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ACCESSION DOCUMENT

Subject: EUROPEAN UNION COMMON POSITION
Chapter 35: Other issues
Item 1: Normalisation of relations between Serbia and Kosovo*

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

EUROPEAN UNION COMMON POSITION

Chapter 35: Other Issues

Item 1: Normalisation of relations between Serbia and Kosovo

This position of the European Union is based on its general position for the Accession Conference with Serbia (CONF- RS 1/14), and is subject to the negotiating principles endorsed therein, in particular:

- any view expressed by either Serbia or the EU on a specific chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements reached in the course of negotiations on specific chapters, even partial ones, may not be considered as final until an overall agreement has been reached for all chapters;
- the advancement of Serbia's EU accession negotiations will be guided by Serbia's progress in preparing for accession, which will be measured in particular against Serbia's continued engagement towards a visible and sustainable improvement in relations with Kosovo, as well as the other requirements contained in point 23 of the Negotiating Framework.

The EU encourages Serbia to continue showing commitment to deliver results and progress in the completion of the implementation work as well to work towards further progress in normalisation.

The EU notes that Serbia, in its position (CONF-RS 2/14) stated that *“Fully understanding that the EU accession process and normalisation process should run parallel and support one another, Serbia will remain entirely committed to the continuation of the normalisation process and its dialogue with Pristina”*.

This chapter does not replace the dialogue between Belgrade and Pristina conducted under the auspices of the High Representative. Hence, Chapter 35, Other issues, Item 1: Normalisation of relations between Serbia and Kosovo will be the link between this Dialogue and the accession negotiations.

In view of the present state of Serbia's preparations, the EU notes that, on the understanding that Serbia, while acting in good faith, has to continue to make progress in the implementation work and make further progress in the normalisation process, Serbia can be considered to be sufficiently prepared at this stage for negotiations on this Chapter. Therefore, the Commission and the High Representative, recommend the opening of accession negotiations with Serbia on Chapter 35 – Other issues, Item 1: Normalisation of relations between Serbia and Kosovo.

Serbia should ensure that it completes its part of the work on implementation of 25 August 2015 agreements, in particular on the establishment of the Association/Community of Serb majority municipalities in Kosovo as well as the other elements of the First Agreement of April 2013 (police, justice, civil protection). In addition, Serbia will complete its residual commitments under the previous Technical Agreements. Finally, Serbia should engage in reaching further agreements, furthering the normalisation in good faith, with a view to gradually lead to the comprehensive normalisation of relations between Serbia and Kosovo, in line with the negotiating framework.

In line with the negotiating framework, the Commission and the High Representative will monitor closely and continuously Serbia's fulfilment of the following first set of interim benchmarks and report "at least twice yearly", on this issue, to the Council.

To take into account future developments in the Dialogue, this first set of interim benchmarks will be updated, as appropriate.

If "*progress in the normalisation of relations with Kosovo, significantly lags behind progress in the negotiations overall, due to Serbia failing to act in good faith, in particular in the implementation of agreements reached between Serbia and Kosovo*", the Commission will on its own initiative or on the request of one third of the Member States, in accordance with point 25 of the negotiating framework, propose to withhold its recommendations to open and/or close other negotiating chapters, and adapt the associated preparatory work, as appropriate, until this imbalance is addressed.

1. Implementation of First Agreement (April 2013) and May implementation plan – Agreements on Energy and Telecoms

On elections

- Serbia discontinues funding and support of Serbian structures (i.e. interim municipal councils, municipal staff) in order to finalise and consolidate municipal administrations in line with Kosovo law;
- Serbia encourages the full respect of Kosovo legislation by the northern Kosovo municipal authorities, particularly on procurement and on the remaining open issues from the municipal Statutes (i.e. the use of municipal stamps and insignia in line with the applicable Kosovo legislation).

On the Association/Community of Serb majority municipalities in Kosovo

- Serbia contributes to the continuation of the process (drafting of the Statute), within the timelines agreed and in line with Kosovo law, the First Agreement and the 25 August 2015 Agreement;
- Serbia ensures transparency of its funding to the Association/Community of Serb majority municipalities in Kosovo.

On the Police

- Serbia provides quarterly information on the payment of pension benefits to its former police officers now integrated into the Kosovo Police, as appropriate, to the Kosovo competent authorities.

On Justice

- Serbia continues to engage constructively in reaching an agreement on the judicial support staff and the premises
- Serbia confirms the end of tenure for all its to-be integrated judicial personnel;

- Serbia enacts a special legislation with regard to Serbian judicial institution in Kosovo as foreseen in the Serbian Law on seats and territorial jurisdictions of Courts and Prosecutors Offices
- Serbia provides quarterly information on the payment of pension's benefits for the integrated judicial personnel to the Kosovo judicial and prosecutorial councils, as appropriate.

On Civil Protection

- Serbia adopts the necessary regulations on the discontinuation of payment of salaries and provision of financial means to the civil protection in Kosovo.

On the Liaison arrangements

- Serbia continues to consistently respect the provisions for the exchange of the official visits;
- Serbia provides the Serb Liaison Officer in Pristina with all necessary administrative support (for example by paying his rent for the official premises);
- Serbia agrees on the visual appearance on official correspondence that is still not determined (stamps, symbols and letter-heads);
- Serbia continues to provide security support and access to Serbian interlocutors to the Kosovo Liaison Officers in Belgrade.

On the Energy Agreement

- Serbia continues to engage in the process of normalisation between the Kosovan Transmission System Operator (KOSTT) and the Serbian transmission company (EMS), including by signing an interconnection agreement, and supporting KOSTT's membership of the European organisation, European Network of Transmission System Operators for Electricity (ENTSO-E). This agreement should cover the entire territory of Kosovo in line with the Energy Agreement;

- Serbia establishes the supply company (called “ElektroSever”) in Kosovo, and fulfils the conditions under Kosovo legal and regulatory framework for the company to be granted a supply license;
- Serbia contributes to reaching commercial arrangements for ElektroSever with the existing distribution company, if it is to be able to carry out distribution services;
- Serbia solves the issue of the Serbian-appointed management of the Gazivode/Ujmani plant.

On the Telecommunications Agreement

- Serbia establishes the telecommunications company as a subsidiary of Srbija Telekom, and fulfils the conditions under the Kosovo legal and regulatory framework for the company to be granted a fixed telephony license;
- Serbia respects the calendar and each of the steps agreed which establishes a parallel process between allocating a 3-digit dial code to Kosovo with granting a temporary authorisation for existing mobile operations in Kosovo;
- Serbia engages in the co-operation process between telecommunication regulatory authorities;
- Serbia gives its consent, as required, to the ITU allocating the 3 digit code to Kosovo, as well as the text of the ITU bulletin agreed in the Action Plan.

2. Implementation work on March 2011-February 2012 Technical Dialogue Agreements

On customs issues

- Serbia addresses the issue of the existence of re-located Serbian administrative customs structures with Kosovo denomination;
- Serbia ceases the issuance of documentation or affixing of stamps with denominations that contravenes Serbian obligations under the 17 January 2013 agreement.

On IBM and joint crossing points

- Serbia completes the establishment of all crossing points;
- Serbia processes requests for Mutual Legal Assistance;
- Serbia improves control and/or closes alternative roads and by-passes to ensure exclusive use of official crossing points for goods and persons entering into or leaving Kosovo;

On Freedom of Movement

- Serbia allows third states' nationals entry into Serbia from Kosovo;
- Serbia implements the licence plates' arrangements in northern Kosovo for Kosovo residents.

On Freedom of Movement/Mitrovica Bridge

- Serbia publicly supports the implementation of the Agreement concluded on 25 August 2015, in particular its timetable leading up to the opening of the Mitrovica bridge for all traffic by summer/not later than end of June 2016;
- Serbia respects the timelines agreed in the arrangements of 25 August 2015.

On regional cooperation

- Serbia enables, from their side, Kosovo's effective participation in remaining regional initiatives, in line with the jointly agreed terms;
- Serbia supports the inclusion of Kosovo's representatives in the management and administrative structures of regional organisations, provided that the merit principle, comparative analysis and the specific Terms of Reference are observed.

On the recognition of University Diplomas

- Serbia engages constructively with Kosovo on a consistent procedure in order to achieve the results intended by the 2011 Agreement.

On cooperation with EULEX Kosovo

- Serbia provides public support for the judicial process led by EULEX, including the Specialist Chambers and Prosecution Office;

3. Further agreements and progress in the normalisation of relations

- Serbia remains committed to the EU-facilitated Dialogue, engages in reaching further agreements in new subjects/areas, furthering the normalisation in good faith, with a view to gradually lead to the comprehensive normalisation of relations between Serbia and Kosovo, in line with the negotiating framework.

In view of all the above considerations, the Conference will have to return to this chapter at an appropriate moment.
