asap. The EU will issue press releases through their Representations in Belgrade and Pristina, informing the public.</li> <li>7. Parties agreed to the following Terms of References for the Tripartite Implementation Group - TIG: <ul style="list-style-type: none"> <li>▪ The current working group on diploma will act as the TIG.</li> <li>▪ The TIG will be chaired by the EU and will meet at least twice a year or more often upon the request of the parties.</li> <li>▪ The TIG will monitor the implementation of the agreements on diplomas and the conclusions on mutual diploma recognition based on the original agreements from 2011.</li> <li>▪ The implementing/administrative partner in cooperation with the respective ministries from both parties will regularly report to the TIG about the number of submitted, certified, granted and rejected requests for recognition, with reasons for rejections, at least every six months</li> <li>▪ The TIG will be entitled to request information about disputed cases.</li> </ul> </li> </ol> <p>The TIG can propose measures to settle potential disputes over the implementation of the agreements and conclusions/can suggest adequate remedies.</p> |               |

**EU GUIDANCE ON MUTUAL DIPLOMA RECOGNITION BASED ON THE ORIGINAL AGREEMENT FROM 2011****4 April 2016**

In the context of the EU facilitated dialogue for the normalization of relations between Kosovo and Serbia, both parties reconfirmed to implement the agreement on mutual acceptance of professional and academic diplomas.

Diplomas will initially be certified by an EU chosen organization. Following this certification, application for recognition can be submitted to the relevant institutions of each party. Recognition will be divided into professional and academic.

Professional recognition will be performed by the respective relevant governmental bodies, within a maximum of 90 days after receipt of the application and with a ceiling limit fee of equivalent to 50 euros or an equivalent amount. Professional recognition will be deemed sufficient for employment opportunities, including in governmental bodies.

Academic recognition will be needed only for the continuation of studies; procedures will depend on the individual higher education institution and will have an overall deadline of five months.

All EUA certificates previously obtained will be recognized by the Parties. Diplomas certified by the EUA already can be directly submitted for recognition. The parties will process these as of 4 April 2016. All previous recognitions of diplomas will be treated as valid.

Moreover, the Parties agreed to expand the scope of the 2011 agreement to include the following levels of education: Higher Education (Bachelor, Master and PhD) and Pre-University Education (elementary, secondary, vocational education, and the fifth level of qualification as per European Qualification Framework).

The European Union will continue supporting the process by funding a project that will facilitate the implementation of the agreement at the initial certification state. Details for the modalities of the project and the selected implementing partner (s) will be announced at a later stage.

In the meantime, interested applicants are asked to approach respective ministries of education in order to submit their applications.

**In Pristina, please contact:**

*For Pre-university diploma recognition:*

Ministry of Education, Science and Technology  
Email: avni.rexha@rks-gov.net, Web: www.masht-gov.net  
Str: Agim Ramadani, 10000 Prishtina, Kosovo

*For academic and professional recognition:*

Ministry of Education, Science and Technology  
Email: Qamile.sinanaj@ks-gov.net, Web: www.masht-gov.net  
Str: Agim Ramadani, Post code: 10000 Prishtina, Kosovo

**In Belgrade please contact:**

*For pre-university, academic and professional recognition:*  
Ministry of Education, Science and Technological  
Development

Email: diplomekim@mpn.gov.rs  
Web: http://www.mpn.gov.rs/  
22-26 Nemanjina street  
11 000 Belgrade

**CADASTRAL RECORDS****2 September 2011**

1. In order to protect the rights of people with legitimate claims to property, the parties will jointly make every effort to establish a fully reliable cadastre in Kosovo;
2. A tripartite implementation group, consisting of cadastral experts from the two parties and chaired by the EU will monitor the work of a technical agency, (selected by the EU after consultation with both parties), whose role will be to identify gaps in original pre1999 cadastral records;
3. The EUSR will receive scanned copies of all original pre-1999 cadastral records removed from Kosovo. Upon request, the EUSR will provide specific information from Kosovo;
4. The technical agency, mentioned in bullet 2, will compare all copies of the original pre1999 private property cadastral records<sup>1</sup> with the reconstructed Kosovo cadastre. Cases where the comparison shows the records not to be the same will be transferred by the tripartite implementation group to an adjudication mechanism in Kosovo. This adjudication mechanism will make a final determination as to which cadastral record is correct;
5. The first instance in the adjudication mechanism will be undertaken by a Commission consisting of international and cadastral and property experts from Kosovo. The majority of the experts will be appointed by the EUSR, taking into account the interests of all communities concerned;
6. The Kosovo Supreme Court will act as the second, appeal, instance of this adjudication mechanism. Decisions by the Kosovo Supreme Court will be taken by a panel in which international judges will hold the majority and will be final and enforceable and not subject to challenge;
7. Decisions resulting from above adjudication mechanism will be notified to all stakeholders concerned. The Kosovo Cadastre Agency will implement the final decisions resulting from above adjudication mechanism by effecting the necessary changes in the Kosovo cadastre;
8. The tripartite implementation group will monitor the quick implementation and functioning of the above arrangements and will regularly brief the Dialogue on progress;

<sup>1</sup>. This will include private property, private commercial property and private church property cadastral records.

| CUSTOMS STAMPS   | 2 September 2011 |
|--|------------------|
| <ul style="list-style-type: none"> <li>▪ The parties will make every possible effort to ensure free movement of goods in accordance with CEFTA;</li> <li>▪ The Customs stamps, stating 'Kosovo Customs', as confirmed to all CEFTA parties, will be accepted;</li> <li>▪ All accompanying documents and communication will also reflect this usage;</li> </ul> |                  |

| CUSTOMS LICENSING <i>Conclusions</i>  | 16 December 2014 |
|---|------------------|
| <ol style="list-style-type: none"> <li>1. A meeting of all relevant Kosovo institutions and companies registered in the four northern municipalities needing licenses to import controlled goods will be organized on 22 December 2014 by MNAO in suitable premises in Mitrovica North. The meeting will allow for these companies to submit an application for license.</li> <li>2. As per conclusions on 5 November 2013, licenses will be issued in accordance with Kosovo legislation.</li> <li>3. As per conclusions on 17 January 2013, companies in the four northern municipalities established before that day will not need to present, when applying for licenses, documentation from the Kosovo Tax Administration (fiscal number, VAT number), registration number, Kosovo IDs or court attestations.</li> <li>4. Companies from the four northern municipalities, which do not submit applications for licensing for importation of controlled goods before 31 December 2014 will no longer be able to continue importing after that date, without proper licensing documents issued in accordance with Kosovo legislation.</li> <li>5. Companies from the four northern municipalities, which submit applications for licensing for importation of controlled goods before 31 December 2014 will be able to continue importing until a final decision of relevant Kosovo institution is taken and notified to the company.</li> <li>6. Belgrade party will present their lists of essential medicines (for in-patients and outpatients' treatments) used in public health institutions by 22 December 2014.</li> <li>7. The deadline for licensing of medicines presented by the Belgrade Party will be prolonged until 30 May 2015. The licensing will be done in accordance with Kosovo legislation. In order to ensure that the medicines will be licensed until 30 May 2015, the other party should submit all the documents as soon as possible including CPP, provided the form of CPP is agreed in line with the customs, phytosanitary and veterinary documents.</li> <li>8. Until 30 May 2015, import of these medicines will be regulated by the regime of humanitarian imports provided by the Kosovo legislation.</li> </ol> |                  |

| IBM, INTEGRATED BORDER MANAGEMENT <sup>1</sup> , AGREED CONCLUSIONS  | 2 December 2011 |
|--|-----------------|
| <ol style="list-style-type: none"> <li>1. In line with the Lisbon Treaty and relevant EU legislation<sup>2</sup> and given that both parties are part of EU's Western Balkans agenda, they will be required gradually to harmonize their legislation with the EU acquis and in particular to apply the concept of IB;</li> <li>2. In the interest of faster and more effective processing, the parties, under the overall guidance of the EU, will apply the concept of IBM;</li> <li>3. The Parties intend gradually to set up joint integrated posts at all their common IBM crossing points. This cooperation will follow the best European practice as it is progressively further developed by the European Commission. The work will be given a high priority; the projects will be identified jointly and will be implemented as soon as practically possible;</li> <li>4. The joint, integrated, single, and secure posts will be located within a 'common area of IBM crossing points', jointly delineated, where officials of each party carry out relevant controls. Exceptionally and limited to the common IBM areas, the parties will not display the symbols of their respective jurisdictions.</li> <li>5. The arrangements will include a balanced presence, in line with requirements, from both parties of the all related services such as customs, police, etc., and will cover matters such as the location of the crossing's points, the nature of facility, opening hours, etc. In line with, and during the duration of its mandate<sup>3</sup>, at the crossing points Jarinje/Jarinjë / Rudnica and Tabavije / Brnjak/Bërnjak, this presence will include EULEX officials. EULEX will also be present at crossing points Bela Zemlja/Dheu i Bardhë / Konçul, Merdare/Merdarë / Merdarë, Mutivode/Mutivodë / Mutivode/Mutivodë and Depce / Muçibaba/Muçibabë;</li> <li>6. At the core of the arrangement there will be a clear assignment of applicable legal responsibilities and liabilities to each party's jurisdiction;</li> <li>7. A tri-partite implementing group, chaired by the EU, will be established to implement above arrangements as soon as practically possible. For that purpose, a technical Protocol will be developed and signed, if necessary, separately with the EU, which will take account of the parties' different views on the question of status. The implications of these conclusions will be taken into account in implementing freedom of movement;</li> <li>8. This agreement does not cover any general or specific revenue or fiscal matters;</li> </ol> |                 |
| <p><sup>1</sup> One party recognizes the line as a border; the other party recognizes the line as an administrative boundary.</p> <p><sup>2</sup> As defined especially in the Schengen Borders Code, Frontex Regulation, Local Border Traffic Regulation, VIS Regulation Community Code on Visas;</p> <p><sup>3</sup> As defined by Council Joint Action 2008/124 CEFSP, Article 3, Section a;</p>  |                 |



**IBM1, TECHNICAL PROTOCOL FOR IMPLEMENTATION OF THE AGREED CONCLUSIONS (2.12.2011)**
**23 February 2012**
**A. General Provisions**

1. In line with the IBM Agreed conclusions, with the Lisbon Treaty, and relevant EU legislation<sup>2</sup> and given that both Parties are part of the EU's Western Balkan agenda, they will be required gradually to harmonize their legislation with the EU acquis and in particular will be required to apply the concept of IBM as defined in the Council Conclusions of 4-5 December 2006;
2. Acting in good faith, The Parties will gradually establish and start operating the common IBM crossing points (hereinafter referred to as 'CP') Jarinje/Jarinjë/Rudnica-Jainjë/Rudnice, Tabavije/Bërnjak- Tabaliye/Brnjak/Bërnjak, Bela Zemlja/Končulj-Bela Zemlja/Dheu i Bardhë/Konqul, Merdare/Merdarë/Merdarë-Merdare/Merdarë/Merdare/Merdarë, Mutivode/Mutivodë/Mutivode/Mutivodë-Mutivode/Mutivodë/Mutivode/Mutivodë and Depce/Muçibaba/Muçibabë-Depce/Muçibaba;
3. The 'CPs' will be located in a common IBM zone of 'CP', (hereinafter referred to as 'ZCP') where a balanced presence of all competent authorities, in line with requirements, such as Customs, Police, Phytosanitary and Veterinary, auxiliary and other services of each Party will carry out controls separately of each other within their part of the ZCP in accordance with their respective applicable legal responsibilities and liabilities under its respective jurisdictions, with full respect for human rights guaranteed by European and international standards;
4. The establishment of 'CPs' within 'ZCP' will simplify and facilitate the implementation of activities related to the control of persons, goods and vehicles at the 'CP', and in the interest of facilitating the crossing of persons, vehicles and goods, as well as preventing, detecting and investigating any criminal activities;
5. The Parties will commence by establishing and operating the 'CPs/ZCP' Jarinje/Jarinjë/RudnicaJainjë/Rudnice, Bela Zemlja/Dheu i Bardhë/Konqul-Bela Zemlja/Končulj, Tabaliye/Brnjak/Bërnjak/ Tabaviye/Bërnjak and Merdare/Merdarë/Merdarë-Merdare/Merdarë/Merdare/Merdarë. The establishment and operating of the 'CPs/ZCP' Depce/Muçibaba/Muçibabë-Depce/Muçibaba and Mutivode/Mutivodë/Mutivode/MutivodëMutivode/Mutivodë/Mutivode/Mutivodë will be commenced at a later stage;
6. In line with, and for the duration of its mandate<sup>3</sup> at the 'CPs/ZCP' Jarinje/Jarinjë/RudnicaJainjë/Rudnice and Tabaliye/Brnjak/Bërnjak Tabaviye/Bërnjak, this presence will include EULEX officials. EULEX will also be present at the 'CPs' Bela Zemlja/Končulj-Bela Zemlja/Dheu i Bardhë/Konqul, Merdare/Merdarë/Merdarë-Merdare/Merdarë/Merdare/Merdarë, Mutivode/Mutivodë/Mutivode/MutivodëMutivode/Mutivodë/Mutivode/Mutivodë and Depce/Muçibaba/Muçibabë-Depce/Muçibaba;
7. The European Commission (Directorate-General for Enlargement/DG ELARG) will, after consultation with The Parties and EULEX, explore possibilities for the funding of the development of the 'CP/ZCP'. Furthermore, possibilities for co-financing of the 'CP/ZCP' between the Parties will be explored;
8. Pending the financial procedures as mentioned in paragraph 8, The Parties will explore the possibility for the rapid establishment of interim facilities for the presence of services as specified under paragraph 3. The EU will make its best efforts to engage with The Parties on the implementation of this as soon as practically possible after the Technical Protocol comes into effect;
9. Freedom of Movement will proceed as agreed in the Dialogue conclusions;

**B. Implementation Group**

10. A new tri-partite implementation group (hereinafter referred to as IG), as foreseen to be established by the Dialogue conclusions and chaired by the EU, will be established after the conclusion of this Technical Protocol and will be responsible for the implementation of this Technical Protocol, will be able to propose measures or solutions regarding questions associated with the implementation of this Technical Protocol, and propose measures for the resolution of disputes and/or conflicts. The IG will agree its own ToRs;
11. The IG will meet on a bi-annual basis on a senior level. In addition, the IG can be convened at this level upon request by any of The Parties.
12. Other formats/levels of the IG are specified in Section E of this Technical Protocol;

**C. 'CP/ZCP'**

13. Through this Technical Protocol, The Parties will, within a jointly delineated 'ZCP', establish appropriate 'CP' facilities and infrastructure for a balanced presence, in line with operational requirements, of all competent authorities of each Party for the carrying out of controls in accordance with their respective applicable legal responsibilities and liabilities;
14. The joint, integrated, single and secure posts will be located within a 'common area of IBM crossing points', jointly delineated, where officials of each party carry out relevant controls. Facilitated by the EU, the IG will work out and agree details for the establishment of the 'CP/ZCPs', taking into account the terrain and technical considerations on the ground. Each party will make necessary arrangements for the provision of the location of the 'CP/ZCPs' in its respective territory;
15. The 'ZCPs' will include sections of road, facilities, ancillary facilities, such as rest rooms, fencing and lightning, and any other space or facility necessary for implementing relevant controls/procedures by the relevant competent authorities;
16. The design of each 'CP/ZCP' should follow the template 'CP/ZCP' discussed between the parties, which will be adapted to the requirements/needs/traffic/terrain for/of each 'CP/ZCP';
17. Each Party will cover costs for operating/maintaining its part of the 'CP/ZCP';
18. The 'CP/ZCP' will be operated 24/7. The Parties will inform each other on their respective procedures for processing persons, vehicles and goods and on any changes to them;
19. The Police will operate at all 'CP/ZCP' a usual shift pattern of twelve (12) hours, which will be harmonised between the Parties in order to ensure an uninterrupted flow of persons, vehicles and goods across the 'CP/ZCP'. Further details will be worked out and agreed by the IG. Customs will operate a similar shift pattern at all 'CP/ZCP' with the exception of Mutivode/Mutivodë/Mutivode/Mutivodë-Mutivode/Mutivodë/Mutivode/Mutivodë, where Police will be the only authority present. Veterinary and Phytosanitary Services will operate only within Inland Clearance Terminals with a usual shift pattern of twelve (12) hours, which will be harmonised between The Parties in order to ensure an uninterrupted flow of persons, vehicles and goods across the 'CP/ZCP'. Processing/movement of livestock and plants will be undertaken at the 'CP/ZCPs' Merdare/Merdarë/Merdarë-Merdare/Merdarë/Merdare/Merdarë and Jarinje/Jarinjë/Rudnica-Jainjë/Rudnice.



20. While carrying out official duties in the 'ZCP' officials from both Parties will enjoy applicable and relevant privileges and immunities and will only answer to their competent authorities of origin;
21. Officials from each Party, entering or exiting and while carrying out their official duties in their area of the 'ZCP' have to wear their official uniforms and badges.
22. Officials from each Party will carry an official identity card and an official authorisation, which gives the official the right to enter and work in their part of the 'ZCP'. The respective identity card must be issued by each party's competent authority. Each Party informs the other on which identity cards are valid for entering/exiting the 'ZCP'.
23. In its part of the 'ZCP', the use of force and other law enforcement measures by each Party is regulated by its respective legislation;
24. Exceptionally, and limited to the 'ZCP', The Parties will not display symbols of their respective jurisdictions<sup>4</sup>;
25. Functional information in the 'ZCP' will be displayed in the official languages. In addition, texts will be displayed in English;

#### **D. Functioning of the 'CP/ZCP'**

26. Within the 'ZCP' the processing of persons, vehicles and goods by officials from the territory of exit will proceed to be processed by officials from the territory of entry. After departure from the territory of exit, persons, vehicles and goods can no longer be processed by officials from the territory of exit unless denied entry by officials from the territory of entry;
27. Persons and goods that were denied entry into the territory of entry must return to the territory of exit;
28. Each Party's legislation concerning asylum and migration applies;
29. Eased traffic controls may be established in case of extraordinary and unforeseen circumstances, caused by unusual and increased levels of traffic flows. In such cases, the competent authorities of each Party will undertake relevant and applicable control measures to ease traffic congestions. Such eased control measures will only be established on a temporary basis. The IG will work out and agree further details subject to circumstances as required;
30. The Parties will draft and put into effect contingency plans to cater for any unpredictable and/or unforeseeable events. In such cases, The Parties, upon request, will provide each other with mutual assistance. Details will be worked out and agreed by the IG;

#### **E. Exchange, processing and use of information**

31. Without prejudice to any obligation that The Parties have entered into with the EU and/or other international organizations, The Parties will establish mechanisms for the purpose of exchanging information and other data from the areas which are or may be of relevance to the prevention, detection and investigation of criminal activities as well as for protection of lives and health of people, animals and plants, environment and food safety in their respective areas of responsibilities, including exchange of statistics of movement of persons and goods as well as illegalities detected;
32. Neither Party will use any information and other data provided by the other party for matters other than those set out in Paragraph 31, nor will make such information available to another Party except for other relevant EU bodies. All processing of information will be undertaken in full compliance with EU data protection and processing standards;
33. The IG, formatted to meet relevant requirements as specified in this section E, will be responsible for ensuring that information is exchanged, processed and used;
34. Regular meetings will be held at regular intervals at all relevant levels (local, regional, central). The frequency of these meetings will be regulated and agreed by the IG;
35. The IG will draft/adopt detailed provisions for the exchange, processing and use of information and other data as specified in paragraph 32, in full compliance with EU standards;
36. The EU will make best efforts to facilitate that The Parties to the IG will exchange information through EU established regional initiatives/projects/systems (i.e. Systematic Electronic Exchange of Data (S.E.E.D.) etc.);

#### **F. Responsibilities/Liabilities**

37. For any misconduct or criminal offences as well as for any liabilities and damages in connection with the carrying out of official duties in the 'ZCP', The Party that has assigned the official that has committed any such action will be responsible and the legislation of the relevant Party applies/the relevant law enforcement authorities are responsible;
38. The Party immediately informs the other party in case of misconduct or a criminal offence by one of their officials;
39. Facilitated by the EU, The Parties will aim to establish mutual legal assistance;

#### **G. Final provisions**

40. Facilitated by the EU, the implementation of this Technical Protocol will start once the Technical Protocol is signed. For that purpose, the IG will be convened after signature of the Technical Protocol;
41. Change to this Technical Protocol will be worked out and agreed by the IG;
42. After consultations with the EU, each Party is free to notify its denouncement of this Technical Protocol, which will be affected through notification to all Parties to this Technical Protocol. The denouncement will come into effect twelve months after notification;
43. After the denouncement of this Technical Protocol, assets provided by each Party will remain the property of that Party. Assets provided through EU funding will be handled in line with provisions in the relevant Terms of References and/or contracts;

<sup>1</sup> One party recognizes the line as a border; the other party recognizes the line as an administrative boundary.

<sup>2</sup> As defined especially in the Schengen Border Code, Frontex Regulation, Local Border Traffic Regulation, VIS Regulation and Community Code on Visas.

<sup>3</sup> As defined by Council Joint Action 2008/124 CEFSP, Article 3, Section a.

<sup>4</sup> This is further defined through letter of the Facilitator to each party of 6 December 2011.

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|---|-------------------------|
| <b>FINAL ACTION PLAN OF THE IMPLEMENTING GROUP FOR THE TECHNICAL PROTOCOL (MIK), available at: <a href="http://kryeministri-ks.net/wp-content/uploads/docs/ZKM-ALB-IBM_Action_Plan_final_-_04_December_2012_(2).pdf">http://kryeministri-ks.net/wp-content/uploads/docs/ZKM-ALB-IBM_Action_Plan_final_-_04_December_2012_(2).pdf</a></b>  | <b>4 December 2012</b>  |
| <b>PROCEDURES ON MUTUAL LEGAL ASSISTANCE</b>  | <b>13 December 2012</b> |
| <p>Letter from Fisnik Rexhepi, Kosovo Coordinator for GI MiK to Mr. Gentilini</p> <p>Recognizing that the efforts to uphold the Rule of Law are enhanced by adopting a collaborative approach and in line with the Technical Protocol for the implementation of the IBM<sup>1</sup> Agreed Conclusions of the Dialogue, the Parties agree to establish procedures that facilitate processing of Mutual Legal Assistance (MLA) requests:</p> <ol style="list-style-type: none"> <li>1. The Parties will establish a communication channel for MLA between their competent authorities, in line with each Party's relevant jurisdiction.</li> <li>2. The scope of requests to be transferred will comprise:             <ol style="list-style-type: none"> <li>2.1 General requests for MLA;</li> </ol> </li> <li>3. The Parties agree that EULEX, in line with, and for the duration of its mandate, will be requested to act as an intermediary, to facilitate communication by solely transmitting requests for MLA and responses thereto between the Parties. The Parties agree that EULEX, in line with, and for the duration of its mandate, cannot be held liable in any way for damages or responsible for failure of executing requests.</li> <li>4. Technically, the facilitation of communication between the Parties will be conducted as follows: the requesting Authority will hand over requests or responses to EULEX, in line with, and for the duration of its mandate. Upon receipt, EULEX, in line with, and for the duration of its mandate, will attach a cover letter, specifying the attachments, to the request or response and transfer it together with the enclosed documentation to the addressed Party as appropriate.</li> <li>5. The present Procedures shall not affect obligations of The Parties whether pursuant to applicable relevant jurisdiction, treaties or arrangements otherwise in force.</li> <li>6. The Parties will strive to settle any dispute that may occur in connection with the entering into, implementation or execution of these Procedures. Facilitated by EULEX, in line with, and for the duration of its mandate, The Parties will meet at least once a year for that and for the purpose of assessing and improving the implementation of these Procedures. In addition, The Parties can meet at the competent level upon request of any of The Parties, including EULEX, in line with, and for the duration of its mandate. EULEX, in line with, and for the duration of its mandate, will draft an official record, which will be agreed with The Parties.</li> <li>7. The Parties will each bear their costs and expenses incurred in connection with</li> <li>8. After consultation with the EU, each Party is free to notify its denouncement of these Procedures, which will be effect through notification to all Parties. The denouncement will come into effect three months after notification.</li> <li>9. Upon receipt of the written acceptance of these Procedures by each Party, the EU will notify the Parties of the entry into force of these Procedures.</li> </ol> <p><sup>1</sup> One side recognizes the line as the state border; the other party recognizes the line as the administrative boundary.</p> |                         |

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| <b>CONCLUSIONS, SEED Meeting, Rome, Italy</b>  | <b>24 January 2013</b> |
| <p>In line with Technical Protocol for implementation of the IBM1 agreed conclusion of the Dialogue of 2 December 2011, and the Final Action Plan for the Implementation Group (IG) for the Technical Protocol on IBM – 4 December 2012, the following conclusions have been reached:</p> <ol style="list-style-type: none"> <li>1. Both Parties (as defined in the Technical Protocol for implementation of the IBM agreed conclusion of the Dialogue of 2 December 2011) agree to the implementation of the SEED system for electronic data exchange.</li> <li>2. Both Parties agreed to exchange data, which is currently under their Customs' competencies, which is in case of one Party (Belgrade) means only transit declarations, including TIR and ATA carnets.</li> <li>3. The option for data processing via a single Middle server is the preferred choice for both Parties.</li> <li>4. With regard to the location of the Middle server, both Parties agreed to locations other than Belgrade and/or Pristina:             <ul style="list-style-type: none"> <li>▪ the first proposal agreed by both Parties was for the Middle server to be located within European Commission in Brussels;</li> <li>▪ the second preferred option is for the Middle server to be located within the Italian Customs Agency (ICA) (the implementing agency of the SEED Project) in Rome – this proposal is fully supported by the ICA General Director, who assured both Parties that all necessary assistance to guarantee the protection of the equipment and data would be provided;</li> <li>▪ the third option is to examine the possibility of locating the Middle server in one of the EU Delegation offices in the Region, other than Belgrade and/or Pristina;</li> </ul> <p>A decision on the location of the Middle server will be raised with the EU IBM Agreement Chief Negotiator and discussed with the members of the IG during his imminent visits to Belgrade and Pristina next week.</p> </li> <li>5. Within 7 days of receiving the decision for the location of the Middle server, the SEED Project Team agrees to produce an Action Plan for implementation, to include activities, timings and budget.</li> <li>6. In order to secure the funding for the implementation of SEED data exchange, the EU IBM Agreement Negotiator is required to send a formal request to DG Enlargement.</li> </ol> <p><sup>1</sup> One Party recognizes the line as a border; the other Party recognizes the line as an administrative boundary</p> |                        |

| BRUSSELS AGREEMENT ON LAYOUTS FOR THE IBM PERMANENT CROSSING POINTS BETWEEN TWO STATES   | 4 September 2014 |
|--|------------------|
| <ol style="list-style-type: none"> <li>1. In the framework of the EU facilitated dialogue between Belgrade and Pristina Parties met to discuss next steps in the implementation of the agreed IBM Technical Protocol from 2012.</li> <li>2. The Parties gave their agreement to the draft layouts for the IBM Permanent Crossing Points and signed the respective documents.</li> <li>3. The Parties also agreed to the way forward as proposed by DG Enlargement: <ul style="list-style-type: none"> <li>• The contractor (Safage) to finalise the FIDIC (Yellow Book) by the end of the 2014.</li> <li>• After conclusion of the Yellow Book, Design and Build Contract will go to tender.</li> <li>• The relevant respective IPA funds have already been earmarked and will be formally allocated in the coming month.</li> <li>• UNOPS will be responsible for the overseeing of the implementation of the next phase.</li> </ul> </li> <li>4. The Parties will be informed in due time by the EC (DG ENLARG) on progress achieved.</li> </ol> |                  |

| REGIONAL REPRESENTATION AND COOPERATION, <i>Agreed Conclusions</i>  | 24 February 2012 |
|---|------------------|
| <ol style="list-style-type: none"> <li>1. Both parties confirm their commitment to effective, inclusive and representative regional cooperation.</li> <li>2. To this effect 'Kosovo*' is the only denomination to be used within the framework of regional cooperation.</li> <li>3. The footnote to be applied to the asterisk in para 2 above will read "This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence"</li> <li>4. Kosovo*1 participates on its own account and speaks for itself at all regional meetings.</li> <li>5. Where new agreements are to be initiated and/or signed, a representative of "Kosovo*" will sign under the designation in paras 2 and 3 above.</li> <li>6. As concerns modifications to existing agreements signed by UNMIK, nothing in these conclusions will be interpreted as prejudicial to UNMIK's legal rights. A representative of the United Nations Mission in Kosovo (UNMIK) will be invited to meetings organized within the framework of arrangements for which it is a signatory. It is for UNMIK to decide whether to attend any particular meeting.</li> <li>7. Hosts of meetings will be encouraged to avoid the display of national symbols except for their own and those of the EU, taking into account the statutes of relevant organizations.</li> <li>8. The EU as Facilitator will inform relevant regional organizations and entities of these arrangements for denomination, representation and signature. they should be reflected in the practical organization of regional meetings_ The EU will monitor the implementation of these arrangements.</li> <li>9. Both parties and the EU will urge partners to support these arrangements and to assist in their implementation_</li> <li>10. The regional organizations referred to in these conclusions are existing and future intergovernmental organizations or arrangements whose aim is to promote cooperation or integration in the Balkan region. "Regional meetings" includes meetings of these organizations and also ad-hoc or informal meetings with similar aims. It also includes meetings with EU institutions in the context of the European agenda.</li> <li>11. These arrangements are adopted on an interim basis.</li> </ol> |                  |

## BRUSSELS AGREEMENT FOR CUSTOMS REVENUE COLLECTION

17 January 2013

Conclusions of the Chair, Customs WG, 10-17 January 2013:

In line with previous relevant Agreed conclusions, (in particular on IBM)<sup>1</sup>, with CEFTA agreement, the Lisbon Treaty, and relevant EU legislation<sup>2</sup> and given that both Parties are part of the EU's Western Balkan agenda, the Parties have agreed to the following:

**A. Collection of customs duties, excises duties and VAT:**

1. All goods, regardless of type, quantity and value, may enter Kosovo\* through the IBM CPs in Jarinje/Jarinjë/Rudnica-Jainjë and in Tabavije/Bërnjak - Tabalije/Brnjak.
2. For goods released into free circulation and destined for companies and undertakings registered and/or individuals residing in Leposaviq/ć, the north of Mitrovicë/a, Zubin Potok and Zvečan/Zvečan, all applicable customs and excise duties as well as VAT will be collected in accordance with paragraph 3 at the facilities located at the CPs in the common IBM zone (hereinafter referred to as "ZCP") if these goods entered via the Jarinje/Jarinjë/Rudnica-Jainjë and Tabavije/Bërnjak - Tabalije/Brnjak CPs. All other goods entering via the Jarinje/Jarinjë/Rudnica-Jainjë and Tabavije/Bërnjak - Tabalije/Brnjak CPs will be directed to the Mitrovicë/a south Terminal for release.
3. The release procedures, including all necessary controls, will be done on the Kosovo side by Kosovo authorities in accordance with their legal responsibilities and liabilities under their jurisdiction (including Customs, Excise and VAT rates), with full respect for human rights guaranteed by European and international standards; EULEX will be present, in line with and for the duration of its mandate<sup>3</sup>, and in accordance with the IBM agreement.
4. Registration of companies and undertakings referred to under paragraph 2 will be undertaken for the purpose of this agreement. Registration will be based on existing documentation and in accordance with paragraph 3.
5. For companies and undertakings in Leposaviq/ć, the north of Mitrovicë/a, Zubin Potok and Zvečan/Zvečan established before the entry into force of this agreement, all previously existing registration documents will be automatically considered valid for the purpose of the registration. Following the entry into force of this agreement, new company/ undertakings registrations will be carried out on the Kosovo side of the ZCP by Kosovo authorities in accordance with their legal responsibilities and liabilities under their jurisdiction, with full respect for human rights guaranteed by European and international standards; EULEX will be present, in line with and for the duration of its mandate<sup>4</sup>.

All relevant documentation can be used for the registration and collection of revenues.

6. As agreed in the IBM conclusions, all information and evidence collected in the implementation of the aforementioned operations will be mutually shared by the Parties and shared in accordance with IBM Agreed documents, including the Technical Arrangement.

**B. Development Fund**

7. Development Fund (hereinafter the Fund) is to be established to promote the socio-economic development, and for the benefit of the local population in Leposaviq/ć, the north of Mitrovicë/a, Zubin Potok and Zvečan/Zvečan.
8. The operation of the Fund will be decided by a Management Board. The Management Board will be composed of three members, one representative of the Serb community who is residing in either Leposaviq/ć, the north of Mitrovicë/a, Zubin Potok and Zvečan/Zvečan, one representative of the Kosovo authorities and one representative of the European Union Special Representative for Kosovo (EUSR). The EUSR will invite the aforementioned representatives after consultations with the stakeholders of the Fund. The Management Board will decide by consensus. In case of repeated inability to reach consensus, the EUSR may use a casting vote to uphold the purpose of the Fund, including the adoption of provisional Terms of Reference.
9. The revenues collected at the CPs in Jarinje/Jarinjë/Rudnica-Jainjë and in Tabavije/Bërnjak Tabalije/Brnjak will be transferred into an account of the Fund established in a commercial bank in Pristina determined by the EU.

**C. Transitional provisions:**

10. The Parties further agree that within 3 days of the entry into force this agreement, Kosovo and EULEX officials should have an unimpeded access to the CPs, including by road, in respect of this agreement and previous IBM conclusions. Every possible effort, including through public statements at the highest political level, will be made to that extent.
11. Within 7 days of the entry into force of this agreement, the Fund will be established at the initiative of the EUSR who will open the aforementioned deposit account.
12. The collection of the customs and excises duty as well as VAT at the CPs in Jarinje/Jarinjë/Rudnica-Jainjë and in Tabavije/Bërnjak - Tabalije/Brnjak will start immediately after the establishment of the Fund. The Kosovo authorities will ensure that the documentation issued (temporary form) to the companies and undertakings will contain specific information about the destination of the revenues.
13. Within 30 days of the entry into force of this agreement, the Parties will have adopted the necessary regulations to implement this agreement and will have repealed regulations in contravention with the aforementioned.
14. There will be no disbursement of the revenues deposited into the Fund until the Parties decide otherwise.
15. Arrangements on registration are on a temporary basis.

**D. Final provisions:**

16. This agreement enters into force on 19 January 2013 at 00.00.
17. The implementation of this agreement will be reviewed by a monitoring working group (WG) chaired by the EU and composed of the Parties. The WG will primarily concentrate on ensuring that the registration process as per paragraphs 4 and 5 will be of use for this agreement only.

<sup>1</sup> One party recognizes the line as a border; the other party recognizes the line as an administrative boundary.

<sup>2</sup> in particular Council Regulation (EC) N0 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilization and Association process, as amended.

\* This designation is without prejudice to positions on status, and is line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo Declaration of independence.

<sup>3</sup> As defined by Council Joint Action 2008/124 CEFSP, Article 3, Section a

<sup>4</sup> As defined by Council Joint Action 2008/124 CEFSP, Article 3, Section a

**FIRST AGREEMENT OF PRINCIPLES GOVERNING THE NORMALIZATION OF RELATIONS****19 April 2013**

1. There will be an Association/Community of Serb majority municipalities in Kosovo. Membership will be open to any other municipality provided the members are in agreement
2. The Community/Association will be created by statute. Its dissolution shall only take place by a decision of the participating municipalities. Legal guarantees will be provided by applicable law and constitutional law (including the 2/3 majority rule).
3. The structures of the Association/Community will be established on the same basis as the existing statute of the Association of Kosovo municipalities e.g. President, vice President, Assembly, Council.
4. In accordance with the competences given by the European Charter of Local Self Government and Kosovo law the participating municipalities shall be entitled to cooperate in exercising their powers through the Community/ Association collectively. The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning.
5. The Association/Community will exercise other additional competences as may be delegated by the central authorities.
6. The Community/Association shall have a representative role to the central authorities and will have a seat in the community's consultative council for this purpose. In the pursuit of this role a monitoring function is envisaged.
7. There shall be one police force in Kosovo called the Kosovo Police. All police in northern Kosovo shall be integrated in the Kosovo Police framework. Salaries will be only from the KP.
8. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.
9. There shall be a Police Regional Commander for the four northern Serb majority municipalities (Northern Mitrovica, Zvečan, Zubin Potok and Leposavić). The Commander of this region shall be a Kosovo Serb nominated by the Ministry of Internal Affairs from a list provided by the four mayors on behalf of the Community/ Association. The composition of the KP in the north will reflect the ethnic composition of the population of the four municipalities. (There will be another Regional Commander for the municipalities of Mitrovica South, Skenderaj and Vushtrri). The regional commander of the four northern municipalities will cooperate with other regional commanders.
10. The judicial authorities will be integrated and operate within the Kosovo legal framework. The Appellate Court in Pristina will establish a panel composed of a majority of K/S judges to deal with all Kosovo Serb majority municipalities. A division of this Appellate Court, composed both by administrative staff and judges, will sit permanently in northern Mitrovica (Mitrovica District Court). Each panel of the above division will be composed by a majority of K/S judges. Appropriate judges will sit defendant on the nature of the case involved.
11. Municipal elections shall be organized in the northern municipalities in 2013 with the facilitation of the OSCE in accordance with Kosovo law and international standards
12. An implementation plan including time frame shall be produced by April 26. In implementing this agreement, the principle of transparent funding will be addressed.
13. Discussions on Energy and Telecoms will be intensified by the two sides and completed by June 15.
14. It is agreed that neither side will block, or encourage others to block, the other side's progress in their respective EU paths
15. An implementation committee will be established by the two sides, with the facilitation of the EU.

[http://kryeministri-ks.net/repository/docs/Plani\\_i\\_Zbatimit\\_te\\_Marreveshjes\\_se\\_Pare\\_per\\_Normalizimin\\_e\\_Marredhenieve.pdf](http://kryeministri-ks.net/repository/docs/Plani_i_Zbatimit_te_Marreveshjes_se_Pare_per_Normalizimin_e_Marredhenieve.pdf)



LIAISON ARRANGEMENTS, *Conclusions of the Chair*

31 May 2013

The two parties met on 28-29 January, 5 February, 14 February, 5-6 March, 11 March, 9 May and 30 May 2013 to exchange views on the liaison arrangements.

They reviewed the modalities proposed by the EU regarding the hosting of the Liaison Officer and his staff in the EU Delegation/ EU Office.

In addition, they agreed that the following provisions shall apply to the Liaison Officer and his Staff:

**Preamble:** In the context of the European perspective for Western Balkans, Belgrade and Pristina are engaged in further steps leading to the normalization of relations between the two parties. In December 2012, the Council of the EU additionally welcomed the decision to appoint liaison persons to be located in offices provided by the EU Delegation in Belgrade and the EU Office in Pristina who will follow all issues related to the normalization of relations and will address all everyday problems that may occur. The European Union provides facilitation to put these arrangements in place and to assist in their implementation in line with EU best practice.

**The exchange of Liaison Officers will begin as of 15 June 2013.**

1. The office used by the Liaison Officer and his staff within the EU Delegation/ EU Office, as well as the archives and the documents that they use, including official correspondence, shall enjoy inviolability.
2. The private residence of the Liaison Officer and of his staff shall be inviolable. Both parties shall provide protection of the premises 24/7.
3. The respective Party shall ensure to the Liaison Officer and his staff freedom of movement and travel, and including in line with the agreement on freedom of movement reached in the dialogue on 2 July 2011,
4. Personal inviolability and protection. Both parties shall provide personal protection for the Liaison Officer and his staff 24/7.
5. Criminal, civil and administrative procedures against the Liaison Officer and the assistant shall be conducted only before the Court and other authorities of the jurisdiction of the Liaison Officer's and the assistant's Party. The Liaison Officer and the assistant shall not be subject to detention or arrest or be obliged to give evidence as a witness. The driver shall benefit from the former provisions except that these provisions regarding civil and administrative procedures shall not extend to acts performed outside the course of his duties.
6. The Liaison Officer and his staff will be pay all taxes and dues regarding incomes connected to their duties to their respective Party.
7. The respective Party shall permit entry of and grant exemption from all customs duties, taxes, and related charges on:
  - a. articles for the official use of the Liaison officer or of his staff;
  - b. articles for the personal use of the Liaison Officer or of his staff or family members,
8. Upon 24 hours notification, both parties shall provide preferential entry/exit procedures, exemption from inspection of personal baggage as well as personal protection.
9. The members of the family of the Liaison Officer and his staff (spouse and children up to the age of 18) forming part of their household shall enjoy the same conditions specified in paragraphs 3., 5., 6. and 8. apart from personal protection. In this regard:
 

Criminal, civil and administrative procedures against the family of the Liaison Officer and the assistant forming part of their respective household shall be conducted only before the court and other authorities of the jurisdiction of their Party except in the case of an action related to any professional and commercial activity of their family members.

Criminal procedures against the family of the driver forming part of his household shall be conducted only before the court and other authorities of the jurisdiction of the driver's Party.
10. The vehicle of the Liaison Officer will be provided car plates equivalent to those allocated to the EU Delegation/ EU Office.
11. The staff foreseen under these provisions shall be composed of a Liaison Officer, an assistant and a driver.
12. The Liaison Officer and his staff as well as the members of their families will be provided with special ID-cards with their titles and a reference to this agreement.
13. In the absence of the Liaison Officer, the assistant will perform his duties. The notification of the absence of the Liaison Officer will be submitted to the respective Party.
14. Both Parties will keep open and direct channels of communications with the respective Liaison Officer.
15. Both Parties shall ensure that all practical and administrative conditions needed are met to allow the Liaison Officer and his staff to perform their tasks.
16. Upon request of one of the Parties, these terms shall be reviewed and possibly amended upon mutual consent.
17. These terms will be implemented through the legislation of each Party respectively. Each party may submit an explanatory note to this effect.

| ARRANGEMENTS FOR OFFICIAL VISITS   | 14 November 2014 |
|--|------------------|
| <ol style="list-style-type: none"> <li>Respective parties will notify visits of their officials to the other party. Notifications will go the following way: <ul style="list-style-type: none"> <li>The requesting institution will send the notification directly to the LO of the party, where the visit is taking place, copying- in (cc) the LO of the party requesting the visit. The LO, who received the notification will immediately confirm receipt.</li> <li>If in the given deadline (depending of the category as below) there is no response the visit is considered to be approved.</li> <li>If objections are raised in the given deadline, they must be communicated directly to the LO of the party that sent the notification. The EU (both the EU Delegation in Belgrade and the EUSR Office in Pristina) will be copied in the communication and facilitate, if necessary.</li> </ul> </li> <li>Notification is needed for the following categories of officials: <ol style="list-style-type: none"> <li>The first group consists of president, prime minister, deputy prime ministers, speaker of the parliament and ministers of internal affairs, foreign affairs and defence. For this category the notification must be done at least 72 hours in advance and any objections must be raised within the first 48 hours.</li> <li>The second group consists of all other ministers, deputy speakers of the parliament, directors of governmental offices and security related agencies, presidents of the constitutional and supreme courts, state prosecutor as well as all other persons, such as religious leaders, that are under regime of close protection. For this category the notification must be done at least 48 hours in advance and any objections must be raised within the first 24 hours.</li> </ol> </li> <li>Deadlines run regardless of working and non-working days, but notifications must be sent during office hours (Mon-Friday until 5 pm).</li> <li>In case of emergency that requires immediate travel, the two LOs can agree on ad hoc arrangements.</li> <li>All possible amendments to programs of visits must be done at least 24 hours prior to the visit. In the case of minor delays during the visit flexibility will be shown by the host party.</li> <li>The implementation of the above will be assessed and if necessary reviewed after 3 months upon request of either or both parties.</li> </ol> <p>These arrangements will apply as of 1 December 2014.</p> |                  |

| ARRANGEMENTS REGARDING TELECOMMUNICATIONS   | 8 September 2013 |
|---|------------------|
| <ol style="list-style-type: none"> <li>In the context of the EU-facilitated dialogue, both sides agree that Kosovo shall be allocated a 3- digit dial code from the ITU in line with the standards and principles and timetable of the ITU, the two sides agreed that a mutually accepted modality will be found regarding this process within three months, with EU facilitation as necessary. The aim is that the migration period relating to the dial code should end by January 2015. After this date, this dial code from the ITU will be used by all operators in Kosovo. Operators from both parties will reduce costs to local charges for citizens.</li> <li>Regulators in both sides will agree technical agreements to harmonize the use of spectrum for GSM, and television signal, including digital terrestrial broadcasting, with the aim of ensuring mutually uninterrupted provision of services based on the principles of ITU and avoiding harmful interference between services. Each Party commits not to cover the border/boundary of the other Party intentionally. The regulators will also encourage and facilitate the process of interconnection and roaming agreement between the mobile operators of both sides with a view to reducing costs to citizens. They will also enter into a harmonization process for digital frequencies.</li> <li>On fixed telephony, a full license for fixed telecommunications services will be issued to a NewCo, subsidiary of a Serbian company registered in accordance with the Kosovan regulatory framework.</li> <li>On mobile telephony, the Kosovo authorities will permit the new company a temporary authorization, under Kosovo regulatory framework, for current operations, limited to the current infrastructure on the ground. This temporary authorization will not expire before January 2015. The temporary authorization will expire once the Kosovo authorities issue a new full, unrestricted, mobile telephone license as a result of a tender / auction. The tender will be organized in line with EU Standards.</li> <li>Although Postal services were not part of these discussions, both sides agree to discuss them at later stage.</li> <li>An implementation group will be formed, with EU facilitation as necessary, in order to draft a full Action plan for the implementation of the Agreement. Once the above arrangements have entered into force, the implementation group may discuss, at the request of either side, any other issues relating to these arrangements. The full implementation process will commence upon receipt of written acceptance of Action plan.</li> </ol> <p><a href="http://www.kryeministri-ks.net/repository/docs/Plani_i_perbashket_i_veprimit_per_Telekomin_FINAL_-_25_Gusht_-_2015_-_perkthimi_zyrtar_Shqip.pdf">http://www.kryeministri-ks.net/repository/docs/Plani_i_perbashket_i_veprimit_per_Telekomin_FINAL - 25 Gusht - 2015 - perkthimi zyrtar Shqip.pdf</a></p> |                  |

## ARRANGEMENTS REGARDING ENERGY

8 September 2013

1. Both parties confirm their commitment to meeting all their obligations under the Energy Community Treaty, and to apply the EU energy acquis. These arrangements are fully compatible with both.
2. KOSTT and EMS will sign a bilateral operational agreement within 3 months, establishing and regulating relations between the two Transmission System Operators. In addition, the former Temporary Energy Exchange Agreement and Temporary Technical Agreement will be repealed.  
KOSTT will be recognised as the Transmission System Operator for the territory of Kosovo for the purpose of participation in all relevant mechanisms (ITC, Congestion Management, etc.).  
EMS will support KOSTT to become a member of ENTSO-E.
3. The energy regulatory authorities of both parties will open direct channels of communication to discuss subjects of mutual interest.  
The regulatory authorities of both sides shall, upon application, without delay, and in line with the requirements of the existing licensing framework in their jurisdiction, issue licences covering trade (import, export, transit) and supply to KEK, KEDS and EPS, respectively.
4. Both parties will accelerate the process of market opening by July 1<sup>st</sup> 2014, in accordance with the timetable fixed by the Energy Community Treaty, therefore allowing a new electricity company to supply customers to be established. Both parties also agree that such a company will be established under the Kosovan legal and regulatory framework.
5. This new company will supply electricity and may provide distribution services (such as billing, collection, maintenance and physical connection of new customers) to customers in the four northern Serb majority municipalities and will be able to buy and sell power on the open market. This new company, in order to operate as per point 4 will sign agreements with KOSTT in order to participate in the Kosovo power market and to become balance responsible party.  
Immediately after the establishment of this new company, it will enter into discussions on all other issues of mutual interest with KEDS and KOSTT, including to ensure third party access  
The employees of JP Elektrokosmet will either be incorporated into this new company or might be offered employment with KEDS.  
KOSTT will reconnect the 110 kV lines to Valac/q. The current operator at the Valac/q substation will respect instructions from the Kosovo dispatch centre.
6. Both parties agree to try to find a common settlement solution as regards KOSTT's claims and EMS claims.  
KOSTT considers that these claims are for unpaid transit and interconnection allocation revenue and EMS's claims for secondary regulation. EMS considers that these claims are for services for secondary and tertiary regulation. Should it not be possible to reach a common settlement within 6 months, both parties agree to submit these claims to international arbitration.
7. An implementation group will be formed in order to draft a full Action Plan for the implementation of the future Agreement. The full implementation process will commence upon receipt of written acceptance of Action plan.

| ENERGY, Conclusions of the EU facilitator on the implementation of the 2013 Agreement  | 25 August 2015 |
|--|----------------|
| <p>In order to implement obligations under the 'Arrangements regarding energy', signed by the two Prime Ministers in September 2013, both parties agree to the following:</p> <p><b>Establishment of new trade company</b></p> <ol style="list-style-type: none"> <li>1. Kosovo will allow EPS to establish a power trade company in Kosovo, in line with its non-discriminatory obligations under the Energy Community and in accordance with the Kosovo legal and regulatory framework.</li> <li>2. EPS will deposit documents to the Kosovan Business Registration Office to apply for a business registration certificate before the end of <b>August 2015</b>.</li> <li>3. In line with Kosovo's own rules and deadlines, this business registration certificate will be granted within 7 days.</li> <li>4. This company will apply for, and be granted a license that covers import, export and transit.</li> </ol> <p><b>Establishment of new supply and distribution services company</b></p> <ol style="list-style-type: none"> <li>5. Kosovo will allow EPS to establish a supply company in Kosovo, in line with its non-discriminatory obligations under the Energy Community and in accordance with the Kosovo legal and regulatory framework.</li> <li>6. EPS will deposit documents to the Kosovan Business Registration Office to apply for a business registration certificate before the end of <b>August 2015</b>.</li> <li>7. In line with Kosovo's own rules and deadlines, this business registration certificate will be granted within 7 days.</li> <li>8. The name of this company will be 'ElektroSever'.</li> </ol> <p><b>Supply license</b></p> <ol style="list-style-type: none"> <li>9. This company will apply to the Energy Regulatory Office (ERO) for the necessary license to supply customers, to buy and sell power in the open market and to import and export electricity. This license will be delivered in accordance with Kosovo's own legal and regulatory framework.</li> <li>10. The supply license will be operational when KOSTT becomes a member of the ENTSO-E.</li> <li>11. ElektroSever will sign agreements with KOSTT in order to participate in the Kosovo power market and to become balance responsible party.</li> <li>12. ElektroSever will be entitled to carry out billing and collection, since these are the normal activities of a supply company.</li> <li>13. Access to KOSTT, KEDS and ERO to the transmission and distribution infrastructure as well as customer data will be provided. This data will be provided via the EU.</li> <li>14. ElektroSever will enter into discussions with KEDS and KOSTT, to ensure third party access.</li> </ol> <p><b>Distribution services</b></p> <ol style="list-style-type: none"> <li>15. Both parties will continue to work, with EU facilitation, with a view to allowing ElektroSever to provide distribution services based on the principles of 'Arrangements regarding Energy'.</li> </ol> <p><b>Other issues</b></p> <ol style="list-style-type: none"> <li>16. Serbia, and EMS, will support KOSTT's application to sign an interconnection agreement with ENTSO-E, including in the appeal process.</li> <li>17. Both parties agree that all points of these Conclusions will be implemented independently of progress on point 15.</li> </ol> <p><b>Disclaimer</b></p> <p>Kosovo considers that, in accordance with Kosovo Constitution and Laws, and international law, namely UNSCR 1244 and respective UNMIK Regulations, the property within the territory of Kosovo is ownership of Republic of Kosovo.</p> <p>Serbia considers that, that in accordance with domestic and international law, namely UNSCR 1244, property within the territory of Kosovo is ownership of Serbia, under specific provincial regulation and in full accordance with the Constitution of Serbia.</p> |                |

| JUSTICE AGREEMENT  | 9 February 2015 |
|--|-----------------|
| <ol style="list-style-type: none"> <li>1. Kosovo laws will apply to judicial institutions in accordance with the First Agreement</li> <li>2. There will be one Basic Court and one Basic Prosecution Office for Mitrovica/e region.</li> <li>3. There will be multiple premises for the Mitrovica/e Basic Court.</li> <li>4. There are four existing branches to the Mitrovica/e Basic Court in the Mitrovica/e region (Zubin Potok, Leposaviq/ Ieposaviq, Skenderaj/Srbica, Vushtrri/Vučitrn).</li> <li>5. The vast majority of cases coming from the municipalities where the branches are located are adjudicated in these branches, in accordance with the law.</li> <li>6. In Kosovo, the President of a Basic Court decides on the allocation of cases.</li> <li>7. The allocation of cases to prosecutors is based on expertise, specialization, personal background and local area knowledge, in accordance with Kosovo law.</li> <li>8. The vast majority of cases in a Basic Court are decided by single judge, in accordance with Kosovo law.</li> <li>9. Both sides will be represented in all premises of the Mitrovica/e Basic Court, the Basic Prosecution Office and the division of the Court of Appeals in Mitrovica/e.</li> <li>10. The Mitrovica Basic Court premises in Mitrovica north will host a majority of Kosovo Serbs.</li> <li>11. The Mitrovica Basic Court premises in Mitrovica/8 north will comprise of: <ul style="list-style-type: none"> <li>▪ The division of the Court of Appeals in Mitrovica/e, which will be composed of 5 Kosovo Serb and 2 Kosovo Albanian Judges,</li> <li>▪ The department for serious crimes for the entire Mitrovica/e region, which will be composed of 4 Kosovo Serb and 4 Kosovo Albanian Judges,</li> <li>▪ The part of the general department adjudicating over all criminal offences for Mitrovica/e north, Mitrovica/e south and Zvečan/ Zvečan.</li> </ul> </li> <li>12. The second premises of the Mitrovica/e Basic Court in Mitrovica/e south will comprise of: <ul style="list-style-type: none"> <li>▪ The department for minors for the entire Mitrovica/e region,</li> <li>▪ The part of the general department adjudicating over civil matters, uncontested claims, minor offenses Mitrovica north, Mitrovica/e south and Zvečan/ Zvečan.</li> </ul> <p><i>The second premises will be located in Mitrovica/e south, in the so-called “YugoBanka” building, or another building to be agreed by both sides.</i></p> </li> <li>13. The President of the Mitrovica/e Basic Court is a Kosovo Serb from northern Kosovo.</li> <li>14. The Chief Prosecutor of the Mitrovica Basic Prosecution Office is a Kosovo Albanian. The premises are located in the Mitrovica North Administrative Office (MNAO), situated in Bosniak Mahala or another building to be agreed by both sides.</li> </ol> |                 |



**(INTEGRATION) AGREEMENT FOR THE DISSOLUTION OF THE SO CALLED "CIVIL PROTECTION"****26 March 2013****I. Integration of personnel of the Civil Protection (CP):**

The integration process of individuals will be in line with the Brussels agreement and the Kosovo Law on Civil Service.

1. Belgrade party submitted a list of 751 members of the CP to be integrated into KVO institutions.
2. Pristina party offered in total 483 positions in the north, out of which 80 in the Agency for Emergency Management and 25 in the Kosovo Correctional Service; and SO positions on contingency funds, meaning that they would receive salaries but final workplaces would be determined in the public sector within 3 years.
3. Eligibility: Out of 751 only the persons who are in possession of a valid KVO ID or a proof of application for a KVO ID, who are not yet on the payroll of any of the KVO institutions and who will pass the security check will be eligible for integration. Security check will be done by the KP and EULEX, and in case of a negative opinion justification will be given on individual basis to the candidate by the panel.
4. After establishing eligibility, a panel will select individual candidates for specific positions based on expressed interest (more than one option), their education and professional experience.
5. In general, the panel will be composed of 4 members. Two members from KVO institutions; one representative of the former CP, and one representative of the EU. Specifically, for positions related to religious and cultural heritage (20 in total) the Serbian Orthodox Church (SOC) from Kosovo and the KVO Ministry for Culture, Youth and Sports will be consulted before final selection. By 8 April 2015 names for the panel members will be notified to the EU facilitator.
6. The above-mentioned panel will be established on 27 April 2015, when the first meeting will take place, Meetings of the panel will take place in Pristina in the premises to be decided by the PR party.
7. The panel shall conclude its work no later than 14 August 2015, and all employment contracts shall be signed until 1 September 2015, when the whole process of integration shall be finished.
8. The panel will decide on the method of selection, including possible interviews to be conducted with specific candidates, if and when necessary. It is the obligation of the candidates and their current employer to provide all additional information as requested by the panel.
9. The panel will first decide on the selection of candidates in the field of emergency response (80 positions) and correctional service personnel (25 positions). Selection for these positions is to be concluded by 15 June 2015 and contracts signed by 1 July 2015.
10. Following individual selection and written notification by the panel, the candidates will have 15 days to sign the employment contract and declaration (draft in annex). PR party will do everything necessary to expedite issuance of documents. In case a selected candidate does not sign the employment contract and declaration in 15 days after receiving the panel notification the position will be offered to another candidate and this person will be removed from the list of persons eligible for integration. In case candidates selected between 15 July and 14 August 2015 fail to sign the contract and the declaration additional 30 days (until 15 September 2015) will be given to the panel to make a new selection and offer unfilled positions to other eligible candidates.

11. **All offered positions** will be filled with eligible candidates, former members of the CP.

**II. Handling of premises and equipment of the CP:**

12. BG party provided to the EU facilitator a list and locations of premises and »observation points« currently manned by the members of the CP.
13. The three observation points on the road between Mitrovica and Jarinje/Jarinjë will be removed from the road by 20 April 2015, and the observation point located on the northern side of the Main Bridge in Mitrovica will be handed over to the KP also by 20 April 2015. The process will be monitored and verified by the KP and EULEX.
14. Based on the provided list of premises, PR party will make an assessment which premises can continue to be used for the purpose of opening relevant KVO institutions, where integrated personnel will be working. It is responsibility of PR party to provide, equip and renovate these and other necessary additional premises until 1 September 2015 at the latest. The handing over of the premises will start after the panel can verify to the EU facilitator full integration of 105 members of the CP. The process will be gradual, concluding not later than 20 July 2015.
15. Any surveillance, including technical equipment and situation centre, will be removed and/or handed over to the KP by 20 April 2015.

16. The BG party informed that the CP is in possession of around 500 official jackets. The BG party will in writing inform the EU facilitator about discontinuation of official use of these jackets on the day of the integration of the first 105 selected candidates. During and after integration the former members of the CP will not be allowed to wear any kind of uniforms or civilian clothes resembling uniforms with insignia of the CP. After integration the employer will decide on a dress code, including uniforms when and if appropriate, depending on institution into which personnel is integrated.
17. BG party will provide an inventory of all equipment currently in use and possession of the CP to the EU facilitator by 24 April 2015. The PR party will decide which equipment will continue to be used by KVO institutions in the northern municipalities, remaining equipment will be transferred to the BG Party, which will be verified by the KP and EULEX.
18. BG party provided a written confirmation that the CP and its members are not in possession of any official weapons. In case PR party is able to provide credible evidence that the CP is in possession of official weapons it will inform the EU facilitator and EULEX and the KP will jointly conduct search operations without pre-notification.

### III. Notifications

19. BG Party will by 24 April 2015 inform in writing the EU facilitator about discontinuation of paying salaries and providing any financial means for the CP in Kosovo by 1 September 2015, except for person falling under point 10 until 15 September 2015, and adopt necessary internal regulation to implement this decision. A copy of this regulation will be provided to the EU facilitator by 1 September 2015.
20. BG Party will by 24 April 2015 inform the EU facilitator in writing that CP in Kosovo will no longer exist within the Serbian system from 1 September 2015 on.

## AGREEMENT FOR RECIPROCAL RECOGNITION OF VEHICLE INSURANCES

23 June 2015

In the spirit of the Brussels agreement from 19 April 2013 and  
Between the Association of Serbian Insurers (UOS) and the Kosovo Insurance Bureau (KIB), as authorized entities responsible for vehicle insurance issues in the jurisdiction of each Party with the facilitation of the Council of Bureaux (COB), and  
On the Mutual Recognition of Motor Third Party Liability Insurance (MTPL) and arrangements for the processing and payment of claims.

### WHEREAS:

UOS and KIB wish to provide arrangements for:

- a) The reciprocal recognition and acknowledgement of valid MTPL, and
- b) The processing and payments of claims damages as a result of accidents caused by vehicles with valid insurance coverage in the jurisdiction of each party.
- c) The implementation of this MoU under the jurisdiction of each party

UOS and KIB agreed as follow:

- I. Definitions
- II. Mutual Coverage – MTPL
- III. Handling and claims compensation
- IV. Handling of claims
- V. Correspondent
- VI. Council of Bureaux – COB
- VII. Guarantee
- VIII. Implementation Committee
- IX. Monitoring and supervision
- X. Language

Signed in Brussels, on 23 June 2015, with three (3) original copies in English.

On behalf of the Kosovo Insurance Bureau (KIB)

Mr. Faton Abazi

Director

As witnesses:

[Signed]

Ms. Greet Floré

Secretary-General of the Council of Bureaux

[Signed]

Ms. Edita Tahiri

Minister for Dialogue, Kosovo

[Signed]

Mr. Rrahim Pacolli

Head of Kosovo Assembly of Insurers

### Appendices:

I. I. MTPL+ AND MTPL

II.II. Limits of insurance compensation

III. III. List of names and addresses of insurance company's member of respectively KIB and UOS

<https://www.bks-ks.org/static/uploads/documents/MOU/MoU%20Serbia%20Shq.pdf>

**ASSOCIATION/COMMUNITY OF SERB MAJORITY MUNICIPALITIES IN KOSOVO –  
General Principles/ Main Elements**

25 August 2015

**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;
  - f) adopt measures to improve local living conditions for returnees to Kosovo;
  - g) conduct, coordinate and facilitate research and development activities;
  - h) promote, disseminate and advocate issues of common interest of its members and represent them, including to the central authorities;
  - i) provide services to its members in accordance with Kosovo law;
  - j) 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;
  - k) conduct monitoring as required for the implementation of its objectives;
  - l) 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.

**Organizational 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 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 experts, divided into and covering those areas falling under the objectives and tasks of the Association/Community. The Statute will define the number of professionals 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 immoveable property, to 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 immoveable 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.

| WORKING GROUP ( <i>Freedom of Movement/Bride Conclusions</i> )  | 25 August 2015 |
|---|----------------|
| <ol style="list-style-type: none"> <li>1. Both sides asked the EU to revitalize the Mitrovica bridge and its surroundings, as per the recommendations of the technical assessment and based on the architectural design of 29 June 2015 agreed between the two sides.</li> <li>2. On 15 October 2015 the contractor will close both sides of the bridge by fixed bridge barriers and construction site fence. The construction work on the bridge will be carried out by accessing the construction site through the southern access road. The bridge will open for all traffic by summer/not later than end of June 2016.</li> <li>3. In line with the same timetable, the municipality will revitalize its main street (King Peter Street) into a pedestrian zone. The street will open for pedestrians by summer/not later than end of June 2016.</li> <li>4. The WG will regularly monitor and review together with both mayors the prevailing political and security conditions in municipalities during the revitalization process.</li> <li>5. By 10 October 2015 the maps of administrative boundaries of cadastral areas in Suvi Do/Suhadoll and Kroi I Vitakut/Brđjani area will be solved through the Memorandum of Understanding on Municipal Development Plans, the Municipal Zoning Map and Detailed Regulatory Plan between relevant ministries and the two municipalities.</li> </ol> |                |

| (Free Movement) BRIDGE ABOVE IBAR, Approved revitalization design                   | 25 August 2015 |
|---|----------------|
|  |                |



## EU IMPLEMENTATION PLAN OF THE AGREEMENT ON THE MITROVICA BRIDGE

5 August, 2016

**Brussels, 05/08/2016**

Following the extensive discussions on 2 August, Minister for the Dialogue Edita Tahiri and Chief Negotiator Marko Djuric agreed today on the last remaining details to implement the 25 August 2015 Belgrade – Pristina Dialogue agreement on the Mitrovica Bridge. The EU facilitated this.

Now that full implementation is in sight, the Mitrovica Bridge will become the symbol of normalization of relations between the Kosovo Serb, Kosovo Albanian and other communities. The revitalization of the bridge, as well as King Petar Street, will greatly contribute to facilitating contacts between all people of Mitrovica North and South and will thus contribute to exchanges and understanding.

It was agreed that the outstanding construction permit will be issued and that the revitalization of the Mitrovica Bridge and its surroundings will commence on 14 August 2016. The Mitrovica Bridge will be opened for pedestrians and for vehicles in both directions in line with the recommendations of the technical assessment and the architectural design both sides agreed in June 2015.

The construction work on the bridge will be carried out by accessing the construction site through the southern access road. The bridge will be opened for all traffic on 20 January 2017.

In line with the same timetable, the municipality of Mitrovica North will revitalize its main street – King Petar Street - into a pedestrian zone. The street will be opened for pedestrians on 20 January 2017. The works will start and finish on the same day as the ones on and around the bridge.

A working group will regularly monitor and review together with both mayors the prevailing political and security conditions in the municipalities during and after the revitalization process. A first meeting of that group will take place on 9 September 2016. Kosovo Police, EULEX and KFOR in line with their respective mandates will ensure a safe and secure environment. They will consult on appropriate security measures, including with the two mayors.

On the question of the implementation of article 5 of the agreement on the Mitrovica Bridge, the relevant ministries and the two municipalities shall find a solution by 14 October 2016.

The EU welcomes the outcome of today's discussions and urges both parties to continue to make progress on all other outstanding implementation work, in particular on Telecoms, the Association/Community of Serb majority municipalities in Kosovo and Energy.

ADR CERTIFICATES, *Brussels Agreement on mutual recognition*

25 April 2016

1. The parties commit to free movement of goods, including dangerous goods, without hinderance and in line with international/ European standards.
2. Parties agree to mutually accept all international/European standards for the transport/carrying of dangerous goods, including all documentation in line with the ADR convention (certificates for drivers and vehicles).
3. The above does not affect each party's international obligations/
4. The above enters into force on 25 April 2016.
5. An implementation group will be set up by the EU to monitor implementation.



The Balkans Policy Research Group is an independent, regional think-tank based in Prishtina, Kosovo. We provide timely policy analysis and recommendations on a wide array of state building issues; institutional and democratic consolidation; minority integration and good neighbourly relations: European integration and policy change. We have decades of experience in policy reporting and development, strategic thinking and advocacy with governmental, international and nongovernmental organisations.

Our rigorous, detailed, impartial reporting, always based on in-depth fieldwork, is the core of our work. We go beyond mainstream positions and seek to make change through creative, feasible, wellmeasured and foward-looking policy recommendations with the aim of helping develop strong, vibrant democracies, prosperous states and societies based on rule of law in the Western Balkans.

We engage in high-level advocacy, domestically, regionally and internationally, impacting policy discussions and options with regard to the home affairs and European policies toward the Western Balkans.

Balkans Group has developed other tools and platforms to achieve this change:

**The Policy Dialogue** promotes Kosovo's domestic dialogue, cohesion and reform-making agenda.

**The Policy Forum (a Think-Tankers High-level Advocacy Forum)** committed to enhancing the dialogue between the civil society and the institutions.

**The Kosovo Serbia Policy Advocacy Group** (a forum for Cross-Border Civil Society Cooperation) that aims to communicate, promote and enhance dialogue toward full normalisation between Kosovo and Serbia, and their societies.

**Women in Politics** promotes the empowerment of women and girls; their security and inclusiveness; and is committed to strengthen the Women Caucus' impact and reach throughout Kosovo.

**The Dialogue Platfrom** promotes the dialogue process between Kosovo and Serbia, by informing the wider public and generating debate about the agreements, benefits and challenges of the Dialogue.



Norwegian Embassy