

Wednesday 11 March 2015

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The European integration process of Kosovo

European Parliament resolution of 11 March 2015 on the European integration process of Kosovo (2014/2950 (RSP))

(2016/C 316/08)

The European Parliament,

- having regard to the Presidency conclusions of the Thessaloniki European Council of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,
- having regard to the First Agreement of Principles Governing the Normalisation of Relations, signed by Prime Ministers Hashim Thaci and Ivica Dacic on 19 April 2013, and the Implementation Action Plan of 22 May 2013,
- having regard to the European Council Conclusions of 28 June 2013 adopting the Decision authorising the opening of negotiations on a Stabilisation and Association Agreement between the EU and Kosovo,
- having regard to the Council decision of 22 October 2012 authorising the Commission to open negotiations on a framework agreement with Kosovo on participation in Union programmes,
- having regard to the reports of the Secretary-General of the United Nations on the ongoing activities of the United Nations Interim Administration Mission in Kosovo and developments relating thereto, including the latest report released on 31 October 2014,
- having regard to Council Decision 2014/349/CFSP of 12 June 2014 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO,
- having regard to the conclusions of the General Affairs Council meetings of 7 December 2009, 14 December 2010 and 5 December 2011, which stressed and reaffirmed, respectively, that Kosovo, without prejudice to the Member States' position on its status, should also benefit from the prospect of eventual visa liberalisation once all the conditions had been met,
- having regard to the launch of a visa dialogue in January 2012, to the visa liberalisation roadmap of June 2012, and to the second Commission report of 24 July 2014 on progress by Kosovo in fulfilling the requirements of the visa liberalisation roadmap (COM(2014)0488),
- having regard to the third meeting of the Structured Dialogue on the Rule of Law of 16 January 2014,
- 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 Belgrade and Pristina,
- having regard to the decision of the Committee of Ministers of the Council of Europe of 11 June 2014 to grant Kosovo membership of the Venice Commission of the Council of Europe; having regard to the appointment of two experts from Kosovo to the Venice Commission in September 2014,
- having regard to the joint statements of the EP-Kosovo interparliamentary meetings of 28-29 May 2008, 6-7 April 2009, 22-23 June 2010, 20 May 2011, 14-15 March 2012 and 30-31 October 2013,
- having regard to the Commission communication of 16 October 2013 on the Enlargement Strategy and Main Challenges 2013-2014 (COM(2013)0700),
- having regard to the conclusions of the General Affairs Council of 16 December 2014 on the Enlargement and Stabilisation and Association Process,

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- having regard to its previous resolutions,
 - having regard to the work of Ulrike Lunacek as the Foreign Affairs Committee's standing rapporteur on Kosovo,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas 110 of the 193 UN member states, including 23 of the 28 EU Member States, recognise Kosovo's independence;
- B. whereas negotiations for the EU-Kosovo Stabilisation and Association Agreement (SAA) were completed in May 2014 and the SAA was initialled in July 2014;
- C. whereas each (potential) candidate country will be judged on its own merits and the speed and quality of the necessary reforms determine the timetable for accession;
- D. whereas the EU Election Observation Mission assessed the early legislative elections of 25 May and 8 June 2014 as transparent and well-organised, consolidating the progress made in the 2013 municipal elections; whereas the constituent meeting of the Kosovo Assembly was concluded only on 8 December 2014 and the government was voted in on 9 December 2014;
- E. whereas progress in the conduct of the Common Security and Defence Policy (CSDP) requires, inter alia, the willingness to scrutinise past performance and draw appropriate lessons from identified problems, including in the management of field missions; whereas EULEX is the largest mission deployed and has been in operation for more than six years;
1. Welcomes the end of the six-month political stalemate that followed the elections, with the constitution of the Assembly and the appointment of the new government; is concerned about the appointment of non-consensual persons whose background might be questioned; regrets the unnecessarily large number of ministers and deputy ministers in the new government, with the budget implications thereof, and the small number of women among the ministers; notes that an increase in the number women among the ministers could be used as a progressive incentive for society as a whole; stresses that it is of the utmost urgency for the new government to pursue the necessary reforms with commitment and determination; stresses that the performance of the leadership of Kosovo can best be measured by the concrete results delivered to Kosovo citizens and to European and international partners; encourages the elected representatives of the Serbian minority in Kosovo to participate in and assume their responsibilities within the new coalition government in Pristina;
 2. Encourages the new government to continue its European course and stresses that it has undertaken to pursue vigorously, including through legislation, a number of priority issues, including steps to strengthen and affirm the rule of law, to establish a model for the judiciary based on the principles of independence, professionalism and effectiveness, and systematically and effectively to fight corruption and organised crime at all levels; calls on the authorities to systematically and effectively fight unemployment, foster structural economic reforms and sustainable development by establishing a regulatory framework and incentives for small and medium-sized enterprises and pursue the much-needed reform of the social protection system to address persistently high poverty rates, including unacceptable levels of child poverty; underlines the fact that the implementation of reforms is key; stresses that the establishment and functioning of the Special Court, and cooperation with it, should be a priority, and will help Kosovo to resolve and overcome problems rooted in its past; stresses that legislative and policy plans need to reflect realistically the resources required, and recommends that they be implemented in a more transparent manner;
 3. Highlights the need to strengthen the oversight role of the Assembly and particularly the EU Integration Committee in the Kosovo integration process; urges the Assembly to adopt swiftly new rules of procedure that are in line with European best practice and that reflect the gender equality dimension;
 4. Stresses the need to step up actions aimed at fighting the criminal groups that are making irregular migration possible; stresses furthermore that socio-economic developments and the creation of new jobs are necessary to end the trend of irregular migration and restore citizens' hope and faith that they can build their future in their country; insists on the need to address the root causes of irregular migration, using all EU policy and assistance instruments;

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5. Welcomes the gradual strengthening of and increased coordination between civil society organisations, particularly those dealing with women and LGBTI people; also emphasises the need to find a solution to the threats and attacks against activists trying to strengthen the rights of LGBTI people; calls for the Kosovo authorities to strengthen their mechanisms for consultation of civil society, which has so far been conducted on an ad hoc basis, in particular by providing the Joint Advisory Council with all the necessary resources; considers that, with a view to ensuring that government is open and transparent, representative civil society organisations should be included in legislative consultations; calls also for the donor community, particularly the EU, to continue involving and consulting civil society in its programming;

6. Notes that there has been some progress in the legislation governing the judiciary and its organisation, particularly with regard to steps to adapt structures to the new EULEX mandate and the mixed panels; notes, however, that strong concerns remain regarding the independence, accountability, impartiality and efficiency of judges and prosecutors and the functioning of the Kosovo Judicial Council, the prison system and the overall performance of the rule of law sector; stresses that further work should be carried out to prepare for the full transfer of responsibilities from EULEX to Kosovo; calls on the political authorities to clearly demonstrate their full support for the independence of judges and prosecutors who continue to be targeted in attempts to influence ongoing investigations and judicial proceedings;

7. Expresses concern at the lack of any significant progress in fighting high-level corruption and organised crime, a significant obstacle in the way of Kosovo's democratic, social and economic development; stresses the need for a clear signal from the government that Kosovo is systematically tackling corruption at all levels and fighting organised crime; calls for further steps to prevent any possible link between organised crime and people within the public administration; is also concerned about widespread illegal ownership of firearms and calls on the Kosovar Government to implement effectively the existing programmes to collect such firearms, in particular the national strategy and action plan on the control and collection of small arms and light weapons (SALW) for the 2013-2016 period; calls on Kosovo to cooperate with the EU expert group on arms trafficking and with neighbouring countries in taking preventive action, and calls for the EU to provide every form of technical assistance required for that purpose;

8. Welcomes the participation of Kosovo in the coalition to fight terrorism, the amendments to Kosovo's criminal law aimed at cracking down on foreign fighters and the action taken by authorities to bring to justice those involved in recruiting young people to join extremist groups; notes with concern reports on growing radicalisation among young people in Kosovo, with some of them joining terrorist fighters in Syria and Iraq; asks for the EU to help address the social issues that are part of the reason why radical groups are able to recruit young people in Kosovo;

9. Notes that one of the priorities of the new government is the creation of the Armed Forces of Kosovo, which will operate in line with the Constitution and under full civilian control; understands the principle of territorial defence as an aspect of national sovereignty, but calls for the armed forces to be EU-compatible, and takes the view that more efforts should be aimed at providing the Kosovo police with more resources with a view to increasing the effectiveness of their performance with immediate effect;

10. Notes the lack of progress in the implementation of the strategic framework for public administration reform and the action plan; calls on Kosovo to complete the legislative framework for the civil service, ensuring depoliticisation of the service and including performance appraisals;

11. Calls on the authorities to adopt comprehensive anti-discrimination legislation promptly and to focus also on prevention and awareness-raising measures; welcomes the fact that the first Pride Parade took place on 17 May 2014 and the establishment of the Advisory and Coordination Group for the Rights of the LGBT Community;

12. Welcomes the progress achieved on women's rights and gender equality, such as the amended legislation to recognise survivors of conflict-related violence such as war rape; stresses that challenges still remain, particularly in the field of domestic violence and gender-based violence, property rights and representation of women in leadership positions;

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13. Calls for measures to strongly address the challenges and problems regarding domestic violence and gender-based violence; stresses the need for comprehensive data collection regarding the extent of domestic violence and gender-based violence;

14. Calls on Kosovo to adopt an effective and comprehensive legislative and institutional framework on the media, and, above all, to implement existing laws more effectively, in order to guarantee freedom of expression; remains concerned about threats and attacks on journalists and a lack of transparency in the media; reiterates the importance of media freedom and independence as one of the core EU values and a cornerstone of any democracy, which contributes to strengthening the rule of law; calls on the authorities to swiftly fill the systematic gaps in legislation ensuring media freedom, particularly with a view to transparency of media ownership and with regard to the issue of defamation, and to guarantee the independence and sustainability of public broadcasters and avoid any political interference, following a thorough and comprehensive public consultation process; encourages the Kosovo authorities to take further action to prevent and combat hate speech, threats and calls for violence;

15. Reiterates that the implementation of legislation on the protection of ethnic minorities and cultural rights remains a challenge in Kosovo, despite some progress having been made; underscores the continuing need for serious efforts with regard to the full implementation of the law which includes provisions on the rights of ethnic minorities, with a view to preventing direct and indirect discrimination; notes that the Roma, Egyptian and Ashkali communities, in particular, continue to face challenges in the socioeconomic, education and healthcare fields; looks forward to the new government's new framework for improving the situation of the Roma, Egyptians and Ashkali, particularly by establishing equal safety and health protection; emphasises the importance of making it easier for Roma, Egyptians and Ashkali to return; recommends that the rights of the Gorani in the Zhupa and Gora regions be enshrined in law and ensured in practice;

16. Calls on the authorities at national and local level to fully implement adapted legislation and thus contribute to the further development of a fully fledged multi-ethnic society, in particular regarding the issues of education and employment; recommends that practical measures be taken to increasingly involve representatives of the ethnic minorities in national and local government bodies;

17. Reminds the Kosovo authorities of their responsibility to respect, conserve and protect Serbian, as well as all other, cultural and religious monuments, which form part of the common European cultural and historical heritage; welcomes the measures taken in this regard;

18. Urges Kosovo to consult the Council of Europe's Venice Commission, of which it became a member in June, for its opinion and support in drafting new legislation;

19. Welcomes the initialling of the SAA in July 2014, which provides for enhanced political dialogue, closer trade integration and new forms of cooperation; calls on the Council to adopt as soon as possible, and no later than mid-2015, the decision to sign and conclude the SAA as this will provide a powerful incentive for the implementation and institutionalisation of reforms and new possibilities for Kosovo to strengthen relations with its neighbours and contribute to the stabilisation of the region; calls on the Council, furthermore, to adopt the decision to sign and conclude the framework agreement on Kosovo's participation in EU programmes, which will strengthen cooperation between Kosovo and the EU in a variety of sectors, and believes that these programmes should be focused on specific areas that correspond to the obligations taken up by Kosovo on its European path and should be implemented with transparency and without delay;

20. Encourages the remaining five Member States to proceed with the recognition of Kosovo; stresses that this would further facilitate the normalisation of relations between Belgrade and Pristina; calls on all EU Member States to do their utmost to facilitate economic, people-to-people contacts, and social and political relations between their citizens and those of Kosovo;

21. Commends the work of the Special Investigative Task Force (SITF) which, in its investigative findings issued in July 2014, found compelling evidence against certain former senior officials of the KLA, but not against the KLA as a whole; welcomes the fact that the request to set up a Special Court, operating within the Kosovo justice system but with a chamber in the Netherlands, has been submitted to and accepted by the Dutch Government; calls on the Kosovo Assembly to adopt the necessary legislative package at the earliest possible date; and calls on the Kosovo authorities to continue to cooperate with the SITF;

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22. Welcomes the progress made by Kosovo in establishing its own Witness Protection Unit and supporting legal and administrative frameworks, and the progress made in entering agreements for cooperation with EU Member States, but stresses that additional support is required to facilitate the relocation of future witnesses to third countries;

23. Is seriously concerned about the recent allegations of corruption within EULEX; believes that EULEX has played, and still should and could play, an important role in Kosovo, and thus welcomes the prompt reaction of VP/HR Federica Mogherini in appointing an independent expert to probe into the handling of such allegations in depth; calls for full transparency in this investigation and urges all those concerned to cooperate fully so that the investigation can be swiftly concluded; stresses the importance of ensuring that the expert can pursue a comprehensive investigation covering all aspects of the case; is concerned at the fact that sensitive documents on the corruption allegations within EULEX have gone missing; calls for a thorough and comprehensive investigation; stresses that it is of utmost importance to restore the credibility of the EU in Kosovo and abroad and to consider the lessons learned for future missions; notes that both the Ombudsperson and OLAF decided to start independent investigations on the alleged EULEX misconduct and calls on all investigators to effectively coordinate their actions and exchange information; considers, however, that a broad and deep analysis is needed, in order to assess the overall effectiveness of EULEX and the adequacy of its performance, updating the report published in October 2012 by the European Court of Auditors;

24. Calls on EULEX to perform its mandate with reinvigorated effort; stresses the vital importance of complete transparency and accountability and increased efficiency in its work, demonstrating more concrete and high-level results and communicating regularly and comprehensively about its activities and decisions; underlines EULEX's importance in reaching out to local authorities and encouraging them to meet their commitments regarding rule of law reforms, ownership and the introduction of legislative amendments for the establishment of relocated judicial proceedings; calls on the Kosovo authorities to continue to respect EULEX's mandate and to support the exercise of its executive mandate;

25. Notes the progress made by Kosovo in fulfilling the requirements of the visa liberalisation roadmap; calls on the authorities to make further efforts and to prove their commitment to implementing the recommendations, including by adopting the four outstanding pieces of legislation; urges the Commission to make the utmost effort to accelerate the visa liberalisation process for Kosovo as the last country in the region with visa obligations; expresses strong concern about the recent upsurge in the number of citizens leaving Kosovo for EU countries, including Roma, Ashkali and Albanians; calls on the Pristina authorities to take effective action against the criminal networks involved in the trafficking of human beings and, with the help of the European Union Office in Pristina, to explain clearly to the general public that there is little chance of asylum applications being accepted; stresses the need to address the underlying causes for citizens leaving Kosovo, including by investing in quality education, especially for minority and marginalised communities;

26. Calls on the Serbian and Kosovo authorities to set up cooperation arrangements in order to clamp down on and dismantle the criminal networks that are controlling, exploiting and smuggling irregular migrants from Kosovo to some EU Member States through Serbia;

27. Calls on the Kosovo authorities to adopt the new strategy and plan of action on children's rights, and stresses the importance of investing in education, health and nutrition, particularly for minority and marginalised communities; stresses the importance of the Child Protection Law, with a view to putting in place a functional child protection system; stresses the importance of strengthening the accountability of institutions at central and local level with a view to monitoring the implementation of children's rights;

28. Notes with concern the high unemployment rates, particularly among young people, and gender discrimination on the labour market; notes that progress on property rights remains slow and that this poses an obstacle to long-term economic growth; takes note of the significant decline in foreign direct investments in the third quarter of 2014; calls on the Kosovo Government to work on improving the business environment, particularly for small and medium-sized enterprises, and to create a secure environment that will attract more foreign direct investments for the benefit of everyone in Kosovo; calls on the Commission to provide assistance to young entrepreneurs as part of IPA funding, including measures to facilitate links with entrepreneurs from EU Member States;

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29. Notes with concern that the implementation of the Law on Labour remains unsatisfactory, as does that of the Law on Strikes; notes that the unemployment rate in Kosovo is around 30 % and especially affects women's participation in labour;
30. Regrets that, due to the election events in both countries, the pace of high-level negotiations between Kosovo and Serbia has slowed down; welcomes the resumption of the meetings between Belgrade and Pristina in Brussels on 9 February 2015; notes, however, that meetings have been taking place at a technical level and that some progress has been made, including on freedom of movement; regrets that most of the agreements signed by the two sides have not been fully implemented and calls on Serbia and Kosovo to proceed with the full implementation of the agreements already reached with renewed determination; stresses the importance of explaining to the population the significance and implications of these agreements; stresses that the development of good neighbourly relations can serve the interests of both countries;
31. Reiterates the importance of ensuring that Kosovo is assigned an international telephone code of its own as soon as possible, as this will help give Kosovo added international visibility;
32. Warmly welcomes the ratification of the decision by the International Olympic Committee to grant full recognition to the National Olympic Committee of Kosovo and urges other sports federations to act accordingly, thus allowing Kosovar sportswomen and sportsmen to participate in European and international sporting competitions as citizens of their country;
33. Underlines the fact that joining international and regional organisations and mechanisms should be a priority for Kosovo; calls for Kosovo's relations and representation within regional organisations, international agencies and bodies such as the Council of Europe and cultural and heritage institutions to be upgraded to full membership and for its representation in European and international media organisations also to be upgraded with a view to enabling Kosovar artists to take part in all international cultural events, including the Eurovision Song Contest; recalls in this context the importance of complying with the agreement reached on regional cooperation;
34. Calls on the Kosovo law enforcement agencies and police forces to work actively and to cooperate with their European counterparts to achieve better coordination on counterterrorism and in combating drug trafficking and trafficking in human beings, and stresses in this context the importance of Kosovo's full membership of Europol and Interpol;
35. Notes that some progress has been made regarding the North, particularly with the election of mayors through Kosovo-wide elections and the increased number of EU-funded projects in the North; stresses, however, the need to proceed with the establishment of the Association of Serbian Municipalities, which should further lessen the need for parallel structures; notes at the same time that further continuous efforts will be needed to bring the ethnic Albanian and Serbian communities closer together; calls for a joint solution to the problem of the Mitrovica bridge, which is currently hindering the free movement of people;
36. Reiterates the need for complete transparency in communicating the outcome of the Belgrade-Pristina dialogue and for parliaments and civil societies to be involved in the implementation process;
37. Calls on the Serbian authorities to provide full assistance in repatriating the bodies of Kosovar missing persons found in Serbia, and to continue excavation work in the identified areas or in areas in which there are alleged to be mass graves and in which missing persons are presumed to be buried;
38. Supports the continued prosecution of war crimes at national level, and points to the importance of prosecuting war rape;
39. Calls on the Vice-President/High Representative and the Member States to extend the mandate of the EU Special Representative for Kosovo beyond 28 February 2015;
40. Notes with concern that the explosion of 6 June 2014 at the Kosovo A plant is proof of the fragility of the system and urges again that the plant be decommissioned by 2017 at the latest; is convinced that the Kosovar Government should design a clear and viable energy policy as this will be essential to its economic development; stresses the need to promote energy efficiency and to conduct energy needs assessment studies before commissioning new power plants;

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41. Welcomes the efforts to diversify energy sources and develop renewables, in particular with regard to the launch of construction work on three new hydro-electric plants; stresses, in this regard, the importance of adopting and applying in full EU environmental standards; reminds the authorities again of the importance of consistently complying with environmental standards when elaborating the country's development strategy;
 42. Expresses concern at the large amount of radioactive residues in solid and liquid form that are still to be found in municipalities throughout Kosovo without safe protection; calls on the Commission to provide assistance and work closely with the Kosovo authorities with a view to finding a permanent solution to this problem;
 43. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service and the Government and National Assembly of Kosovo.
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