The European Union - Kosovo Stabilisation and Association Parliamentary Committee (SAPC) held its fifth meeting in Pristina, on 17 and 18 September 2018, under the co-chairmanship of Mr Memli KRASNIQI, Chairman of the Assembly of Kosovo delegation and Mr Tonino PICULA, Chairman of the European Parliament Delegation. It held an exchange of views with:

- **H.E. Ramush Haradinaj, Prime Minister**, on behalf of Government of Kosovo;
- **Ms Nataliya APOSTOLOVA**, Head of the EU Office / EU Special Representative in Kosovo, on behalf of the High Representative of the Union for Foreign Affairs and Security Policy and on behalf of the European Commission;

The Committee addressed the following subjects:

- Dialogue between Kosovo and Serbia;
- War crimes and a way towards reconciliation;
- Developments in economy, including functioning of the SAA;
- Rule of law, with a focus on the fight against corruption and organised crime;
- Visa liberalisation - fulfilment of preconditions;
- Regional cooperation as a way forward towards EU integration;
- Protection of fundamental rights and freedoms, with a focus on domestic violence and the situation of Roma, Ashkali and Egyptians;
- European Parliament’s pre-accession assistance to national parliaments;

The Stabilisation and Association Parliamentary Committee, in accordance with Rule 3 of its Rules of Procedure and Article 132 of the EU-Kosovo Stabilisation and Association Agreement, addressed the following Declaration and Recommendations to the Stabilisation and Association Council and to the institutions of Kosovo and of the European Union:

1. Stressed that free, fair and transparent elections are crucial for the democratic future of Kosovo; welcomed the fact that the 11 June 2017 early parliamentary elections and mayoral and municipal elections of 22 October and 19 November 2017 were genuinely competitive and
peaceful in most parts of Kosovo, and voters were generally offered pluralistic information on the political forces in competition; regretted the fact that within the Kosovo Serb community, the campaign environment was marred by a deep pattern of intimidation, and instances of violence from within the Kosovo Serb community against candidates and voters; regretted that the election process was negatively impacted by a number of serious long-standing shortcomings including Article 45 of the Constitution of the Republic of Kosovo that relates to citizenship for the exercise of the right to vote and by shortcomings such as inaccurate voter list, small participation of women and largely defective voting system for Kosovo citizens living abroad; urged the authorities to follow up on recommendations expressed by the EU Election Observation Mission in its reports on 2017 elections; underlined the importance of transparency and accountability of political party finances;

2. Encouraged the Kosovo government to maintain their efforts for diplomatic recognition by EU member states and stressed the need to act continuously as a cooperative partner to all the institutions of the European Union as well as those of the member states, regional governments and municipalities;

3. Welcomed that Kosovo has met all the criteria for visa liberalisation, as confirmed in the Commission report of 18 July 2018 and reiterates its support for the Commission’s legislative proposal to grant visa liberalisation to Kosovo citizens which will be particularly welcomed by young people;

4. Expressed satisfaction over the ratification of the border demarcation agreement with Montenegro on 21 March 2018, which was an important achievement in the spirit of good neighbourly relations and represented the fulfilment of one of the key criteria for Kosovo’s visa liberalisation;

5. Welcomed that Kosovo authorities have established and strengthened a steady track record of investigations and final court rulings in cases concerning organised crime and corruption, as confirmed by the Commission in its report of 18 July 2018; noted however that corruption and organised crime are still widespread and remain issues of concern in Kosovo; stressed the importance and the need for specialised prosecutors and judges dealing with corruption and organized crime; called on Kosovo authorities to continue to intensify their fight against organized crime and corruption as there are still few final convictions;

6. Stressed the importance of further strengthening Kosovo’s legal and operational framework to combat corruption and organized crime; welcomed in this respect the recent adoption of several crucial laws, including on the prevention on conflict of interest, on State Prosecutor, urged the adoption of the revised Criminal code, revised Criminal Procedural Code, draft Law on Extended Powers on Confiscation of Assets, the draft Law on Disciplinary Liability of the Judges and Prosecutors, the draft Law on the Protection of Whistleblowers; encouraged the operationalisation of e-procurement as a tool to combat corruption in the public sector;

7. Welcomed the progress of Kosovo Institutions made on migration and readmission; took note of the fact that the number of the readmitted persons in 2017 increased for more than 80% in comparison to the same period of 2015;

8. Stressed the utmost importance of public administration reform to ensure a depoliticized and efficient public administration; expressed concern about developments or initiatives that would undermine public administration reform objectives; reiterated the importance of the EU-Kosovo dialogue on public administration reform; welcomed the recent adoption of the public
administration package, however expressing concerns at the fiscal sustainability of the draft law on salaries;

9. Called on the Government of Kosovo to maintain the fiscal sustainability of Kosovo’s public finances;

10. Stressed that the path towards EU integration requires a strategic long-term vision and sustained commitment in the adoption and implementation of the necessary reforms;

11. Emphasized that the full implementation of the agreements reached in the EU-facilitated Dialogue is essential for the further normalisation of the Kosovo-Serbia relations and for the European perspective of both countries; called to swiftly proceed with the full implementation of the already concluded agreements, in good faith and in a timely manner; to contribute to the full normalisation of relations with Serbia; called in particular for the establishment of the Association/Community of Serb-majority Municipalities without delay, in line with the Kosovo Constitutional Court’s ruling, and called for the implementation of the agreement on energy between Kosovo and Serbia with obligations to be completed by the Serbian side as well the reliability and functionality of the energy transmission system; supported Kosovo’s efforts to integrate into the international community; called for the participation of Kosovo in all relevant regional and international organisations;

12. Called for a legally binding agreement on comprehensive normalisation with Serbia in compliance with international law, EU acquis and the Helsinki Final Act; took note of the fact that the entire Kosovo delegation reconfirmed that the sovereignty and territorial integrity of the Republic of Kosovo are inviolable and non-negotiable;

13. Called on the Kosovo political leadership and parties to uphold their commitment to the rule of law and to continue supporting the work of the Specialist Chambers and of the Specialist Prosecutor’s Office, in line with the existing legal framework, as an important aspect of EU-Kosovo relations;

14. Condemned in the strongest possible terms the brutal murder of Oliver IVANOVIĆ in Mitrovica on 16 January 2018 and stressed the necessity that the perpetrators are brought to justice;

15. Welcomed the integration of all Kosovo Serb judges, prosecutors and administrative staff into the Kosovo judiciary, marking the beginning of the implementation of the agreement on the unified justice system, which was reached in February 2015; stressed that an integrated, fully operational and fully representative judiciary is fundamental to further strengthen the rule of law and to guarantee equal access to justice in Kosovo; underlined the importance of the principles of meritocracy and transparency in the entire judiciary;

16. Stressed the need to ensure transparent and merit-based appointments of an adequate number of members to the Kosovo Judicial Council and to strengthen courts dealing with serious crimes; reiterated its concerns about the backlog of cases; called for the reduction of the number of unsolved cases; encouraged a review of case registration procedures;

17. Reminded of its previous conclusion on the death of Astrit Dehari; called for full implementation of the Kosovo Assembly Resolution adopted in relation to this case;

18. Praised recent efforts in combatting firearms trafficking including increased investigations and the adoption of the new Law on Legislation of Weapons and Surrender of Small Arms and Light Weapons, Ammunition and Explosive Materials; expressed however concern at the high number
of illegal small and light weapons circulating in Kosovo and called on the authorities to tackle this situation more effectively;

19. Encouraged systematic efforts to monitor, prevent and combat the informal economy, money laundering, financing of terrorist activities and other financial crimes; welcomed the already achieved successes and urged increased efforts to prevent violent extremism and radicalisation;

20. Observed insufficient progress in the development and implementation of human rights policies, called for stepping up efforts to remedy this situation, including the allocation of a sufficient budget for the protection of human rights; condemned the recent instances of intimidation of and physical attacks on journalists and reiterated its concern about freedom of expression; regretted that limited effort was made to stop threats and intimidations to journalists; stressed the need for sustainable funding of the public broadcaster in line with the law and best European standards;

21. Expressed serious concern about the lack of improvement regarding the protection of victims of domestic violence and the protection of rights of children; called on the Kosovo Assembly to support the recommendation of the Ombudsperson to take into account the Istanbul Convention when taking measures against violence, against women and domestic violence; called for professional profiling of judges dealing with domestic violence and for the swift appointment of prosecutors and judges specialised in domestic violence in line with the National Strategy for the Protection from Domestic Violence and Action Plan 2016-2020; called for legislative initiatives to foster the protection of women especially for strengthening of egal provisions against Domestic Violence in the new draft of Criminal Code; called for ensuring women’s full enjoyment of rights including tackling the challenges to property rights, including serious prosecution of those who violate their rights; expressed its concern that there was no adequate police and judiciary response to such cases; reiterated its call to ensure the financial, functional and organisational independence of the Ombudsperson, in line with international standards on national human rights institutions and in order to empower the Institution of the Ombudsperson; highlighted that in order to address the issue efficiently Kosovo must adopt an holistic view on gender based violence, ensuring women’s participation in politics, economics and society, and to their media visibility and representation;

22. Welcomed the authorities’ support for the organisation of the first Pride in Pristina, but stressed the need to further improve the protection of the rights of minorities, including the LGBTI community; welcomed the recent declaration by the government in which it pledges to implement the law on the use of languages and resolve the recurring issue of inadequate funding;

23. Expressed dissatisfaction with the situation that the Roma, Ashkali, and Egyptian communities continue to face and the lack of progress in improving the livelihood of these most vulnerable communities, especially in regard to acquiring personal documents which affects their ability to access health care, social assistance, and education; reiterated that further efforts are needed to protect the rights of all ethnic minorities in Kosovo; called on the authorities to adopt a more result-oriented approach in this regard; called on Kosovo authorities to continue to build mutual trust between communities while promoting their economic integration;

24. Called on all Western Balkan countries to continue to promote a climate of respect and tolerance and condemned all forms of hate speech, including glorification of war criminals; condemned any tendencies for rehabilitation of Slobodan Milošević, responsible for the genocide in the countries of former Yugoslavia, who was accused of war crimes by the International tribunal of Hague; called for war crimes and crimes against humanity to be handled without discrimination,
addressing impunity and ensuring accountability; urged all authorities in the region to continue working on the issue of the fate of missing persons and to guarantee the rights of war victims and their families, with particular attention to the war victims of sexual violence; welcomed the establishment in Kosovo of the Commission for the recognition and verification of the status of persons raped during the war and the allocation of funding for pensions for war victims of sexual violence;

25. Urged the Government of Kosovo for substantial progress in the field of education as the quality of education needs to be considerably improved; called for immediate implementation of 2017-2021 Kosovo Education Strategic Plan and its Action Plan; expressed concerns in regard to very low enrolment rates of children in licensed pre-school institutions;

26. Considered it vital that Kosovo’s waste and environment policy should be aligned with the EU standards;

27. Called on the Kosovo government to prepare an Action Plan to implement the recently adopted Energy Strategy, taking a holistic approach to energy security, including energy efficiency and renewables; took note of the signing by the Kosovo government of the contract with a private company to build a new lignite power plant and stressed the need to consider the budget impact of the project and its fiscal sustainability as well as to align with the EU acquis; called on the Kosovo authorities to develop an effective climate strategy in line with the Paris agreement; stressed the importance of tackling the environmental dimension of energy;

28. Welcomed the inclusion of Kosovo in the COSME, Erasmus+ and Creative Europe and Europe for Citizens programmes, stressing the importance of making the best use of the opportunities provided by the programmes as a tool for intercultural dialogue, conflict prevention and peace building; therefore, welcomed the progress that was made in improving cooperation between civil society and the central government; found that further efforts are needed to ensure meaningful involvement and cooperation at local level; further stressed the crucial role played by civil society organisations in widening participation in civic and political life, particularly with respect to women and youth, and the need to support the further development of civil society; highlighted the importance of civil society being regularly consulted as part of the decision-making process;

29. Commended the readiness of the Kosovo Government to discuss and overcome open bilateral issues through constructive dialogue; expressed support for increased and inclusive regional cooperation under the “Berlin Process” including through the involvement of national parliaments in the process, and for the implementation of all the agreements that are reached at the Western Balkan Six level; welcomed the results of the Sofia Summit and called for the further development of the Regional Economic Area initiative and for continuous cooperation on major infrastructure projects that would enable opportunities for development for all countries in the region; called additionally for economic cooperation based on the principle of reciprocity of relations between countries;