

AGREED CONCLUSION 2 DECEMBER 2011

IBM¹ Agreed Conclusions

1. In line with the Lisbon Treaty, and relevant EU legislation² and given that both parties are part of the EU's Western Balkans agenda, they will be required gradually to harmonise their legislation with the EU acquis and in particular to apply the concept of IBM;
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;
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.³ The work will be given a high priority; the projects will be identified jointly and will be implemented as soon as practically possible;
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 symbols of their respective jurisdictions ;
5. The arrangements will include a balanced presence, in line with requirements, from both parties of all related services such as customs, police etc. and will cover matters such as the location of the crossing points, the nature of the facility, opening hours etc. In line with, and for the duration of its mandate³ at the crossing points Jarinjë/Rudnice and Tabavije/Bërnjak, this presence will include EULEX officials. EULEX will also be present at crossing points Dheu i Bardhë/Konqul, Merdare/Merdarë, Mutivodë/Mutivode and Depce/Muçibabë;
6. At the core of the arrangement there will be a clear assignment of applicable legal responsibilities and liabilities to each party's jurisdiction;
7. A tri-partite implementation group, chaired by the EU, will be established to implement above arrangement 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;
8. This agreement does not cover any general or specific revenue or fiscal matters;

¹ One party recognises the line as a border; the other party recognises the line as an administrative boundary.

² As defined especially in the Schengen Borders Code, Frontex Regulation, Local Border Traffic Regulation, VIS Regulation and Community Code on Visas;

³ As defined by Council Joint Action 2008/124 CEFSP, Article 3, Section a;