Basic information

2012/2283(DEC) DEC - Discharge procedure	Procedure lapsed or withdrawn
Special report 18/2012 (2011 discharge): European Union assistance to Kosovo related to the rule of law **Subject** 6.10.08 Fundamental freedoms, human rights, democracy in general 6.30.02 Financial and technical cooperation and assistance 6.40.03 Relations with South-East Europe and the Balkans 8.70.03.07 Previous discharges **Geographical area** Kosovo under UNSCR 1244/1999	

Key players

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Foreign Affairs	3222	2013-02-18
European Commission	**Commission DG**	**Commissioner**	
	Budget	ŠEMETA Algirdas	

Key events

Date	Event	Reference	Summary
30/10/2012	Non-legislative basic document published	N7-0118/2012	Summary
13/12/2012	Committee referral announced in Parliament		
18/02/2013	Resolution/conclusions adopted by Council		Summary

Technical information

Procedure reference	2012/2283(DEC)
Procedure type	DEC - Discharge procedure
Legal basis	Rules of Procedure EP 101
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	CONT/7/11182

Documentation gateway

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Non-legislative basic document	N7-0118/2012	30/10/2012	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Special report 18/2012 (2011 discharge): European Union assistance to Kosovo related to the rule of law

2012/2283(DEC) - 30/10/2012 - Non-legislative basic document

PURPOSE: to present the European Court of Auditor's Special Report No 18/2012 on European Union Assistance to Kosovo relating to the rule of law.

CONTENT: Kosovo is the largest per capita recipient of EU financial aid in the world and is home to the largest civilian crisis management mission ever launched by the Union (EULEX).

The audit: the European Court of Auditors has audited the EU's assistance to Kosovo in the field of the rule of law. The Court assessed whether assistance is achieving its intended results and what has been its impact on overall progress in different areas of the rule of law. It also examined the management of the assistance, particularly with regard to coordination and the management of EULEX. The audit included a sample of 17 EU interventions in Kosovo.

The Court found that this **assistance has not been sufficiently effective**. Although the EU helped to build capacity, notably in the area of customs, assistance to the police and the judiciary has had only modest success:

- levels of organised crime and corruption in Kosovo remain high;
- the judiciary continues to suffer from political interference, inefficiency and a lack of transparency and enforcement of the legislation;
- Kosovo's limited capacity to protect key witnesses and the difficulties relocating witnesses abroad are important shortcomings;
- there has been almost **no progress in establishing the rule of law in the north of Kosovo**.

During the period 1999-2007, Kosovo received EUR 3.5 billion in donor assistance, two thirds of which came from the European Commission and EU Member States. Between 2007 and 2011, EU assistance to rule of law through the IPA and EULEX totalled approximately EUR 700 000 million.

Court's conclusions: the limited effectiveness of EU assistance can be explained by the specific circumstances of Kosovo, including the low starting point at independence for building up the rule of law. Nevertheless, the audit found there were significant areas where **better management by the EEAS and Commission could have made EU assistance more effective**.

For example, EU Member States have seconded insufficient and unqualified staff to EULEX, and for too short periods. Cooperation between Europol and EULEX is subject to legal restrictions.

The EU institutions have made significant efforts to **coordinate with the USA** which is the largest bilateral donor in Kosovo. Nonetheless, it remains difficult to achieve full coordination with the USA.

EU interventions have had **limited results in tackling corruption** which remains a major concern. Kosovo's three anti-corruption bodies have weak powers and overlapping responsibilities. The supervision of public procurement is similarly complex; moreover, there are more than 150 contracting authorities in Kosovo. Although this complexity and fragmentation increases the risk of corruption, the EU has not addressed this at political level.

Lack of unanimity on the Kosovo issue: in contrast to the rest of the Western Balkans, in the case of Kosovo, the incentive of potential EU accession is jeopardised by the **absence of a common EU position on its independence.**

Court's recommendations: in conclusion, the Court considers that the EU's coordination mechanisms need to be further improved, including with the international community. It recommends, *inter alia*, that:

- the EEAS and the Commission should make better use of policy dialogue and conditions;
- the possibility of visa liberalisation may act as an incentive to improve the rule of law in Kosovo. However, the EU has set 95 requirements for visa liberalisation, which risks undermining the incentive effect;
- policy dialogue should focus on priority conditions;
- the EU support for Kosovo be linked to concrete benchmarks and take into account EU internal security objectives.

Special report 18/2012 (2011 discharge): European Union assistance to Kosovo related to the rule of law

2012/2283(DEC) - 18/02/2013

Following the publication of the European Court of Auditors Special Report No 18/2012 entitled "European Union Assistance to Kosovo related to the rule of law", the Council adopted a series of conclusions which may be summarised as follows:

- the Council notes the importance of acknowledging the **complex political and institutional context** in which the EU's assistance has been delivered, especially regarding the **north of Kosovo**. The effectiveness of EU actions cannot be measured only by quantitative means as it reflects the local and regional political environment and comes in combination with the local authorities' responsibilities in this field;

- it also notes that the Court's report contains valuable recommendations to enhance the efficiency of EU assistance in Kosovo, including the need for:

- better integration of internal and external EU security priorities,
- closer EU coordination to ensure that projects and investments are complementary and effective, and
- EU procedures on procurement to be fit for purpose for CSDP missions

In this regard, the Council indicates that the issues related to **force generation and legal framework of CSDP missions need to be further explored** by the competent Council bodies.

- Lastly, the Council acknowledges that several of these recommendations have already been acted upon since the Report's reporting period, most notably in regard to integration of EU processes and closer coordination thanks to the successful restructuring and reconfiguring of EULEX in Summer 2012

The Council encourages the EEAS and the Commission to further enhance their efforts to ensure full coordination on rule of law activities.