

# Freedom of movement in transition

2022





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Municipalities in Limbo of  
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## About Open Initiative

“Democracy, Openness and Prospects of the Serb Community in Kosovo – Open is an initiative of Kosovo Foundation for Open Society (KFOS) launched during 2020. The aim of this initiative is to develop an open and dynamic space for discussion within Serb community, but also between the Serb and other communities, as well as with institutions in Kosovo.

Civil society organizations and media from Serb community in Kosovo, members of the initiative, specifically deal with analyses and assessments of impact of civic and political organizations on the development of democracy as well as openness of Serb community in Kosovo. These analyses assess the openness of institutions, public policies, and important processes towards Serb community in Kosovo, as well as the level of openness of Serb community towards them.

These analyses will help provide insights into the situation and perspectives of Serb community in Kosovo, serving at the same time for informed representation in front of decision-makers, local and central institutions, and the international community.

## Project partners

The project “Community of Serb Municipalities and the Agreement on the Freedom of Movement from the perspective of the Serb community in Kosovo” is implemented by NGO “Aktiv” from North Mitrovica and the NGO “Forum for Development and Multiethnic Collaboration (FDMC)” from Gračanica/ Graçanicë. The products of the project are two practical policy proposals: the NGO “Aktiv” focused its work on writing a practical policy proposal on freedom

of movement in Kosovo, while the NGO “Forum for Development and Multiethnic Collaboration” worked on a document concerning the Community of Serb Municipalities.

This project is implemented within the framework of the OPEN platform, which is managed by the Kosovo Foundation for Open Society (KFOS).

## About the report

The report “Freedom of movement and Brussels agreements from the perspective of Serb community” is the result of a research in Serb-majority areas in Kosovo that was conducted by NGO “Aktiv” in cooperation with civil society organizations within the OPEN platform in November 2021. The research was conducted to determine the authentic stances, perceptions and interests of Serb community regarding the freedom of movement and agreements on freedom of movement that were agreed between Belgrade and Pristina, and as part of the dialogue conducted under the auspices of the Special Envoy

of the European Union in Brussels. In addition to the latest relevant information on the Brussels agreements on freedom of movement and their impact on life of the Serb community, the report partially looks at the historical background of the right to freedom of movement of Serbs in Kosovo from the Serb community’s perspective. The report offers certain recommendations to the relevant factors, and it can serve to civil society organizations as a solid foundation for designing specific initiatives in order to overcome the perceived challenges and obstacles related to the freedom of movement.

# 1. Executive summary

Freedom of movement is a fundamental human right that implies the possibility and right of an individual and/or group to travel freely from place to place within one or more countries. In certain situations, this human right may be limited due to some general interests, for example due to a pandemic and protection of public health, maintenance of order, security, etc. When it comes to the freedom of movement of Serbs in Kosovo, this issue preoccupies the attention of domestic and international public for a number of years. Viewed from the perspective of Serb community, the issue of the freedom of movement was mainly brought into the context of chronic Serbian-Albanian relations in Kosovo, which resulted in the restriction or even denial of the right to freedom of movement of Serbs. While some blamed the others for it, those others claimed exactly the opposite. In the middle of 2022, the Prime Minister of Kosovo, Albin Kurti, announced the introduction of reciprocity with Serbia. For this reason, Serbs, and especially those in the north of Kosovo, placed the issue of freedom of movement in the context of the abolition of Serbian license plates for cities in Kosovo (PR – Priština/Prishtinë, PZ-Prizren, PE – Peć/Peja, ĐA – Đakovica/Gjakova, GL – Gnjilane/Gjilan, KM- Kosovska Mitrovica/Mitrovicë, UR – Uroševac/Ferizaj), issued by Serbia and widely used in the north of Kosovo in four Serb-majority municipalities.<sup>1</sup> The results of the research point to the fact that ordinary people don't know much about the Brussels dialogue.<sup>2</sup> Due to all of this, it is

very useful in this document to present the views of Serbs on the issue of freedom of movement, which point to an authentic and special dimension, but also highlights the complexity of this issue, leaving aside the fact that Albanians from Kosovo generally have completely opposite thoughts and stances about it all. This is precisely what points to the need not to have the issue of freedom of movement in Kosovo viewed separately and independently from other social and political events that have marked the life of Serbs in Kosovo in the recent or distant past. This is the only way to agree on solutions to vitally important issues in Kosovo, to which one community expresses resistance, while the other, the majority, considers it completely legitimate. It is also important to be informed about the dialogue between Belgrade and Pristina, which is being led under the EU auspices in Brussels since March 2011 on technical issues such as regional cooperation, freedom of movement and the rule of law (technical aspect). It is equally important to be informed and familiar with the First Agreement of Principles Governing the Normalization of Relations between Belgrade and Pristina, which was reached on April 19, 2013 (political aspect) that was only partially implemented, which is why one side in the dialogue feels cheated. The results of the research that will be discussed in this document, however, point to the fact that the awareness of Serb community about all of that is at an extremely low level.

1 Zubin Potok, North Mitrovica, Zvečan/Zveçan and Leposaviq/Leposaviq.

2 Igor Marković and Boban Simić, Kosovo Serbs in the dia-

logue process, NGO AKTIV and FDMC, KFOS, 2021, available at: <http://ngoaktiv.org/uploads/files/01%20-%20Analiza%20Dialogu%20-%20ENG%20-%2002.pdf>

## 2. Historical and socio-political retrospective of freedom of movement in Kosovo from the perspective of the Serbian community

From the perspective of Kosovo Serb community, freedom of movement has been an important aspect of everyday life for a long time. It can even be said that at certain times, the freedom of movement determined the very way of life of Serbs in Kosovo, and that life was indeed distinguished by certain specificities and illogicalities. In order to fully understand these specifics and their (at times) lack of logic, it would be useful to draw a parallel between the events of the distant and recent past with the time in which we live. In this way, we will understand with greater ease any deadlock in the dialogue between Belgrade and Pristina along with the tensions regarding matters that have been agreed upon.

UNMIK administration in Kosovo adopted a Regulation on Temporary Registration of Privately Operated Vehicles<sup>3</sup> in October 1999, and a while later (2001-2002) it began issuing new identity documents and KS license plates

<sup>3</sup> See [https://unmik.unmissions.org/sites/default/files/regulations/02english/E1999regs/RE1999\\_15.htm](https://unmik.unmissions.org/sites/default/files/regulations/02english/E1999regs/RE1999_15.htm)

for Kosovo residents that were different from the ones that were in use until then, and which were being issued by the Republic of Serbia. The majority of the members of Serb community in Kosovo continued to use the license plates of the Republic of Serbia for the cities in Kosovo (PR, PZ, KM, PE, GL, UR and ĐA), while a smaller number (south of the Ibar River) over time (since 2002) started to accept KS license plates for their cars, mainly due to safety reasons.<sup>4</sup> Similarly, driver's licenses issued by the Republic of Serbia for Kosovo residents were valid until the end of 2002, after which they had to be replaced with new ones - Kosovo driver's licenses.<sup>5</sup> Reports of international institutions and minority rights experts from that period, but also

<sup>4</sup> "In order to increase freedom of movement for members of the Kosovo Serb community who owned vehicles with Serbian licence plates registered outside Kosovo, my Special Representative issued Administrative Direction 2002/6, which allows for the provision of Kosovo licence plates to Kosovo Serb motorists free of charge. So far, 1,231 Kosovo Serbs have applied.", paragraph 36, Report of the Secretary-General of the United Nations, Kofi Annan, from 29 January 2003.

<sup>5</sup> UNMIK Regulation: [https://unmik.unmissions.org/sites/default/files/regulations/02english/E2002regs/RE2002\\_14.pdf](https://unmik.unmissions.org/sites/default/files/regulations/02english/E2002regs/RE2002_14.pdf)

many years later, point to a “gloomy situation” (Kai Eide), and massive violence against Serbs and their property on March 17, 2004.<sup>6</sup> only confirmed the fact that the right to freedom of movement for Serbs in Kosovo was completely limited and could only be exercised with KFOR escort. Nevertheless, between 2001 and 2010, an increasing number of citizens of Serbian nationality south of the Ibar River accepted KS plates (and from 2010 also RKS plates, when they were presented to the public), initially mainly for security reasons, while keeping those which they owned until then, and which were issued by Serbia for traveling outside of Kosovo.<sup>7</sup> Back then, Serbs in the north of Kosovo<sup>8</sup> were exclusively using Serbian license plates or were even driving without license plates, even when in rare cases they have had vehicles registered in the Kosovo system. In such circumstances, KS license plates for Serbs south of the Ibar increased their safety and the possibility of freedom of movement, while for Serbs in the north of Kosovo, where residents are mostly Serbs, this was not the case and therefore those were not accepted, because for them it presented a form of integration into the Kosovo system. During all that time, although Serbs south of the Ibar were slowly accepting KS plates, they were still facing limited freedom of movement. For example, at the end of 2002, KFOR made a decision to stop escorting Serbian children to school in Cernica/Cërnice near Gnjilane/Gjilan and a handful of children who remained living in a building in the center of Pristina (the so-called YU-pro-

6 Kofi Annan, UN Secretary General, in his Report on the United Nations Interim Administration Mission in Kosovo, S/2004/348, submitted on April 30, 2004, on the events from March 17 2004, stated that this was an “organized, widespread, and targeted campaign” of burning homes and churches.

7 The difference between the license plates issued by the Republic of Serbia for cities in Kosovo (PR, PZ, PE, DJ, GL, KM and UR) and the temporary license plates issued by UNMIK administration back then was the fact that Serbian plates were internationally recognized, while temporary KS plates were valid only in Kosovo during a certain period of time. Today, the difference is that RKS plates are not in the green card regime, which is why an insurance policy is charged when entering EU countries, while that is not necessary for license plates issued by the Republic of Serbia. For example, to enter Greece with a vehicle that has RKS plates, it is necessary to buy an insurance policy that is valid for 30 days and costs 70 euros, while all this is not necessary for, for example, KM plates.

8 Zubin Potok, North Mitrovica, Zvečan/Zveçan and Leposavić/Leposaviq

The majority of the members of Serb community in Kosovo continued to use the license plates of the Republic of Serbia for the cities in Kosovo (PR, PZ, KM, PE, GL, UR and ĐA), while a smaller number (south of the Ibar River) over time (since 2002) started to accept KS license plates for their cars, mainly due to safety reasons.

gram building) and because of this, students of Serbian nationality did not go to school for the following four weeks.<sup>9</sup> In January 2009, Serbs from Gračanica/Gračanicë and surrounding villages requested and received an escort from the Kosovo Police Service and KFOR during the organized cutting of Christmas trees outside their villages.<sup>10</sup> During 2005, UNMIK transferred the responsibility for civil registration and issuance of documents, including driver’s licenses to Kosovo authorities.

During 2008, European Union Rule of Law Mission in Kosovo (EULEX) was established, which aims to provide support relevant rule of law institutions in Kosovo on their path towards increased effectiveness, sustainability, multi-ethnicity and accountability, free from political interference and in full compliance with international human rights standards and best European practices. As part of its mandate, the Mission carries out monitoring activities and has limited executive powers. The trend of using KS plates in the Serbian community continued to grow, but south of the Ibar River. In four municipalities in the north of Kosovo, the number of registered vehicles with KS plates was still symbolic and negligible. Moreover, even in the case when the

9 [https://www.b92.net/info/vesti/index.php?yyyy=2002&mm=10&dd=2&nav\\_category=11&nav\\_id=71800&start=-9](https://www.b92.net/info/vesti/index.php?yyyy=2002&mm=10&dd=2&nav_category=11&nav_id=71800&start=-9)

10 <https://www.blic.rs/vesti/drustvo/srbima-za-secu-badnja-ka-obezbedena-pratnja-kfora-i-kps/nlfg8aq>

vehicle was registered to KS plates, those plates were not visibly displayed on the cars in any of the four municipalities in the north of Kosovo (the cars were driven either with Serbian license plates or without plates). One of the potential reasons why the KS plates introduced by UNMIK administration in 2000 (at that time with the aim of “enabling the freedom of movement of Kosovo Serbs”) were not accepted by Serbs in the north of Kosovo, is that they were perceived in terms of separate identity of Kosovo in relation to Serbia. Those who accepted it (namely the Serbs in southern Kosovo) did that so they would not be different from the majority, and to avoid frequent attacks while traveling and thus exercise the right to freedom of movement. In 2010, the Government of Kosovo introduced RKS plates with a different appearance.

It is also important to note that the right to freedom of movement for owners of vehicles with KS plates was denied in Serbia. Over time, Serbia allowed the entry of vehicles with KS plates, but only if they obtain Serbian temporary license plates. The technical Agreement on Freedom of Movement was signed on July 2, 2011, while its implementation began in 2012, when the unimpeded movement of vehicles with KS plates was made possible in Serbia, which Kosovo abolished by introducing new RKS plates that Serbia does not recognize.



In four municipalities in the north of Kosovo, the number of registered vehicles with KS plates was still symbolic and negligible. Moreover, even in the case when the vehicle was registered to KS plates, those plates were not visibly displayed on the cars in any of the four municipalities in the north of Kosovo (the cars were driven either with Serbian license plates or without plates). One of the potential reasons why the KS plates introduced by UNMIK administration in 2000 (at that time with the aim of “enabling the freedom of movement of Kosovo Serbs”) were not accepted by Serbs in the north of Kosovo, is that they were perceived in terms of separate identity of Kosovo in relation to Serbia.

### 3. Freedom of movement within the framework of the dialogue between Belgrade and Pristina

In March 2011, under the auspices of the EU in Brussels, the authorities in Pristina and in Belgrade started a dialogue on technical issues that was aimed to solve the practical problems of citizens, (from the Serbian community's point of view) without considering status issues. The representatives of authorities in Pristina and Belgrade agreed that the dialogue would be conducted on regional cooperation, freedom of movement and the rule of law<sup>11</sup>

In the period from 2011 to April 2013, seven technical agreements were reached regarding the following issues: (1) cadastral records, (2) civil registry, (3) freedom of movement, (4) customs stamps, (5) recognition of university diplomas, (6) integrated border/boundary management, and (7) regional representation and cooperation. Among these agreements, the Agreement on the Freedom of Movement of People and Goods is particularly important, which is supported by the agreements on integrated border/boundary management, registration and collection of customs duties and

VAT, as well as on the customs stamp. As a result, a temporary Fund for Economic and Infrastructure Development of the North of Kosovo was established. Until today (2022), the Fund is still not operational. In any case, in July 2011, as part of the technical dialogue, the Technical Agreement on Freedom of Movement was signed, whose implementation began in November of the same year.<sup>12</sup> This agreement strived to reduce difficulties regarding freedom of movement by enabling citizens of Kosovo and citizens of Serbia to move freely within the territories of Kosovo and Serbia with ID cards (without passports). Therefore, in practice, it is possible to use the right to freedom of movement for all people, regardless of the type of documents they possess, without special administrative procedures that would be related to status issues. It is important to mention here that from 2008 until this agreement was reached, citizens of Kosovo who did not have Serbian or documents issued by UNMIK interim administration were not allowed to travel through Serbia, and since 2010 vehicles with RKS license plates also do not have

<sup>11</sup> Annex 1 contains information on the technical issues discussed during the seven rounds of expert group negotiations in Brussels in 2011.

<sup>12</sup> Annex 2 is the technical Agreement on Freedom of Movement from 2011.

that right. Serbia only recognizes KS plates (which maintain status neutrality), but not RKS (which represent the Republic of Kosovo). Entry into Serbia was not prevented for RKS license plates, but the owners of these vehicles received temporary Serbian license plates when traveling to Serbia. The agreement made a huge contribution in terms of the right to freedom of movement, because the average number of persons traveling from Kosovo to Serbia, on an annual basis, reached the figure of 144,319 persons, of which 4,811 on a daily basis. As for crossings from Serbia to Kosovo, 142,209 people traveled in this direction on an annual basis or 4,740 on a daily basis.<sup>13</sup> This was a clear indicator that the agreement served its purpose as there was an increase in the flow of people and goods after the implementation of the agreement.

On 19 April 2013, two sides have signed the Brussels Agreement with the EU facilitation,<sup>14</sup> which could have borne the epithet of “historic agreement” if it had been fully implemented in practice. Namely, according to the views of representatives of Serbian and Kosovo authorities back then, this agreement was supposed to reduce the potential for future conflicts in the Western Balkans and remove one of the last obstacles for Serbia and Kosovo on the way to EU membership. As one of the key problems of the Brussels Agreement that arose for members of Serb community in the north of Kosovo, it created space for the integration of four municipalities into the legal system of Kosovo. The signing of the Brussels Agreement by the official Belgrade signaled the withdrawal of certain Serbian institutions, the organization of Kosovo elections and the establishment of Kosovo institutions in the north of Kosovo, where since 1999 these institutions functioned within the Serbian system (local self-government, judiciary, civil protection, education, healthcare, etc.)

<sup>13</sup> Source (only in Serbian): [https://www.centarzarregionalizam.org.rs/prilozi/monitoring/Monitoring\\_SRB.pdf](https://www.centarzarregionalizam.org.rs/prilozi/monitoring/Monitoring_SRB.pdf)

<sup>14</sup> Annex 3 contains the Brussels Agreement (First Agreement on Principles Governing the Normalization of Relations)

2011

In any case, in July 2011, as part of the technical dialogue, the Technical Agreement on Freedom of Movement was signed, whose implementation begun in November of the same year. This agreement strived to reduce difficulties regarding freedom of movement by enabling citizens of Kosovo and citizens of Serbia to move freely within the territories of Kosovo and Serbia with ID cards (without passports).

In September 2016, Belgrade and Pristina<sup>15</sup> have agreed on the use of stickers on RKS license plates when traveling through Serbia, as well as on Serbian plates when traveling in Kosovo. However, this measure, after being agreed upon, did not materialize in practice. It is also important to note that within the framework of the technical dialogue, an agreement was reached on extension of validity of KS plates, which are “status neutral” from the Serbian point of view, for five years, i.e. until 2016, and then their validity was extended from 2016 for another five years, until 2021. However, in 2020, the Government of Kosovo abolished KS plates. Such a decision left a large number of owners of cars with KS plates with only one option, which was to re-register the vehicle to RKS license plates.<sup>16</sup>

In the context of the right to freedom of movement of Serbs in Kosovo, it seems that it is worth noting at this point several examples of violations of the reached agreements (on freedom of movement and other) by Kosovo institutions and the Government of Kosovo led by Prime Minister Albin Kurti.

<sup>15</sup> Annex 4 contains the agreement between Belgrade and Pristina on the use of stickers over license plates

<sup>16</sup> Source: <http://ngoaktiv.org/news/multiple-number-plates-multiple-problems>

Namely, June 2021 was marked by prohibitions (freedom of movement) on organized entry to Kosovo from Serbia of representatives of Kosovo Serb families (former residents of Kosovo), for the purpose of marking the All Souls' Day and to visit the graveyards in Mušutište/Mushtishtë, Suva Reka/Suhareka, Velika Hoča/Hoçë e Madhe, Zočište/Zoçishtë and other places.<sup>17</sup> Buses with Kosovo Serbs, whose arrival was duly announced to the competent Kosovo institutions and in accordance with the established practice and reached technical agreements, were initially allowed to enter Kosovo, but they were intercepted halfway and returned to Serbia by Kosovo Police. Also, the bus transporting pilgrims who were going to visit Orthodox monasteries in Kosovo was prohibited from entering. Similarly, the entry of an organized group of mountaineers from Serbia and the region who were supposed to take part in the traditional hike to Šar/Sharr Mountain on the eve of the Serbian holiday of St. Vitus Day (June 28) was prohibited.<sup>18</sup> Even a certain number of buses with groups of mountaineers that have entered Kosovo unhindered, were intercepted and sent back by Kosovo Police with curt and illogical explanations. Similarly, groups of mountaineers who, on the other hand, managed to reach their desired destinations on Brezovica/ Brezovicë in the municipality of Štrpce/Shtërpçë a few days earlier, were informed by the Kosovo Police that they could not hike due to security reasons.

In September 2021, Prime Minister of Kosovo Albin Kurti made a long-anticipated decision to apply the principle of "reciprocity", which prohibits the travel of vehicles with Serbian license plates in Kosovo and hints at the confiscation of cars with license plates issued by the Republic of Serbia for cities in Kosovo (PR, PZ, PE, ĐA, KM, GL and UR). The Government of Kosovo sent special police forces with armored vehicles to the north of Kosovo in order to implement this decision. Dissatisfied with the decision and the deployment of armored

<sup>17</sup> <https://kossev.info/kancelarija-za-kim-autobus-sa-50-vernika-iz-centralne-srbije-pusten-pa-vracen-sa-km/>

<sup>18</sup> <https://www.danas.rs/vesti/drustvo/kancelarija-za-kosovo-i-metohiju-zabrana-kretanja-planinarima-je-sovinizam/>

2016

In September 2016, Belgrade and Pristina have agreed on the use of stickers on RKS license plates when traveling through Serbia, as well as on Serbian plates when traveling in Kosovo. However, this measure, after being agreed upon, did not materialize in practice. It is also important to note that within the framework of the technical dialogue, an agreement was reached on extension of validity of KS plates, which are "status neutral" from the Serbian point of view, for five years, i.e. until 2016, and then their validity was extended from 2016 for another five years, until 2021.

vehicles of special police forces, Serbs in the north of Kosovo blocked the roads (with trucks, cars and their bodies) leading to two crossings with Serbia - Jarinje/Jarinjë and Brnjak/ Bërnjak. The end of the blockade was conditioned by the cancellation of this decision. After 12 days of blockades and tension, with the mediation of EU representatives, a compromise was reached and this was followed by the withdrawal of special police forces from Jarinje/Jarinjë and Brnjak/ Bërnjak, temporary deployment of KFOR members and the simultaneous clearing of roads by Kosovo Serbs.<sup>19</sup> The so-called sticker regime (from 2016) with mandatory covering of parts of license plates was introduced, as an interim measure before the final agreement on license plates which should be reached in 2022. For this purpose, a Working Group was formed, which was supposed to reach a final

<sup>19</sup> <https://www.slobodnaevropa.org/a/kosovo-blokada-jarinje-brnjak-srbija/31486039.html>

agreement on the issue of freedom of movement and license plates, within six months. The repeated use of stickers was limited to six months<sup>20</sup> and within that time the teams of Belgrade and Pristina were supposed to reach a permanent and sustainable solution.

In April 2022, that deadline expired, and the negotiation delegations did not agree on what the final solution regarding freedom of movement and license plates should look like. Therefore, the Government of Kosovo has again decided to implement the new rules on its own. Namely, in July 2022, the decision of the Government of Kosovo provided the opportunity for the period of re-registration of vehicles with Serbian license plates of cities in Kosovo to RKS license plates to begin on August 1. For citizens who wish to do so, benefits are provided, such as exemption from customs duties for vehicles that have already paid customs fees in Serbia. At the same time, those who do not re-register their vehicles after the two-month period are threatened with "confiscation". The decision of the Government of Kosovo also provided for a measure of reciprocity towards Serbia in the form of issuing the so-called "entry and exit" documents, as stated in the 2011 agreement, or "declaration paper", as the Government of Kosovo calls it, to all citizens who arrive at crossing points with Kosovo with identity cards issued by Serbia. Dissatisfied with the decision, Serbs in the north of Kosovo again blocked the roads with barricades and categorically refused to comply with the decision. Through the mediation of EU and US Embassy in Pristina, further escalation was avoided by the fact that the Government of Kosovo accepted the recommendations of the EU and the US Embassy to postpone the implementation of the decision for a period of one month or rather until September 1, 2022.<sup>21</sup>

<sup>20</sup> [https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-chief-negotiators-reach-arrangement-resolve-tension-north-kosovo\\_en?fbclid=IwAR0YHDomatFVIUoOfFP-G8n30KxlwyX6GyonXZIDIY\\_bInnKF94tDKBeglMIM](https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-chief-negotiators-reach-arrangement-resolve-tension-north-kosovo_en?fbclid=IwAR0YHDomatFVIUoOfFP-G8n30KxlwyX6GyonXZIDIY_bInnKF94tDKBeglMIM)

<sup>21</sup> <https://www.danas.rs/vesti/politika/kurti-odlozio-pri-menu-reciprociteta-za-30-dana/>

2022

Therefore, the Government of Kosovo has again decided to implement the new rules on its own. Namely, in July 2022, the decision of the Government of Kosovo provided the opportunity for the period of re-registration of vehicles with Serbian license plates of cities in Kosovo to RKS license plates to begin on August 1. For citizens who wish to do so, benefits are provided, such as exemption from customs duties for vehicles that have already paid customs fees in Serbia.

Civil society organizations gathered around the OPEN platform have asked questions to look into the ways this series of events affected the daily life of people in Kosovo, how much do they know about the Agreement on Freedom of Movement and its implementation, what are their expectations and doubts. In order to gain insight into a more complete overview of public opinion on freedom of movement, and on the occasion of the adoption of new measures of reciprocity between Kosovo and Serbia in the part of the Brussels Agreement from 2011, which refers to license plates of passenger and cargo vehicles, they conducted a survey in partnership within the Serbian communities on the territory of Kosovo.

By using the conducted research, civil society organizations within the OPEN platform shall strive to provide support to citizens through further advocacy on finding the sustainable solutions acceptable to both parties, where the citizens who the freedom of movement applies to are active participants and whose opinion should be considered in negotiations and during the decision-making.

## 4. Research on the topic of freedom of movement

### Methodology

For the purposes of this document, a detailed field research was conducted. It was conducted in the Serb-majority areas of Kosovo, on a sample of 600 respondents stratified by place of residence (300 each north and south of the Ibar River), gender and age. It was ensured that the respondents are represented by municipality, and also that there is an equal representation of respondents of both sexes/genders in each municipality. The methodological approach to data collection was designed in the form of questionnaires, face-to-face interviews and focus groups. The sets of questions were formulated based on preliminary analytical research. In this report, the data will mainly be presented through individual variables, which are relevant from the aspect of the research objective. The data obtained from the focus groups and interviews were grouped by area and presented as a whole or parts of the answers, in accordance with the relevance and importance of the obtained information.

### Analysis of research findings

The findings collected during the research provided the basis for the analysis of the level of information of citizens about freedom of movement, Brussels Agreement and the impact of decision-making on the quality of life. Also, one of the research objectives was to assess the safety of citizens when enjoying the right to freedom of movement, especially among those who use personal documents issued in Kosovo and in Serbia, and who use license plates with different legal statuses (depending on which side observes them/ interprets them and in what ways they implement the reached agreements).

In order to gain a comprehensive understanding, the analysis of the state of freedom of movement has taken into consideration the viewpoints of individuals/experts who are directly or indirectly part of this process. Views of the interviewees largely coincide in their pessimistic nature, because they have opined that there is no political will to solve this problem and that events such as elections in most cases affect the very course of negotiations and implementation (of the reached agreements). Also, the responses have led us to the fact that the unstable political situation leads towards a fragile security situation that affects, among other things, freedom of movement, i.e. increases the risk when traveling with symbols or signs of statehood, in this case license plates.

**Graph 1.** Are you familiar with the provisions of the Agreement on Freedom of Movement, which the negotiations teams of Belgrade and Pristina signed in 2011 and renewed in 2016?



When it comes to the extent to which citizens are informed about the Agreement on Freedom of Movement, the survey showed that 39.8% of respondents are not familiar with its provisions, and that a similar number of respondents (38.8%) are partially aware. On the other hand, 15.4% do not have any information about this agreement, which can be interpreted as a consequence of the lack of direct communication between political actors (i.e. institutions) and citizens. The research additionally showed that a small number of citizens (6% of the total number of respondents) are fully familiar with this agreement.

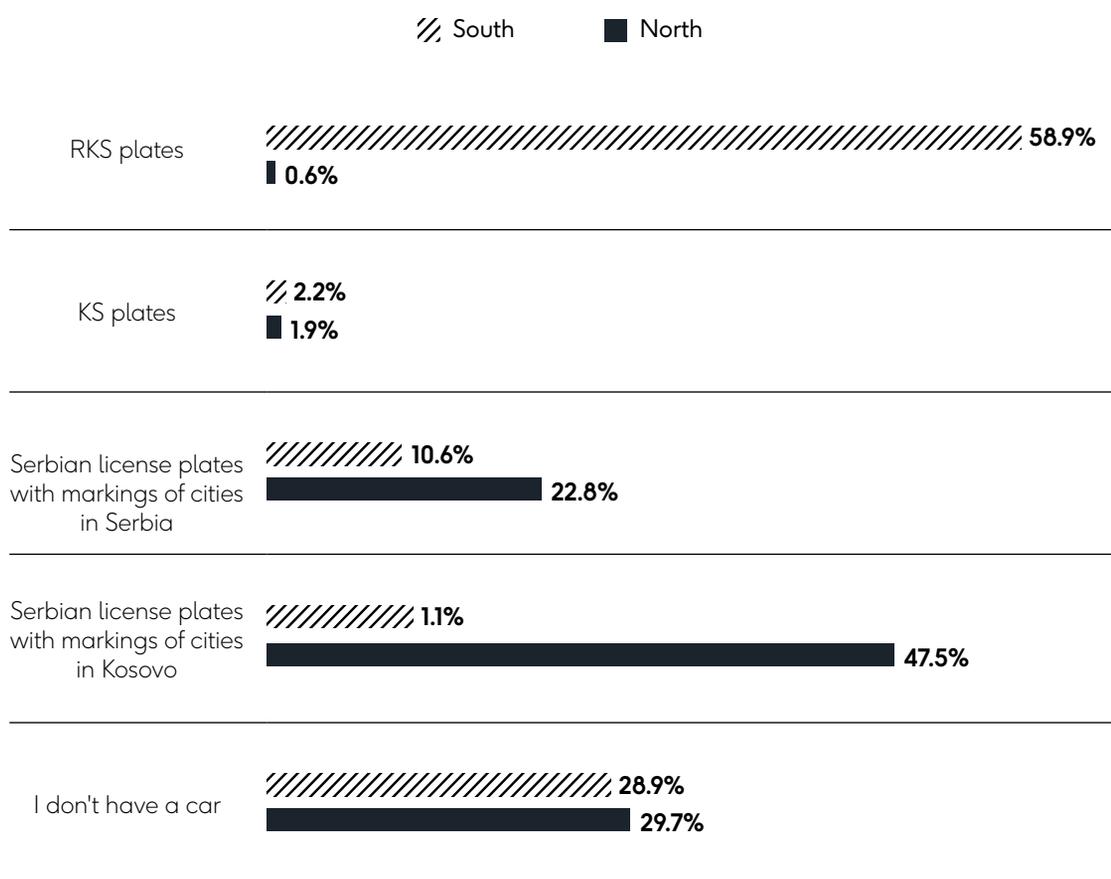
From the aforementioned responses, it can be concluded that one of the main problems is citizens' ignorance about the content of the agreement itself. There is a distinct difference in the stances of citizens living north and south of the Ibar River, which refers to the answers "partially" and "I am not familiar at all", where in the north

there is a significantly higher number of those who are not familiar with the agreement at all (45% of respondents). A significantly higher percentage of those that are partially familiar with the agreement in the south can be explained by the fact that the institutions, including the Kosovo police, are much more rigorous in applying the rules in the south than they are in the north. As for the so-called "sticker" regime, the research showed that almost half of the respondents (49.2%) own cars with license plates of cities in Kosovo and license plates with the markings of cities in Serbia, which speaks about the number of vehicles with stickers that are driven in the territory of Kosovo, especially in the North. This is a significant information, because the participants of the focus groups who live north of the Ibar River had particularly critical stances towards the temporary "sticker" solution, which in their view made their movement even more

difficult and it generates tensions.<sup>22</sup> Apart from that, it was stated that it represents a political defeat<sup>23</sup>, because the participants think that a compromise has been made in relation to the unilateral decisions of the Government of Kosovo. Likewise, in the interviews conducted as part of the research, one of the answers to the question "is placement of stickers a good solution?", was that stickers do not represent a good and long-term solution.<sup>24</sup> However, for the owners of

RKS license plates, this solution represents a relief in procedural and financial sense, because the stickers, albeit a temporary solution, reduced the costs for the owners of these vehicles who were previously obliged to obtain test license plates when entering the territory of Serbia. However, taking into account the fact that the number of vehicles with RKS plates in the north of Kosovo is significantly smaller, for citizens and owners of vehicles with license plates with markings of cities

**Graph 2.** Comparative review of respondents' answers in the north and south



<sup>22</sup> Report of the focus group in Leposavić/Leposaviq.

<sup>23</sup> Reports of the focus groups in North Mitrovica and Zubin Potok.

<sup>24</sup> Interviews with Darko Dimitrijević and Nenad Radosavljević.

in accordance with the system of the Republic of Serbia, this decision was not very useful.

Graph 2 shows the enormous difference in the

ownership of cars with RKS markings (South 58.6% - North 0.6%). This fact validates the previous data on the percentage of vehicles in traffic on the territory of Kosovo that use stickers and to which the temporary decision on their use applies. Also, an important data is the fact that 47.50% of vehicles in traffic are those with Serbian license plates of cities in Kosovo. This information is important in the sense that their legal status in the north of Kosovo is still “tolerated” by the Kosovo police. However, what will greatly affect the freedom of movement of citizens is the information that is often cited by the interviewees, that all those who have KM, PR, GL, UR, PZ, PE, ĐA license plates will not be able to extend their registration, and that they will receive benefits when registering their vehicles to RKS license plates<sup>25</sup>. When it comes to RKS and KS license plates, analysis of the responses offered by focus group participants from Gračanica/Graçanicë, Kosovsko Pomoravlje/Anamoravë and Štrpce/Shtërpçë, who own these license plates in the largest number, indicates that the majority did not have major problems in Serbia when using them, although there were a small number of incidents, roadside suspensions by the police or damage in the parking lots. However, when it comes to license plates of cities in Serbia, the participants, according to their own testimony, experienced a certain type of discrimination or inconvenience, such as being deliberately suspended from the traffic, Kosovo police overstepping its authority, stoning on the road or in the parking lot. One of the examples from the focus groups, where citizens spoke about the threat to freedom of movement, was that the Kosovo police did not recognize one of the documents of the interlocutors, because the document was written in Cyrillic and was issued by the Republic of Serbia.<sup>26</sup> On top of that, the research participants pointed out that, although it takes five to ten minutes to issue the test license plates, they had to wait at Jarinje/Jarinjë crossing much longer, and that the financial aspect was burdensome, and that it has now been eliminated with the use of free stickers.

<sup>25</sup> Interview with Nenad Radosavljević.

<sup>26</sup> Report of the focus group in Gračanica/ Graçanicë.



When it comes to RKS and KS license plates, analysis of the responses offered by focus group participants from Gračanica/ Graçanicë, Kosovsko Pomoravlje/ Anamoravë and Štrpce/ Shtërpçë, who own these license plates in the largest number, indicates that the majority did not have major problems in Serbia when using them, although there were a small number of incidents, roadside suspensions by the police or damage in the parking lots.

One gets the impression that owners of vehicles with RKS license plates are suitable for the sticker regime, because the procedure is shorter and without monetary compensation.

When it comes to crossing the administrative crossings, 6% of respondents answered affirmatively to the question “have you ever had problems when crossing at any of the crossings between Kosovo and Serbia (Jarinje/Jarinjë/ Jarinjë, Brnjak/ Bërnjak, Merdare, Bela Zemlja/ Dheu i Bardhë, etc.)”, while 12% were not sure or does not remember (Graph 3). Problems with license plates, stickers – placement on the license plates, requests for various authorizations, as well as “harassment” were highlighted as problems faced by the respondents. It is necessary to organize a public campaign to raise the citizens’ awareness about the available mechanisms for prevention and protection in cases like the ones that were described, which would prevent any form of discrimination in this matter. In the described cases, the Police Inspectorate of Kosovo<sup>27</sup> is the institution that is primarily competent to receive complaints on the work of Kosovo police.

<sup>27</sup> Police inspectorate of Kosovo: <https://ipk.rks-gov.net/>

**Graph 3.** Problems faced by the respondents at the crossings



Focus group participants in four northern municipalities connected freedom of movement with the issue of general security in that part of Kosovo. Additional confusion and complications for residents of four municipalities in the north of Kosovo are created by documents, specifically identity cards issued by the Ministry of Internal Affairs of Serbia for citizens whose place of residence is one of the cities on the territory of Kosovo. It is obvious that confusion is created by the different interpretation of the Brussels Agreement, which, as it can be seen from the report of the focus groups, has an impact both on freedom of movement and on general security.<sup>28</sup>

Also, the interlocutors agreed that other unresolved issues also contribute to the complexity of the problem, such as license plates markings,

<sup>28</sup> Reports of the focus groups in North Mitrovica and Zubin Potok.

but also personal documents, cadaster, diplomas and the like. One of the interlocutors stated that the problems mainly arise due to documents and the fact that they are mismatched. There are many of those who possess only Serbian documents with cities in Kosovo. On the other hand, a large number of people encounter the problem of accessing Kosovo documents<sup>29</sup>. Even after 11 years from the beginning of implementation of the decisions on the termination of validity of documents (issued by Serbian institutions in Kosovo), they are still used by some citizens. Practice shows another limitation of movement even when all conditions prescribed by the Kosovo's laws on travel are met, namely organized visits of believers or students to monasteries in Kosovo. The justifications of Kosovo Police officers are of an administrative nature, requiring advance notice of such trips. Organiz-

<sup>29</sup> Interview with Darko Dimitrijević.

ers are often taken aback by these procedures and conditions, because this is not an everyday practice.<sup>30</sup>

Measures of the Government of Kosovo on prevention of COVID-19 have also affected freedom of movement<sup>31</sup>, and one of the interlocutors opined that the Government of Kosovo was too hasty with the “harsh” decision on vaccination, as the only way to enter Kosovo, and he thinks that it is not strange that they had to abolish it soon after and add more options and possibilities for entering Kosovo, such as a negative PCR test and the like.<sup>32</sup> Another interlocutor pointed out that “instead of making more effort into having their population vaccinated, they were doing everything to force those who were entering Kosovo to do it”<sup>33</sup>.



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Therefore, based on the analysis of respondents’ responses, the reason why freedom of movement is still relevant in Kosovo lies within:

- ⊖ Prolongation of actual implementation of the agreed provisions of the Brussels Agreement,
- ⊖ Publication of conflicting interpretations of the agreement by official Belgrade and Pristina,
- ⊖ Making of the unilateral decisions without consulting public opinion in finding compromise solutions and
- ⊖ Disregard of the real needs of citizens.

Bearing in mind the role of the European Union in the process of negotiations and, according to some research participants, the somewhat passive behavior of their representatives in Pristina, inconsistency in the implementation of the agreement has a negative impact on citizens’ trust in the Agreement.

30 <https://www.danas.rs/vesti/drustvo/dva-autobusa-iz-srbije-vracena-jutros-sa-jarinja/>

31 <http://www.ngoaktiv.org/publication/towards-a-more-equal-reponse-to-the-covid-19-pandemic-in-kosovo>

32 Interview with Marko Jakšić

33 Interview with Isak Vorgučić.

## 5. Main conclusions

- 1 In most cases, the surveyed citizens are not familiar or are partially familiar with the content of the Agreement on Freedom of Movement. Differences were observed in the answers offered by respondents who live north and south of the Ibar River regarding the possession of vehicle license plates (MIA of Serbia and MIA of Kosovo), which also contributed to different stances towards the so-called "sticker" solution.
- 2 This solution is not suitable for the citizens in the north of Kosovo in a practical and political sense, while for citizens in the south of Kosovo, such a solution is dictated by the strict application of a series of legal provisions which, compared to previous solutions, require lower costs for citizens.
- 3 A certain percentage of citizens perceive control, searches and demands for documents at crossings as harassment by officials, testifying to their unprofessional behavior and abuse of their official position.
- 4 Concern for general safety when moving within the territory of Kosovo is a common characteristic of citizens north and south of the Ibar River, albeit with the fact that the concern of car owners with license plates of cities in Serbia is somewhat greater.
- 5 Citizens are insufficiently informed and are often in doubt as to which documents are valid, i.e. recognized, either by the Ministry of Internal Affairs of Serbia or the Ministry of Internal Affairs of Kosovo.
- 6 Internally displaced persons face difficulties in exercising the right to possess personal documents, while the procedure for obtaining Kosovo documents is often long and creates an additional financial burden for this category of citizens.
- 7 Majority of respondents opined that the so-called "sticker" is unsustainable on the long run.

## 6. Recommendations

### Recommendations to representatives of institutions in Kosovo:

- ⊖ Achieving a compromise solution that would consider the needs and interests of members of local communities. A prerequisite for this is direct communication with citizens.
- ⊖ Adoption of a package of measures by the Government of Kosovo, which would enable better information of displaced persons, facilitate communication with competent ministries and centers for civil registration in Kosovo, and which would thus create pre-conditions for the improvement of the rights guaranteed by the Constitution and laws, especially when it comes to issuance of new personal documents for the displaced persons or their renewal.
- ⊖ Establishment of a functional internal control system of the code of conduct of Kosovo MIA members at the crossings to Kosovo, with the aim of preventing negative occurrences towards individual citizens, owners of vehicles with license plates of Central Serbia, which also refer to non-compliance with legal provisions regarding the free flow of citizens and respect for their rights.
- ⊖ Harmonization of language norms at the level of all competent institutions, the Government of Kosovo, Kosovo Police, Police Inspectorate, with a focus on the real needs of citizens and full understanding of the content offered to members of Serbian and other non-majority communities.
- ⊖ Establishment of a functional channel of communication with citizens of non-majority communities within Kosovo and displaced persons through a year-long public information campaign for citizens, aimed at providing a wider range of information of public importance, with a special focus on the movement regime in Kosovo and Serbia, mechanisms for protection of citizens' rights (and similar) by the Government of Kosovo, relevant ministries and agencies that bear the primary responsibility of communication with citizens.
- ⊖ Municipal presidents/mayors to encourage interested representatives of civil society to attend meetings of municipal community safety councils.<sup>34</sup>

<sup>34</sup> <https://www.kosovopolice.com/en/community-policing/municipal-community-safety-councils/>

## Recommendations for civil society organizations:

- ⊖ Present the Report on Freedom of Movement from the perspective of the Serbian community to Kosovo institutions, civil society organizations and organize open debates that would contribute to defuse the tensions and understand the needs and interests of the “other side”.
- ⊖ Establish a continuous system of communication between civil society organizations and relevant institutions in order to exchange the information about the difficulties and needs of citizens and displaced persons, with the aim of influencing the change of bad practices and dysfunctional solutions, which directly affect a wider social stratum.
- ⊖ Civil society ought to include a greater number of citizens of all age and education groups from urban and rural areas in their research.
- ⊖ Form a platform for communication and information exchange of civil society organizations with representatives of the negotiation teams in Pristina and Belgrade, with the aim of exchanging information about the dialogue process, providing relevant and factual information about the impact of specific agreements on social processes.
- ⊖ Open space for an unhindered and direct dialogue of civil society from Kosovo and from Serbia on key topics that stem from the negotiation process, with a special focus on the process of deconstruction of negative rhetoric of the leading political representatives from Belgrade and Pristina.

## Recommendations for the media:

- ⊖ Encourage representatives of key media to inform the citizens in a more proactive manner about the agreements that were reached in the negotiation process.
- ⊖ The media and civil society should ask the EU mediator in the negotiations between Belgrade and Pristina to use his authority to demand the full responsibility of the negotiating teams towards the negotiation process, while refraining from inflammatory rhetoric and dual interpretation of what was agreed, and to insist on joint press conferences after each round of talks.

# 7. Annexes

## ANNEX 1: Technical dialogue between Belgrade and Pristina in 2011

| ROUND | DATE          | DISCUSSION TOPICS AND REACHED AGREEMENTS  |
|-------|---------------|---|
| 1     | March 8 and 9 | <ul style="list-style-type: none"> <li>- economic cooperation between the two sides</li> <li>- telecommunications</li> <li>- air traffic</li> <li>- customs stamps</li> <li>- the issue of cadaster and archives</li> </ul>   |
| 2     | March 28      | <ul style="list-style-type: none"> <li>- freedom of movement</li> <li>- electricity supply</li> <li>- cadastral records</li> <li>- registries of births, deaths and marriages</li> <li>- customs stamps</li> <li>- air traffic</li> <li>- Kosovo's participation in regional initiatives</li> </ul>   |
| 3     | April 15      | <ul style="list-style-type: none"> <li>- freedom of movement</li> <li>- registration plates for vehicles</li> <li>- recognition of diplomas</li> </ul>  |
| 4     | May 17 and 18 | <ul style="list-style-type: none"> <li>- cadaster</li> <li>- freedom of movement</li> <li>- issues of the missing and cultural heritage</li> <li>- cultural heritage</li> </ul>   |
| 5     | July 2        | <ul style="list-style-type: none"> <li>- <b>Agreement on Freedom of Movement</b></li> <li>- <b>Agreement on Civil Registry</b></li> <li>- <b>Agreement on Cadastral Records</b></li> <li>- <b>Agreement on Mutual Recognition of University Diplomas</b></li> </ul>   |
| 6     | September 2   | <ul style="list-style-type: none"> <li>- Agreement on customs stamps</li> <li>- telecommunications</li> <li>- higher education</li> </ul>   |
| 7     | September 28  | <p>*The seventh round of negotiations, which was scheduled for September 28, 2011 was practically interrupted because Belgrade delegation refused to continue the talks for as long as the Kosovo police and customs officers control the crossings - a topic on which no agreement was reached. Blockades of Brnjak/ Bërnjak and Jarinjë/Jarinjë crossings followed.</p> |

## ANNEX 2: Technical agreement on freedom of movement

### Signed on July 2, 2011

- 1 Residents of each party should be able to travel freely within or through the territory of the other.
- 2 Each party will apply, as soon as operationally feasible, an ID card system for cross border/boundary travel of residents from the other party.
- 3 Each party may apply a system whereby ID cards will be accompanied by written 'entry/exit' documents for persons from the other party who wish to transit to a third country.
- 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.
- 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.
- 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).
- 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 above.
- 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.
- 6 As an interim measure, for every car owner who wishes, temporary vehicle license plates will be made available at the relevant border/boundary crossings.
- 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.
- 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.

## ANNEX 3: Brussels agreement

### (FIRST AGREEMENT ON THE PRINCIPLES GOVERNING THE NORMALIZATION OF RELATIONS)

Signed on April 19, 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 communities' 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, Zvecan, Zubin Potok and Leposavic). The Commander of this region shall be a Kosovo Serb nominated by the Ministry of Interior 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.
- 11 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 dependant on the nature of the case involved.

- 12 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.
- 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 path.
- 15 An implementation committee will be established by the two sides, with the facilitation of the EU

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## **ANNEX 4: Arrangement concerning the finalization of implementation of the 2011 agreement on freedom of movement - Brussels september 14, 2016**

- 1 The parties agree to cover relevant parts of the respective license plates with two white stickers.
- 2 This sticker regime will enter into force on November 15th of 2016.
- 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 on November 15th of 2016.
- 4 The registration of all vehicles with license plates issued by Kosovo authorities (RS/RKS) will start on January 15th of 2017 and will last for 12 months at the end of which the issue will be reviewed by the two parties with the facilitation provided by EU.
- 5 Kosovo will extend 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 provided by EU, if required).
- 6 Exceptions from duties and fees for the registration of vehicles will be granted by Kosovo as in same manners as in previous such occasions. Close and shift cooperation will be established between the two parties to verify legal ownership of vehicles.
- 7 An information campaign will be carried out by the two parties and EU to explain to the affected residents' modalities for re-registering vehicles. Further discussions on scope and modalities on such an informative campaign will be discussed in the implementation group.
- 8 License plates affected by the registration process will not be affected by the sticker regime.
- 9 Due to the sensitivities attached to the above, parties agree to review the implementation of these conclusions at regular intervals.





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