



Brussels, 29 March 2007
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**Summary note on the joint report by
Javier SOLANA, EU High Representative for the CFSP,
and Olli REHN, EU Commissioner for Enlargement,
on the state of preparations of
the future EU and international presence in Kosovo**

The joint report, which builds on the previous joint papers on the future EU role and contribution in Kosovo, submitted to the Council by Mr Solana and Mr Rehn, will be presented to foreign ministers at their informal meeting in Bremen on Friday.

Context

The paper analyses the conditions for an effective future EU role in Kosovo and provides an update on the state of transition and implementation preparations. EU coherence will not only be crucial during the final stage of the Status process but equally during the implementation phase. Local ownership and partnership with the international community should be key principles for the implementation of the Status settlement.

Transition Preparations

Mr Ahtisaari's Status settlement proposal provides for a four-month transitional period following the adoption of the Status settlement. During this time UNMIK will continue to fulfil its mandate on the basis of SC Resolution 1244. The Status settlement proposal foresees an important legislative agenda for the transition period, including the adoption of a constitution. At the same time, the Kosovo authorities will have to assume the competencies passed over from UNMIK. It is essential that both the Kosovo authorities and the various international actors are well prepared to face the challenges of transition. Since October 2006, the International Civilian Office (ICO)/EUSR Preparation Team and the EU Planning Team for an ESDP mission together with UNMIK are working with Kosovo authorities and key international partners to ensure that the required time and energy is invested.

Preparing for the International Civilian Office/EUSR and the ESDP mission

According to the Status settlement proposal the International Civilian Office (ICO) would be led by an International Civilian Representative (ICR), double-hatted as EU Special Representative (EUSR). He/she is envisaged as carrying certain powers and authorities to enable him/her to ensure adherence to the letter and spirit of the Status settlement. The ICO will include and be supported by other partners, including the United States.

The ESDP Rule-of-Law mission will support the implementation of the Kosovo status settlement and assist Kosovo judicial authorities and law-enforcement agencies in their progress towards sustainability and accountability. These tasks will be carried out in full co-operation and coherence with the Commission. In accordance with the Status settlement proposal, the UN Security Council is expected to authorise the EU to establish a Rule of Law mission to support the implementation of the settlement and promote the development of the police and justice sectors in Kosovo and to decide that the mission will have executive powers in the judiciary sector (prosecution of major and organised crime, property rights, correctional services), in the police (organised crime, war crimes, inter-ethnic crimes, financial investigations, anti-corruption, border control, crowd and riot control) and in security-related and customs-compliance issues). Member states have expressed agreement with this mandate.

Kosovo's European Perspective

A tangible European perspective on the basis of the conclusions of the EU-Western Balkans Summit in June 2003 would reinforce the EU's leverage as a partner of the local institutions and enhance Kosovo's integration in the wider region. Concrete steps should therefore be taken to enable Kosovo to make further progress within the Stabilisation and Association Process after Status is settled.

In particular, the Council should establish a European Partnership for Kosovo which would spell out the priorities for action for Kosovo to move closer to the EU, taking into account the essential requirements of the Status settlement. This should be accompanied by an enhanced technical and political dialogue as well as sufficient financial assistance.

EU approximation is a two-way process. Kosovo needs to meet the same conditions as the rest of the Western Balkans. At the same time, Kosovo should feel that the EU is committed to engage in contractual relations, foster regional cooperation and provide the same opportunities already available to the rest of the region. Strengthening good neighbourly relations will help to rebuild trust, to foster respect of cultural and religious differences and lay the basis for the reconciliation of future generations.

At the invitation of the Council, the Commission will be ready to prepare a feasibility study at the appropriate time to examine Kosovo's readiness to engage in contractual relations along the lines of those in the Western Balkan region. This should be conditional on Kosovo's implementation of the Status settlement and key European Partnership priorities, notably in the areas of the rule of law, the fight against corruption, good governance and public administration reform.

This will be supported *inter alia* by EC financial assistance; some €200 million have been allocated to Kosovo over the next three years.

Financial Needs

We need to make sure that, when the EU assumes the leadership of the future international presence, sufficient resources, based on appropriate burden sharing by all donors, are available to facilitate the conditions for a successful intervention. Once the different costing elements are known more precisely, the Commission will prepare an overall financial package to be pledged at the Donors' Conference.

Following status, we can expect financing needs to arise in relation to:

1. Kosovo's share of the Yugoslav debt in the wake of status;
2. Expenditure as a result of the status requirements;
3. Kosovo's economic development needs (including institution building and capital investments);
and
4. The cost of the international presence

Division of responsibilities

The division of responsibilities between the ICO, ESDP and the Commission will be clear and mutually reinforcing. Whereas the ICO and ESDP mission will support the local authorities to ensure settlement implementation and the consolidation of the area of rule of law, the Commission's role will focus in particular on assisting the authorities to increase their capacities to govern Kosovo with a long-term European perspective.

Previous Commission/Council documents on Kosovo:

Commission Communication "*A European Future for Kosovo*", approved by the College on 20 April 2005.¹

[**A European Future for Kosovo - IP/05/450**](#)

First joint paper presented to the General Affairs and External Relations Council on 14 June 2005 (as requested by the Council in February 2005).

[**Summary note 14.6.2005**](#)

The Commission's Progress Report on Kosovo under UNSCR 1244, published on 9 November 2005.²

[**2005 Progress report on Kosovo under UNSCR 1244 - MEMO/05/412**](#)

Second joint paper presented to the General Affairs and External Relations Council on 9 December 2005 (as requested by the Council in November 2005).

[**Summary note 9.12.2005**](#)

The European Partnership with Serbia and Montenegro including Kosovo as defined by the United Nations Security Council Resolution 1244, January 2006

[**European Partnership with Serbia and Montenegro including Kosovo under UNSCR 1244**](#)

Third joint paper presented to the General Affairs and External Relations Council on 17 July 2006 (as requested by the General Affairs and External Relations Council 12 December 2005).

[**MEMO/06/286**](#)

The Commission's Progress Report on Kosovo under UNSCR 1244 published on 8 November 2006.³

[**2006 Progress report on Kosovo under UNSCR 1244 - MEMO/06/412**](#)

1 COM (2005) 156

2 SEC (2005) 1423

3 COM (2006) 649 final