



TEXTS ADOPTED

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2018 Report on Kosovo

European Parliament resolution of 29 November 2018 on the 2018 Commission Report on Kosovo (2018/2149(INI))

The European Parliament,

- having regard to the Presidency conclusions of the Thessaloniki European Council meeting of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,
- having regard to the Sofia Declaration of the EU-Western Balkans summit of 17 May 2018 and the Sofia Priority Agenda annexed thereto,
- having regard to the Stabilisation and Association Agreement between the EU and Kosovo, in force since 1 April 2016,
- having regard to the European Reform Agenda (ERA) for Kosovo, launched in Pristina on 11 November 2016,
- having regard to the framework agreement with Kosovo on participation in Union programmes, in force since 1 August 2017,
- having regard to the Commission communication of 6 February 2018 entitled ‘A credible enlargement perspective for and enhanced EU engagement with the Western Balkans’ (COM(2018)0065),
- having regard to the Commission communication of 17 April 2018 on EU Enlargement Policy (COM(2018)0450) and the accompanying staff working document, the Kosovo 2018 Report (SWD(2018)0156),
- having regard to the first agreement on principles governing the normalisation of relations between the governments of Serbia and Kosovo of 19 April 2013, and to other Brussels agreements under the EU-facilitated dialogue for the normalisation of relations, including the Integrated Border Management (IBM) protocol, the legal framework on the Association/Community of Serb majority municipalities, and the agreements on the Mitrovica bridge and on energy,
- having regard to the integration of Kosovo Serb judges, prosecutors and administrative staff into the Kosovo judiciary in line with the Justice Agreement reached in February

2015,

- having regard to Council Decision (CFSP) 2018/856 of 8 June 2018 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX Kosovo)¹, which also extended the mission's duration until 14 June 2020,
- having regard to the Common Security and Defence Policy (CSDP) Mission and Operations Annual Report 2017 and EULEX Compact Progress Report 2017,
- having regard to the reports of the Secretary-General of the UN on the ongoing activities of the UN Interim Administration Mission in Kosovo (UNMIK), including the most recent report of 1 May 2018, and the report on the operations of the Kosovo Forces (KFOR) of 7 February 2018,
- having regard to the Commission assessment of 17 April 2018 on the Kosovo 2018-2020 Economic Reform Programme (SWD(2018)0133) and the Council joint conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans and Turkey of 25 May 2018,
- having regard to the final reports of the EU election observation mission (EUEOM) of 11 June 2017 on the legislative elections in Kosovo and 22 October 2017 on the mayoral and municipal assembly elections in Kosovo,
- having regard to the fourth meeting of the EU-Kosovo Stabilisation and Association Parliamentary Committee (SAPC), held in Strasbourg on 17-18 January 2018,
- having regard to the Commission proposal of 4 May 2016 for a regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Kosovo) (COM(2016)0277), and to the fourth Commission report of 4 May 2016 on progress by Kosovo in fulfilling the requirements of the visa liberalisation roadmap (COM(2016)0276),
- having regard to the ratification of the Border Demarcation Agreement between Kosovo and Montenegro by the parliaments of Montenegro and Kosovo,
- having regard to UN Security Council Resolution 1244 (1999), to the International Court of Justice (ICJ) Advisory Opinion of 22 July 2010 on the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to UN General Assembly Resolution 64/298 of 9 September 2010, which acknowledged the content of the ICJ opinion and welcomed the EU's readiness to facilitate dialogue between Serbia and Kosovo,
- having regard to the outcome of the 2017 survey on Marginalised Roma in Western Balkans, undertaken by the Commission, the World Bank and the UN Development Programme,
- having regard to the joint staff working document from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 21 September

¹ OJ L 146, 11.6.2018, p. 5.

2015 entitled ‘Gender Equality and Women’s Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020’ (SWD(2015)0182),

- having regard to its previous resolutions on Kosovo,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0332/2018),
- A. whereas continued substantial efforts, backed by a constructive dialogue between political forces and with the neighbouring countries, are needed in order to prepare for the challenges of EU membership;
 - B. whereas each enlargement country is judged individually on its own merits, and it is the speed and quality of reforms that determines the timetable for accession;
 - C. whereas 114 countries have recognised Kosovo’s independence, including 23 of the 28 EU Member States;
 - D. whereas the EU has repeatedly demonstrated its willingness to assist with the economic and political development of Kosovo through a clear European perspective, while Kosovo has shown aspiration on its path towards European integration;
 - E. whereas owing to persistent polarisation among its political parties, Kosovo has demonstrated limited progress on EU-related reforms, which are essential for making further progress in the EU accession process;
 - F. whereas Kosovo’s flourishing informal economy is hindering the development of a viable economy for the country overall;
 - G. whereas the Kosovo Specialist Chambers and Specialist Prosecutor Office in the Hague have been fully judicially operational since 5 July 2017;
 - H. whereas on 8 June 2018 the Council decided to refocus and extend the mandate of the EU rule of law mission (EULEX) in Kosovo, bringing the judicial executive part of the mission’s mandate to an end; whereas the mandate’s new end date was set at 14 June 2020;
 - I. whereas Kosovo remains the only country in the Western Balkans whose citizens need a visa to travel to the Schengen Area;
1. Welcomes the important pieces of legislation adopted within the framework of the European Reform Agenda (ERA) and calls for their full implementation; believes that cross-party consensus should be built to adopt key EU-related reforms; looks forward to the adoption of a new ERA in 2019;
 2. Points out, however, the slow pace in implementing fundamental reforms, caused by a lack of cross-party consensus and continued political polarisation; notes that this has adversely affected the ability of the assembly and the government to deliver sustained and sustainable reforms; condemns the obstructive behaviour of some parliamentarians; calls on all political parties to establish an inclusive political dialogue; stresses the need to improve the assembly’s effective oversight of the executive and the transparency and

quality of law-making, including by ensuring active and constructive participation and limiting the use of urgent procedures for adopting laws; encourages consensus on EU accession-related reforms;

3. Welcomes the fact that the area of public administration has registered some progress, but underlines the need for further reform; calls, in particular, for the state administration to be depoliticised and restructured;
4. Welcomes the long overdue ratification of the August 2015 Border Demarcation Agreement with Montenegro in March 2018, which marks a step forward in the spirit of good neighbourly relations; underlines the significance of this step towards visa liberalisation;
5. Urges Kosovo's authorities to comprehensively deal with previously identified electoral shortcomings, including a lack of transparency and accountability of funding for political parties and campaigns, and allegations of widespread voter intimidation, particularly within many Kosovo Serb communities, by enacting timely legislative and administrative measures to address the outstanding recommendations of EU and European Parliament observation missions and of the Venice Commission well in advance of the next round of elections, in order to ensure they are fully aligned with international standards; welcomes the steps forward made within the electoral administration in relation to gender equality and calls on Kosovo to further step up its efforts to increase female political participation and to strengthen the overall legal framework;
6. Expresses its concerns about Kosovo's under-financed judiciary, widespread corruption, elements of state capture, undue political influence and issues of a lack of respect for fair trials and due process, including in cases of extradition; underlines the importance of reform processes in rule of law, with a particular focus on independence and efficiency and the need to further strengthen witness protection;
7. Stresses that a representative judiciary and a uniform implementation of Kosovo law are prerequisites for addressing an inconsistent, slow and inefficient delivery of justice; welcomes the integration of Kosovo Serb judges, prosecutors and administrative staff into the Kosovo judiciary in line with the 2015 Justice Agreement between Serbia and Kosovo; believes the judiciary is still vulnerable to undue political influence and that further efforts are needed to build up capacity and ensure the disciplinary liability of judges and prosecutors, including through a substantial judicial functional review for all judges, prosecutors, high-ranking police officers and criminal investigators; welcomes the establishment in November 2017 of the Government Commission on the Recognition and Verification of the Status of Sexual Violence Victims During the Conflict in Kosovo;
8. Notes that corruption and organised crime, including drug and human trafficking, and cybercrime, remain issues of concern that require concerted efforts; welcomes the initial progress made in strengthening the track record on the investigation and prosecution of high-level corruption and cases of organised crime; expects decisive and sustained efforts under the obligations of the EU accession process; welcomes the Ombudsperson's continued efforts to strengthen its capacity to review cases;
9. Calls for the establishment of an improved legal framework and for greater efficiency

and capacity of the prosecution, so as to enable a comprehensive approach to investigations and prosecutions, which should be substantiated by the freezing, confiscation and recovery of assets, and final convictions in cases of high-level corruption, organised and financial crime, money laundering and terrorist financing; calls for safeguards ensuring independence in law enforcement and prosecution and preventive counter-corruption measures across various sectors; believes that further measures are required to ensure better cooperation and coordination between law enforcement institutions and to maximise the independence and accountability of the judiciary; calls on Kosovo to abide by international procedures and rules on the extradition of foreign nationals, putting in place the necessary measures to prevent cases such as that of the six Turkish nationals deported from Kosovo to Turkey at the end of March 2018; welcomes, in this regard, the decision of the Kosovo Assembly to set up a committee of inquiry to investigate this case;

10. Calls for genuine and constructive judicial and police cooperation between Kosovo and Serbia's authorities; believes that Kosovo's membership of Interpol and increased cooperation with Europol would further improve the effectiveness of measures targeting transnational crime; encourages, in the meantime, further cooperation in the fight against terrorism;
11. Deems it essential to implement, in a timely and comprehensive manner, the recommendations of Kosovo's Ombudsperson, Auditor General, Anti-Corruption Agency and the Public Procurement Regulatory Commission; stresses the need to remedy deficiencies in the public procurement system and to improve interinstitutional cooperation and the exchange of information; strongly recommends the stepping up of monitoring, evaluation and audit capabilities and the adoption and implementation of an anti-fraud strategy to protect Kosovo and the EU's financial interests;
12. Welcomes the Commission's confirmation, issued on 18 July 2018, that the benchmarks for visa liberalisation have been fulfilled; considers it vital to grant visa liberalisation to Kosovo without undue delay; takes the view that visa liberalisation will improve stability and bring Kosovo closer to the EU by improving the ease of travelling and doing business, while helping to counter people smuggling and corruption; calls on the Council to swiftly adopt its mandate to move forward towards the adoption of a visa-free regime;
13. Notes that beyond the progress made on meeting visa liberalisation requirements, sustained efforts must continue to fight organised crime, drug trafficking, human smuggling and corruption, in addition to concrete efforts to manage irregular migration flows and bring down the number of unfounded asylum claims;
14. Takes positive note of the steep reduction in the number of asylum requests and readmissions of Kosovo's citizens, and of applications for readmission agreements; takes positive note of the new reintegration strategy and calls for it to be fully implemented;
15. Commends Kosovo's efforts in stemming the outflow of foreign fighters, who are almost exclusively jihadist fighters, and in tackling terrorist threats; calls for active regional cooperation in countering potential terrorist activities and disrupting financial flows destined for terrorist financing; urges Kosovo to address online radicalisation and external extremist influences; underlines the importance of terrorism prevention, and of

prosecuting suspected fighters, together with their rehabilitation, education and social reintegration and that of their families; stresses the need to prevent the radicalisation of prisoners and vulnerable young people in particular, and to actively work on their deradicalisation;

16. Unequivocally condemns the killing of Kosovo Serb politician Oliver Ivanović; considers his murder to be a major blow to the constructive and moderate voices in the Kosovo Serbian community; stresses, as a matter of urgency, the need for genuine cooperation between Kosovo and Serbia's investigators and for international support, so that both the perpetrators of the killing and those who ordered it are brought to justice without further delay;
17. Regrets reluctance to handle war crimes cases and underlines the importance of a clear political commitment to their prosecution; urges Kosovo's authorities to demonstrate their firm and sustained commitment to their international obligations regarding the Kosovo Specialist Chambers and Specialist Prosecutor's Office in The Hague; expresses its deep concern about attempts by members of the Kosovo Assembly to abrogate the Law on the Kosovo Specialist Chambers and Specialist Prosecutor's Office in December 2017; deeply regrets the fact that these attempts resulted in a failure to adopt joint recommendations following the postponement of the fourth meeting of the EU-Kosovo Stabilisation and Association Parliamentary Committee (SAPC) to 17-18 January 2018; calls for a constructive approach to the EU-Kosovo SAPC and for enhanced parliamentary cooperation in this regard;
18. Urges the authorities to increase mutual legal cooperation between Kosovo and Serbia's prosecution offices and to support the creation of a regional commission (RECOM) for the establishment of the facts about war crimes and other gross human rights violations committed in the former Yugoslavia between 1991 and 2001;
19. Notes the important role played by EULEX in strengthening the independent judiciary, police and customs systems; acknowledges, moreover, the preventive and reconciliatory role of EULEX in prosecuting and adjudicating in cases of war crimes, corruption and organised crime, and its continuing efforts to identify missing persons and uncover grave-sites in order to solve cases fully; recommends an assessment of the mission's strengths and weaknesses;
20. Reiterates its call on EULEX to increase its effectiveness and uphold the highest standards of transparency and a zero-tolerance approach to corruption, maladministration, misconduct and political pressure and interference;
21. Underlines the need to promptly inform the Kosovo Assembly of EULEX's activities and of any changes to its legal status;
22. Takes note of EULEX's new mandate and end date; stresses, however, that making concrete progress in Kosovo is more important than a set timetable;
23. Calls for the enforcement of the human rights framework to be made a top priority, and backed by suitable and sufficient coordination and funding, especially in the field of gender equality, child and labour protection, social exclusion and discrimination against persons with disabilities, and ethnic and linguistic minorities and communities, as well as LGBTI people; underlines the need to reinforce the Agency for Gender Equality and

the National Coordinator for the Protection from Domestic Violence and to strengthen prevention and enforcement of justice against related offences; reiterates the fact that the draft law on freedom of religion needs to be adopted;

24. Expresses its deep concern about gender inequality and gender-based violence; urges Kosovo to ensure the full and timely implementation of gender equality and anti-discrimination legislation; expresses its deep concern at the lack of progress in implementing the strategy and action plan against domestic violence and calls on the authorities to adopt more stringent and effective action to fight gender-based violence, including through the reinforcement of the Agency for Gender Equality and the National Coordinator for the Protection from Domestic Violence; expresses its concern at the under-representation of women in decision-making positions; calls on Kosovo's authorities to address gender mainstreaming as a priority, including in the European Reform Agenda and with civil society, including women's organisations; encourages Kosovo to further address the issue of justice and support for women who were subjected to sexual violence during the war; urges Kosovo to implement the provisions of the Istanbul Convention;
25. Calls on the Kosovo Assembly to take into consideration the position paper jointly signed by the EU, UNICEF, the Coalition of NGOs for Child Protection in Kosovo (KOMF) and Save the Children when drafting the Child Protection Law;
26. Notes with concern that Kosovo has made limited progress in the area of the rights of people with disabilities; calls on Kosovo to safeguard non-discrimination and equal opportunities for people with disabilities;
27. Calls on Kosovo's authorities to address minorities issues as a matter of priority, including their rights, both cultural and linguistic, and their opportunities; regrets the fact that minorities, such as Roma, Ashkali and Egyptians, continue to face problems acquiring personal documents, which affects their ability to access citizenship, education, healthcare and social assistance, and calls on the Kosovo authorities to address these problems; welcomes the willingness of the authorities to recognise the rights of people with historical Bulgarian ethnicity in the Gora and Zhupa regions; welcomes the adoption of the new Strategy and Action Plan for Inclusion of Roma and Ashkali Communities in Kosovo Society 2017-2021 and calls for Kosovo to take an active role in the regional cooperation of the Roma Integration 2020 project, implemented by the Regional Cooperation Council;
28. Regrets the persistent discrimination against LGBTI people and the increase in online hate speech in connection with the Gay Pride event in Pristina;
29. Stresses the need to adopt the new draft law on freedom of association of NGOs; calls for greater attention to be paid when drafting and implementing legislation in areas affecting civil society space, in order to ensure that the legislation does not place a disproportionate burden or have a discriminatory impact on civil society organisations (CSOs) or diminish the space for civil society; underlines the need for public funding available for CSOs;
30. Stresses the need to ensure the editorial freedom, financial sustainability and independence of the Kosovo public broadcaster, and to guarantee transparency of private media ownership in line with the recommendations of the annual Commission

report; urges the implementation of all relevant laws in this regard; calls for improvements to multilingual broadcasting and to the quality of information offered to all Kosovo communities; expresses its concern at the increase in the number of threats and attacks against journalists and urges Kosovo's authorities to promptly investigate and prosecute those responsible; welcomes the Government of Kosovo's approval of the draft law on the protection of whistleblowers;

31. Calls for sustained efforts to comprehensively normalise relations between Serbia and Kosovo; considers that a full normalisation of relations with Serbia, under a legally binding agreement and its implementing arrangements, will not be possible without a comprehensive and mutual application of the existing agreements and is a key element of both parties' paths towards European integration;
32. Notes the ongoing debate and public statements concerning possible adjustments of the border between Serbia and Kosovo, including exchanges of territories; underlines the multi-ethnic nature of both Kosovo and Serbia and that ethnically homogeneous states should not be the objective in the region; supports the dialogue facilitated by the EU as the framework to reach a comprehensive normalisation agreement between Serbia and Kosovo; considers that any agreement could only be acceptable if mutually agreed, taking into account the overall stability in the region and international law;
33. Notes that five EU Member States have not yet recognised Kosovo and invites them to do so; stresses that recognition would be beneficial to the normalisation of relations between Kosovo and Serbia;
34. Takes the view that the conduct of the Belgrade-Pristina dialogue must be open and transparent and that those responsible for it should regularly consult with the Kosovo Assembly on its developments;
35. Regrets the fact that many of the agreements signed hitherto have not been implemented or have been delayed, such as those on energy and on the association of Serb majority municipalities; urges both parties to implement all the agreements in full and in good faith; reiterates its call on the European External Action Service (EEAS) to carry out an evaluation of the performance of both sides in fulfilling their obligations so as to address all the challenges facing implementation; urges the Serbian and Kosovo Governments to refrain from any action that could undermine trust between the parties and put the constructive continuation of the dialogue at risk;
36. Expresses its deep concern at the rising number of inter-ethnic incidents; strongly condemns all acts of intimidation and violence; expects Kosovo's authorities to immediately distance themselves from such acts and calls for the perpetrators to be identified and brought to justice; calls on national and local authorities to make further efforts to implement adopted laws to further develop a multi-ethnic society; regrets the rise of nationalist and extreme rhetoric in the region and requests that the Commission further support reconciliation through cultural projects;
37. Calls once again for the prompt and unimpeded opening of the Mitrovica bridge, which constitutes an important step towards the reunification of the city; calls for the full implementation of the freedom of movement agreement; calls on the Serbian and Kosovar authorities to promote people-to-people contacts between local communities in order to strengthen dialogue, including at a non-governmental level; welcomes, in this

respect, the Peja/Sabac mutual cooperation programme and calls on the Commission to support similar initiatives; welcomes the development of infrastructure projects allowing for increased contacts, such as the Nis-Merdare-Pristina highway;

38. Welcomes Kosovo's efforts in maintaining constructive neighbourly relations throughout the region and in proactively aligning with the EU's common foreign and security policy (CFSP), and calls for further progress in this field; considers that Kosovo's membership in international bodies would confer rights and obligations that entail the application of international norms and standards; encourages a positive approach with regard to Kosovo's participation in international organisations;
39. Highlights the urgent need to adopt and implement measures ensuring transparent and competitive privatisation procedures and to investigate alleged irregularities; is concerned that migrant remittances constitute a significant driver of domestic demand; expresses concern about the discrimination against women on the labour market, especially during the hiring process;
40. Expresses its concern about the dire medical registration procedures and the quality of medicines, and about corruption in the health sector generally; urges the Kosovar Ministry of Health to speed up its efforts to investigate such crimes and to address the registration and quality problems as soon as possible; calls for a comprehensive reform of the health sector, including the implementation of universal health insurance, in order to ensure universal access to healthcare; underlines the need for adequate funding of the public health system;
41. Calls on the Commission to develop a regional strategy to address the persistent youth unemployment and brain drain by tackling the skills mismatch between the education system and the labour market, improving the quality of teaching, and ensuring adequate funding for active labour market measures and vocational training schemes, along with adequate childcare and pre-school education facilities; regrets the lack of progress in improving the quality of education; calls on the relevant actors to include persons belonging to minority groups in the design and implementation of employment measures;
42. Urges Kosovo to fully harness the potential offered by EU programmes; welcomes the signing of the agreement on Kosovo's participation in the Erasmus+ and Creative Europe programmes; calls on Kosovo's authorities and the Commission to further support SMEs in order to develop a viable economy for Kosovo; supports the proposal to reduce roaming charges in the Western Balkans;
43. Draws attention to the extremely poor air quality of Pristina and other heavily polluted cities; calls for effective air and water quality monitoring systems, for the improvement of water treatment infrastructure and for reliable and readily available real-time pollution data; expresses concern about waste mismanagement, unsustainable landfilling and widespread illegal dumping practices; urges the authorities to adopt waste separation and recycling targets, to improve local collection disposal and recycling facilities and to hold polluters to account; calls on the UN to swiftly deliver the necessary support to the victims of lead poisoning in some refugee camps set up in Kosovo, including through the anticipated trust fund;
44. Notes that most of the energy policy recommendations from last year's report have not

been implemented; stresses the need to move away from the use of lignite for unsustainable energy generation and the urgency of decommissioning Kosovo A Power Station and of ensuring additional sustainable generation and import capacity; notes partial progress on the Third Energy Package and stresses the need to ensure the independence of the Kosovo energy regulator; calls for stronger efforts in energy efficiency and energy saving, particularly in the construction sector; notes that while the first reading of the draft law on energy efficiency has been adopted, energy efficiency is hampered by the lack of progress in implementing the Energy Agreement between Kosovo and Serbia; calls on the authorities to establish the energy efficiency fund;

45. Stresses that the envisaged hydro power plants should meet the EU environmental standards; welcomes, in this regard, the decision of the Minister for Environment to assess and suspend permits issued for hydropower projects;
46. Regrets the lack of progress in exploiting the potential of renewables; calls on the authorities to adopt the Action Plan for Energy Strategy 2017-2026 for reaching the mandatory renewable energy target of 25 % by 2020; urges the Commission to step up assistance in this regard;
47. Urges Kosovo's authorities to adopt credible and sustainable public transport and mobility policies for addressing long-standing infrastructure deficiencies;
48. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service and the Government and Assembly of Kosovo.