



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

**MINISTRY FOR DIALOGUE**

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**To: Angelina Eichhorst, Director, European Union/European External Action Service**

**From: Edita Tahiri, Minister for Dialogue and Chief Negotiator**

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**Su: BRUSSELS AGREEMENTS PENDING IMPLEMENTATION**

There are numerous agreements reached in the Brussels Dialogue that are pending implementation. Some of the agreements are completely blocked such as: on energy, justice, and diploma. The others has been disrupted in different phases of implementation such as: agreement on cadaster, "civil protection" dismantlement, revitalization of Mitrovica Bridge, revitalization of main street in Mitrovica North, full dismantlement of Serbia's parallel structures in Kosovo. Whereas some others has been subject to delays such as: association, reciprocity on license plates.

### **I. The agreements blocked or disrupted by Serbia**

Serbia has blocked the agreements on energy, justice, diploma and cadaster. It has disrupted the revitalization of the Mitrovica Bridge and revitalization of main street in Mitrovica North, dismantlement of Serb parallel municipalities, sabotaged final implementation of the agreement on dismantlement of "civil protection"/ namely the issue of premises for Kosovo institutions where former "CP" members are employed. Whereas it still supports some of its parallel structures in Kosovo, in violation of Brussels Agreements.

## **1. Energy**

As you might recall, the energy agreement has been negotiated over six years and yet cannot be implemented. Serbia is blocking it by not allowing the new company to be registered in Kosovo in accordance with the Kosovo Law as provided by the energy agreement reached in 2013. In concrete terms, the new company, as a subsidiary of Serbian company, is refusing to mention Kosovo as country of operation in its statute, despite the fact that agreement requires respecting the Kosovo Law. We believe that behind these obstacles is the unwillingness of Serbia to implement the energy agreement, due to political and economic interests. This has not only affected the Kosovo's energy system but also regional energy security as well as the Western Balkan six (Berlin process) agenda on regional energy connectivity. On the other hand, Kosovo holds in its shoulders energy stability in the region at its expense, although it could legitimately apply reciprocity measures given that Kosovo namely KOSTT has legally won the dispute in 2008, when the Energy Community Secretariat ruled that Serbia violated the Athens Treaty in relation to Kosovo. If delays continue, Kosovo will be compelled to apply reciprocity against Serbia, because after 9 years of its legally recognized rights, it has legitimacy to defend its sovereignty over its energy system.

## **2. Justice**

On justice, the implementation has been stalled by Serbia, since the 10 January 2017, when Serbia had to officially terminate salaries and employment contracts for Serb judges and prosecutors and admin staff which has been recruited for working in the Kosovo justice institutions. Serbia has not yet presented any government decision which proves that it has fulfilled these obligations deriving from the Brussels agreement on justice. Consequently, it has been delaying the process of consolidation of the Basic Court and Prosecutor's office in the Mitrovica region, as was foreseen in the Brussels agreement on Justice in accordance with the Kosovo Law. Kosovo side has fulfilled all its obligations.

## **3. Diploma**

Even in education area Serbia has not shown readiness to help students, through implementing the agreement on mutual acceptance of diplomas between two states, Kosovo and Serbia. Since 2011 when this agreement was reached and later on expanded in January 2016, it has never been implemented by Serbia. Motives for blockade seem to be of political nature, oriented against the Albanians of Presheva Valley who are

particularly in need for acceptance of their diplomas, given they study in Kosovo in absence of the University in Albanian language in Presheva Valley in Serbia, and seek to return home and serve in education sector or get employed in other public sectors.

#### **4. Cadaster**

The agreement on cadaster is reached in 2011. There has been serious delays caused by Kosovo in adopting the Law on the Technical agency on comparison and verification of cadastral documents to be returned to Kosovo, which were taken forcefully from Serbia during the war against Kosovo in 1998-1999. However, since Kosovo adopted this law in June 2016, it has been Serbia who has been disrupting the implementation by not yet returning to Kosovo the scanned verified copies of taken cadastral records.

#### **5. "Civil protection" - final implementation disrupted**

Except problems created by the blockade of Serbia to the above mentioned highly important agreements for Kosovo, lately we observed sabotages of Serbia to certain agreements, such as the sabotage of the issue of premises for Kosovo institutions which employed the former "civil protection" members. Kosovo has been paying salaries for 378 persons for 18 months in a row, but they cannot work because the premises we rented have been bombed and landlord threatened. In addition, the premises of former "civil protection" which had to be handed over to the Kosovo Government, in accordance with the Brussels agreement, has not been done. EU could not help resolve this issue so far, though we are insisting constantly.

#### **6. Serbia still supports some of its parallel structures in Kosovo - in violation of the Brussels Agreements**

The most concerning phenomena is the Serbia's dualism in implementation which implies that at one hand it implements the agreements and at the other hand it continuous to support its parallel structures in Kosovo, including illegal municipalities in northern and other part of Kosovo and some other areas.

This dualist approach of Serbia towards the Brussels dialogue affects essentially the goal of normalization of relations between two states. The best proof is the fact that even after six years of this dialogue, the Kosovo government ministers cannot yet pay any official visits to northern municipalities. EU has not been able to facilitate this crucial disruption to normalization process.

## **7. Mitrovica Bridge revitalization - disrupted**

The barricade has been from the Mitrovica Bridge in 2016, but the revitalization of the bridge has been disrupted by Serbia, through some notorious destabilizing provocations against Kosovo, such as the illegal wall in Mitrovica north and a bizarre train which aimed at violating the Kosovo sovereignty and territorial integrity. As a consequence, the bridge is not yet opened for freedom of movement people and vehicles, though it was planned for January 2017, as provided by the Brussels Agreement.

## **8. Revitalization of the main street in Mitrovica North -disrupted**

Following the removal of the illegal wall in Mitrovica North in February 2017, through the dialogue between the Kosovo Government and local authorities of Mitrovica north, supported by two high political level round of talks in Brussels in January and February, the revitalization of the main street commenced based on the agreed design. However, the process has been disrupted by Serbia, hence the revitalization has been stalled. It has also stalled revitalization of the Bridge.

## **II. The agreements delayed by Kosovo**

### **1. Association**

Following the implementation of the agreement on country code for Kosovo, Kosovo has moved on lunching the implementation of the agreement on Association of Serb majority municipalities in Kosovo. The first consultative meeting was held in the beginning of December, however the emergence of the illegal wall in Mitrovica North, orchestrated by Serbia, has disrupted the process of implementation.

After the removal of wall and stopping of the provocative train from entering Kosovo, Kosovo again tried to relaunch implementation during March 2017. However, Serbia again disrupted the process by insisting that implementation to be lunched in Brussels in violation of the Brussels agreement. And, when Kosovo was flexible for the option to be lunched in Prishtina and same day evening in Brussels, the Serb community representatives refused to return to Kosovo institutions, instructed negatively by Serbia. In meantime, the Parliament of Kosovo suspended the dialogue until the release of Mr.

Ramush Haradinaj who was being held in custody in the France due to arbitrary warranty of Serbia. When suspension was over following his release and when Serb community representatives decided to return to the Kosovo institutions (namely when Serbia asked them to return), Kosovo already entered early national elections, all the government agenda was put on hold.

Kosovo remains committed to implement the Agreement on Association of Serb majority municipalities in Kosovo, in accordance with the Brussels agreement, the Kosovo constitution and the Constitutional Court decision. After the formation of new government, Kosovo will continue to fulfil this obligations, as it has done with all other obligations deriving from the Brussels Dialogue, in past six years.

## **2. Association and Removal of the remaining parallel structures - in synchrony**

The establishment of Association should go in synchrony with the dismantlement of the remaining Serbia's parallel structures in Kosovo. Both processes will go in parallel as agreed.

## **3. Reciprocity on license plates**

This agreement was reached in September 2016 and was planned to commence on 15 November 2016. Kosovo has delayed the implementation of because of delays in adopting the necessary decisions related to implementation. On 16 February 2017, the Kosovo Government approved this agreement and consequent decisions were taken by the Ministry of Internal Affairs. However, the dynamics of elections in Serbia, then suspension of dialogue by Kosovo Parliament and elections in Kosovo has prevented resuming the implementation.

Kosovo informed EU about readiness for implementation and insisted the renewed deadline to be agreed between parties through online communication. However EU notified that Serbian side insists that this exercise should take place in Brussels. Kosovo is ready for implementation.

## Conclusions

The implementation of pending agreements must be done as soon as possible. Any further delays would impact negatively the acquired achievements in this dialogue and undermine the public trust to this process.

It is obvious that Serbian side has been seriously failing in fulfilling its obligations. You might recall destabilizing provocations by Serbia against Kosovo in December 2016 and January 2017, through a strange wall built in Mitrovica, a strange train trying to enter Kosovo, an arbitrary warrant for Mr. Ramush Haradinaj which was unnecessarily kept for several months in France. The Kosovo Government responded to such challenges with resolve and prudence, defended sovereignty and integrity, and in cooperation with international partners, EU and US, the situation is stabilized. Serbia also tried to play some scenarios of geopolitical nature by promoting ideas of the change of borders in the region and exchange of territories, which seemed to have been influenced by Russia and its ambitions to return back its influence, lost after the end of Cold War. These are rather dangerous scenarios, to which Kosovo and the other Western Balkan countries are against, given that our common strategic positioning is with the Western world and Euro-Atlantic community.

We believe that commitments to this dialogue can be proved credible only if both states proceed with full implementation of their obligations. The genuine implementation of the reached agreements and further dialoguing to be finalized with the mutual recognition between two states, Kosovo and Serbia not only will ensure their European future, but also will remove any interstate disputes allowing next generations of both states to live in peace and good neighborhood.

I can assure that Kosovo will remain in the course of its Euro-Atlantic future because we share common values. I believe the future of all Western Balkan countries is being anchored to the West, though here our Western partners must stand more firmly with us to help cope with whatever security threats of geopolitical nature or any other nature that knocks in our doors. Other alternatives belong to the past and should remain in the past.

I would like to emphasize that the EU remains a critical factor to help speed up and ensure consistency in lasting results of this dialogue. We consider that the role of US, Germany and other European countries is indispensable for the success of this dialogue.

Sincerely,



**Edita Tahiri**  
Minister for Dialogue  
Chief Negotiator at the Brussels Dialogue