



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria-Vlada-Government

July 17, 2013

Main Legal adjustments required by Serbia

In line with the Implementation Plan of the First Agreement of 19 April 2013, Serbia initially has to adjust its legal framework as follows:

1. Constitution of Serbia – to remove the preamble and related articles which refers to Kosovo as part of the territory of Serbia

Preamble

"Considering also that the Province of Kosovo and Metohija is an integral part of the territory of Serbia, that it has the status of a substantial autonomy within the sovereign state of Serbia and that from such status of the Province of Kosovo and Metohija follow constitutional obligations of all state bodies to uphold and protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political relations"

Article 182

"Autonomous provinces shall be autonomous territorial communities established by the Constitution, in which citizens exercise the right to the provincial autonomy.

In the Republic of Serbia, there are the Autonomous Province of Vojvodina and the Autonomous Province of Kosovo and Metohija. The substantial autonomy of the Autonomous province of Kosovo and Metohija shall be regulated by the special law which shall be adopted in accordance with the proceedings envisaged for amending the Constitution.

New autonomous provinces may be established, and already established ones may be revoked or merged following the proceedings envisaged for amending the Constitution. The proposal to establish new, or revoke or merge the existing autonomous provinces shall be established by citizens in a referendum, in accordance with the Law.

Territory of autonomous provinces and the terms under which borders between autonomous provinces may be altered shall be regulated by the Law. Territory of autonomous provinces may not be altered without the consent of its citizens given in a referendum, in accordance with the Law."

2. Serbia has to adopt the Law on ratifying the First Agreement on Normalization of Relations between Kosovo and Serbia.

3. Law on Police of Serbia – Organizational structure - to remove the operational part for Kosovo

Article 6.

"Police cooperates with the territorial and local self-governments to take measures for safety of people and property.

Police collaborate with other agencies and institutions, non-governmental and other organizations, minority and other organized self-organized groups and individuals to develop partnerships in the prevention or detection of offenses and their perpetrators and achieve other security goals.

Police cooperate in accordance with the law, regulations and guidelines on professional instructions given by the Minister."

Article 17.

"In accordance with Article 6 of this law, the Parliament or the executive bodies of territorial autonomy and local self-government:

1) review the security situation in the province and the city and the municipality;

2) take views on the priorities for the safety of people and property in the province and the city and the municipality, in this connection, submit proposals to the head of the organizational unit of the police.

Head of the organizational unit of the police, in cooperation with the authorities referred to paragraph 1 of this article provides information on the security situation and take into account the presence of the cooperation of members of national minorities and different ethnic, cultural, religious and other groups from the police organizational unit.

Head of the organizational unit of the police is required to consider in making decisions and taking into account the views of the priorities for the safety of people and property, take the bodies referred to in paragraph 1 this article.”

4. Regulation on content of the Official Gazette 54/2006 - to repeal the Articles 2 and 3 referring to the text of the Oath to be revised respectively the paragraph mentioning Kosovo

Article 113.

A police officer before admission to the service should accept and sign the declaration on the rights and duties of police officers.

5. Official Gazette 8/2006, 14/2009 Decision on Principles of the Internal Organization of the Ministry of Internal Affairs – to repeal Article 8

Article 8.

Police Directorate for the Autonomous Province of Kosovo and Metohija is established within the Coordination Centre for Kosovo and Metohija.

The Coordination Centre for Kosovo and Metohija will be lead by Assistant Director of Police.

For the Coordination Centre for Kosovo are not applicable requirement regarding the number of employees in the administration of Article 5 Paragraph 1 of this regulation.

6. Decision on ceasing of salaries of the MUP personnel has to be reflected in the relevant Administrative Instruction

7. Decision on closing of MUP premises has to be reflected in the relevant Administrative Instruction

8. Law on Defense, Official Gazette 2009 – to repeal Article 1 Paragraph 4 on Civil Defence and Article 1 Paragraph 4 on Civil Protection

Article 1.

In the Law on Defense ("Official Gazette of RS", No. 116/07), Article 4 Paragraph 4) is amended as follows:

"4) The civil defense is part of an integrated defense system, organized for the successful functioning of state bodies, bodies of autonomous provinces and local self-governments, companies and other legal entities, for the protection and rescue, and provide conditions for the life and work of citizens and meet the needs of defense forces in emergency and war, ". After paragraph 4) is added to paragraph 4a), which reads:

"4a), civil protection is an organized system whose main activity is the protection, recovery and elimination of consequences of natural disasters, technological disasters and other major hazards that could endanger people, material and cultural resources and the environment in peacetime and emergency situation and war;" .

9. Government decision 75/2012 on establishing the Coordination Office for Kosovo – to repeal Article 37 and financial plan from the Law of Ministries.

Article 37.

"To carry out activities related to the issues of importance to the Autonomous Province of Kosovo and Metohija, human and minority rights, churches and religious communities and Diaspora government will establish a special service."

Financial Plan

"Regulation for Office of Kosovo and Metohija ("Official Gazette" no. 75/12), the Government pursuant to Article 31 Paragraph 1 Government Act ("Official Gazette of RS", no. No. 55/05, 71/05 - correction, 101/07, 65/08, 16/11 and 68/12 - U.S.) and Article 37 Law on Ministries ("Official Gazette of RS", No. 72/12), established the Office for Kosovo and Metohija. Article 2 Regulation provides that the Office carries out technical tasks for the Government and relevant ministries related to: operation of Serbian institutions in Kosovo and Metohija."

Sincerely,



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Deputy Prime Minister

Chief Negotiator at the Brussels Dialogue