

SEPTEMBER 2013

COMPACT PROGRESS REPORT



JOINT RULE OF LAW COORDINATION BOARD

Foreword

Kosovo is decisively on the EU path. Acknowledging the need for European expertise to strengthen Kosovo's young institutions, all EU players continue to support Kosovo's EU trajectory. In June 2013, the European Council made an historic decision to open Stabilisation and Association Agreement negotiations with Kosovo.

Fighting organised crime and corruption are essential for accession. Only strong and sustainable institutions can effectively set rule of law standards that will pave the way to development and economic growth.

The European Union remains committed to assist Kosovo in these efforts. Therefore, in November 2012, we jointly signed the Compact setting out common rule of law objectives. This was an ambitious endeavour, marking a new kind of partnership and responsibility. Since then, we have jointly worked on improving legislation and strengthening institutions to ensure progress towards sustainability, accountability and to render rule of law institutions free from political interference.

The Compact does not replace other important engagements such as the Stabilisation and Association Process and the Visa Liberalisation Dialogue. In fact, it supports these processes.

For all of us, it is important that progress is measured regularly with objectively identified indicators. For this purpose we have developed the Compact Tracking Mechanism so that we can track progress together. The ability to take stock of progress achieved represents a vital cornerstone in the partnership between the EU and Kosovo institutions providing solid proof of the hard work carried out to achieve the common rule of law objectives.

Transparency and accountability are equally important. We remain committed to informing the public about our joint work that is continuously evaluated and assessed together. Therefore, we are proud to present this first Compact Progress Report.

The objectives stated in the Compact remain a priority. We reaffirm our full devotion and efforts, including the provision of all the necessary resources, to achieve the ambitious goals set out in the Compact in the upcoming months.

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Introduction and Background

KOSOVO AND EU - PARTNERSHIP ON RULE OF LAW REFORMS

Kosovo and the EU have made the rule of law a priority in their relations. Developments in this field are crucial to the Kosovo integration process towards the EU. The EU uses a variety of tools to support Kosovo's journey to the EU. Various processes have been launched in this respect, which include the Structured Dialogue on the Rule of Law, the Visa Liberalization Dialogue and the Stabilisation and Association Process Dialogue. The Compact underpins all these processes. Therefore, this report, which is focused on the Compact's implementation, should be read in conjunction with other documents benchmarking the progress of Kosovo's rule of law institutions on their path towards independent, multi-ethnic rule of law institutions that are free from political interference, respect human rights and adhere to internationally recognised standards and European best practices.

This report aims to make the wider public aware of the mechanisms set up to achieve these objectives and of the results hitherto achieved.

THE COMPACT

On 9 November 2012, the Kosovo Deputy Prime Minister and Minister of Justice, the EU Special Representative (EUSR)/Head of the EU Office in Kosovo and the EULEX Head of Mission (HoM) signed the Compact.





The Compact is a guiding document through which the Kosovo authorities, the EUSR/Head of EU Office in Kosovo and EULEX have formally committed to jointly work towards the achievement of a number of rule of law objectives. The Compact includes a ‘chapeau’, which outlines the joint rule of law priorities, and a number of so called ‘Compact Actions’ spelling out in detail specific activities and concrete goals that support the ongoing processes between the EU and Kosovo, including the requirements for the start of negotiations for a Stabilisation and Association Agreement and the Visa Liberalisation Dialogue. Thus, overall EU accession requirements, EULEX, EUSR/EU Office in Kosovo and Kosovo rule of law institutions’ priorities are now synchronized through the Compact.

The signing of the Compact was a visible signal of a renewed and strengthened partnership, ensuring close coordination between all stakeholders and joint commitment to work within the overall EU policy framework and in line with the EULEX mandate. The signatories have also committed to allocate the necessary resources to achieve the goals set out in the Compact Actions.

The Compact has since helped to guide our continued joint efforts in reforming rule of law institutions in Kosovo by providing a common operational framework and by defining activities, which need to be done within a set timeframe, coinciding with the end of EULEX’s current mandate in June 2014.

THE JOINT RULE OF LAW COORDINATION BOARD

The Joint Rule of Law Coordination Board (JRCB), a body co-chaired by Kosovo Deputy Prime Minister/Minister of Justice, the EUSR/Head of EU Office in Kosovo and the EULEX Head of Mission, is the main forum to discuss joint rule of law topics and to oversee the Compact’s

implementation. It takes regular stock of progress achieved in the implementation of the Compact Actions. It evolved into this role as part of the ongoing effort to streamline rule of law related initiatives between the EU family and the Kosovo rule of law institutions.

Participants on the JRCB include the Kosovo Minister of Internal Affairs, Minister of Finance and the Minister of European Integration as well as EUSR/EU Office in Kosovo and EULEX staff members. Furthermore, the chairpersons may invite any person whose participation in the meeting would be useful for discussion, in particular the heads of the independent rule of law institutions and law-enforcement agencies, such as the Chairs of the Kosovo Judicial and Prosecutorial Councils, the Kosovo Police Director General, the Kosovo Customs Director General, the Head of the Anti-Corruption Agency or the Kosovo Correctional Services Commissioner.

It is supported by a joint JRCB Secretariat composed of staff assigned by the three chairpersons. It prepares for and documents the JRCB meetings and ensures the necessary follow up.

DEVELOPMENTS FROM NOVEMBER 2012 TO AUGUST 2013

Kosovo institutions, supported by the EUSR/EU Office in Kosovo and EULEX, have worked hard over this period to make progress in the implementation of the Compact Actions. The JRCB has met on a regular basis to review progress. It agreed on a Compact Tracking Mechanism as an evidence-based assessment device, which is intended to measure progress against the expected results defined in the Compact Actions. The relevant parts are co-drafted by Kosovo and EULEX experts.

For certain areas, detailed indicators have been developed, such as for anti-corruption efforts and for addressing inter-ethnic crime. They are updated jointly by the experts from the Kosovo authorities and EULEX with the aim of providing a detailed picture of strengths and weaknesses in these two fields, so that the JRCB chairpersons can be adequately informed on areas requiring their decision.

The JRCB has also developed a number of roadmaps aimed at developing detailed work plans over the coming months to ensure fully functioning and fully resourced local rule of law institutions in view of a possible orderly phase-out of EULEX’s role in certain areas.

Based on the findings of the Compact Tracking Mechanism, this report is the first publication of the JRCB, intended to present the results of the coordinated efforts between Kosovo institutions and EU family, and it covers progress measured against objectives from November 2012 until August 2013.

COMPACT PROGRESS REPORT

September 2013

The partnership of the EU family and Kosovo on the rule of law encompasses a large number of areas, some of which are complex and technical. The Compact alone stipulates 24 Actions, each of them feature several expected results and indicators. The following sections will thematically group activities included in the Compact, and offer a summary overview of the current state of play of the Compact. This report does not intend to present a full review of the assistance that the EU provides to Kosovo. If you are interested in looking into the Compact Actions in the rule of law area in more detail, please see the Compact Tracking Mechanism, which is regularly updated and can be found on the EULEX website.

1. POLICE & CUSTOMS

OBJECTIVES

- To develop a functional Kosovo Police Regional Operational Support Unit (OSU), with a focus on accountability, ethnic minority safety concerns and effective stakeholder cooperation
- to ensure the completion of institution-building measures for the Police Inspectorate of Kosovo (PIK), as well as the KP's full compliance with PIK recommendations
- to further implement the KP Information and Communication Technologies Systems Strategic Plan (ICTSSP)
- to enhance the KP's administrative pillar
- to strengthen the KP's capacities in community policing
- to improve inter-institutional cooperation between the KP and the Public Prosecutor's Office (PPO)
- To set up a witness protection scheme (WPS) for Kosovo under a Directorate for Witness Protection (DWP)
- To fostering partnership between the KP and the Financial Investigation Unit (FIU) for effectively combatting financial crime
- To enhance the border management capabilities of Kosovo Customs and Kosovo Border Police
- To propose technical amendments to immigration procedure laws



ACTIVITIES AND RESULTS

Kosovo Police Regional Operational Support Unit: The focus has been on the ongoing recruitment processes in OSU and the centralisation of its management to better coordinate on-the-ground activities. Intakes of new OSU officers have been taking place for several months now. The two main aims are to attract the highest number of applicants possible and to ensure an equitable ethnic representation in the Unit – a key requirement to operate effectively in all regions of Kosovo. Physical tests, interviews and background checks were carried out on 143 candidates in accordance with applicable standard operating procedures. Initiatives have been undertaken to encourage applications from non-majority communities. No significant results were seen: out of the 143 candidates, only one belongs to a non-majority community. The relevant officers from EULEX and the KP proposed a new organisational chart which foresees a lieutenant in charge of both OSU units in Pristina and Mitrovicë/a who is accountable to responds to the Directorate of Specialized Units.

Police Inspectorate of Kosovo: PIK's budget for 2013 was double the size of its 2012 budget; it now amounts to one million Euros. Additional 15 staff were recruited into PIK, making the total number of investigators 70 – PIK's planned full strength is 92 investigators by 2015. Out of 15 administrative instructions foreseen in the Law on PIK (promulgated in November 2010),

five have so far been drafted and are currently awaiting for the endorsement of the Ministry of Interior. PIK received 469 complaints between January and August 2013; 127 resulted in criminal investigations and 342 were considered as disciplinary cases and forwarded to the KP Professional Standard Unit. Out of this number, 52 criminal cases were processed and forwarded to the responsible prosecutors. The investigation of 75 criminal cases is still ongoing. The Inspections Plan for 2013 is being finalised. EULEX advised the PIK management that an inspection of the KP Pillar 'Support and Supply Service' should mainly focus on the KP Directories for Procurement, Finance and Tender Procedures.

KP Information and Communication Technologies Systems

Strategic Plan: the ICTSSP allows for the storage of information on Human Resources, Finance and Logistics and -through the Kosovo Police Information System - for the gathering of investigative data. The ICTSSP relies on specific software which enables KP officers to retrieve information they need. The required programs had to be tendered out and tested over a trial period. Some features of the ICTSSP are already in use and the current progress in implementing it is in line with expected results, namely, a fully functional ICTSSP by June 2014.

KP administrative pillar: the procurement of goods and items needed for KP operations has been the subject of intensive cooperation between EULEX and KP. Tendering procedures have been reviewed by EULEX experts; 15 procurement processes over 10,000 Euros and four below the same threshold were monitored by EULEX between November 2012 and June 2013. All these files have been found to be in compliance with the law.

Community policing: Municipal Community Safety Councils (MCSCs) are consultative bodies foreseen by Administrative Instruction no. 08/2008 issued by the Ministries of Internal Affairs and of Local Government Administration, which encourages municipal officers, the KP and civil society organisations to discuss and tackle local security issues. Available data indicate a 95% attendance by the KP to all reported MSCS meetings. The special modules for community policing have been incorporated into the academy's basic police training as well as in the training modules for management level. These training programmes, held at the regional level, were attended by 3,600 police officers.



KP-PPO cooperation: work here is structured along two lines of activities: further clarifying the division of tasks in accordance with legal requirements,

and improving working relations between prosecutors and police officers. Regarding the division of tasks, the Kosovo Prosecutorial Council's (KPC) adoption in November 2012 of the Strategy on Inter-Institutional Cooperation in relation to organised crime and corruption marked an important step forward; its implementation is the focus of current KP/EULEX efforts. Moreover, the new Criminal Procedure Code, which came into effect in January 2013, provided further room for transferring authority to the KP when dealing with minor cases. Regarding the improvement of working relations between the KP and prosecutors, the parties have agreed on the setup of structured meetings which should take place regularly between the seven Basic Prosecution Offices and relevant KP stations. Such discussions will focus on management issues and complement the existing meetings on specific cases, but their schedule has not yet met the planned frequency. Coordination should also happen at the ministerial level and include the Chief State Prosecutor and the KP General Director in order to steer the Crime Reduction Strategy for Kosovo in a harmonised way, as well as to plan a common training programme for KP investigators and public prosecutors.

Witness protection scheme: the EU-financed project Witness Protection in the Fight against Serious Crime and Terrorism (WINPRO) is currently progressing within planned timelines. EULEX, WINPRO and the KP have started developing an organisational chart for the future witness protection unit. WINPRO will also develop a training programme, in cooperation with EULEX. A technical arrangement to develop international agreements and cooperation on witness protection between Kosovo and other states was signed in January 2013 and the first meeting with Member States took place shortly after to discuss further possible support. WINPRO is currently developing the logistical and administrative frameworks for Kosovo witness protection and anticipate completing the drafting of essential sub-legal acts and administrative instructions by September 2013.

KP-FIU partnership: the FIU signed a memorandum of understanding with the KP in February 2013 to support safe and quick electronic exchanges of information. Five KP units have been connected to the goAML Message Board – software which enables the gathering of data from all connected FIUs – and information is now being exchanged between the FIU and the KP in a direct and secure way.

Kosovo Customs and Kosovo Border Police: the 2013-2015 Kosovo Customs Management/Strategic Plan was approved; its first six-month review is currently underway and a performance monitoring system is set to be further developed under an EU-funded twinning project. In line with the activities planned in the 2012-2017 Kosovo National Integrated Border Management Strategy, the crossing point at Bellanoc-Stançiç is in the planning stage, as are the two new lanes at Vërmica/Vermice plus the six permanent co-located common crossing points with Serbia. The new terminal at Pristina Airport will be operational by December 2013.



2. JUSTICE

Objectives

- To enhance the Kosovo Correctional Services (KCS)
- To strengthen the capacity of the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC)
- To complete the mandate of the Kosovo Property Agency (KPA)
- To improve the performance of the Special Chamber of the Supreme Court (SCSC)
- To support the adjudication of property-related civil cases
- To expand international legal cooperation (ILC)

ACTIVITIES AND RESULTS

Kosovo Correctional Services: since the signing of the Compact, the KCS, in partnership with EULEX, has been laying the groundwork for the ability to self-inspect its services by applying the auditing measures from International Standards Audit Programme (ISAP). While these measures are not fully in place, KCS has begun inspections focusing on security and operations in its facilities. In addition to these inspections, the full audit would need to include assessments on legislation, administration and the

treatment of prisoners. Twenty-eight joint audits at all correctional facilities were carried out between January and June 2013. KCS directors and finance officers received training in public finance management, accounting and controls in preparation for directors of facilities to take more control of the facilities' budgets.

To overcome the insufficient capacity for prisoner escorts in Mitrovicë/a, the JRCB tasked the KCS to develop, in close coordination with EULEX, a

roadmap that would alleviate the staffing shortages and security concerns. The roadmap was drafted and approved and its implementation has started; an agreement has been signed with the Kosovo Police to support escorts should the need arise and with the recruitment of additional staff.



In terms of operations carried out within the scope of the National Organised Crime Strategy and Action Plan, Kosovo Customs (KC) investigated a case of livestock smuggling in Mitrovicë/a with the Kosovo Food and Veterinary Agency, while carrying out a further joint operation with EULEX related to medicines in Pejë/Peć region. The KC also conducted operations against unlicensed gaming machines and premises, as well as two operations targeting the production and sale of counterfeit alcohol. In total, the KC carried out 135 joint activities with other law enforcement agencies by the end of August 2013. Kosovo Border Police (KBP) carried out eleven joint operations with the KC and three joint operation with the KC and the Food and Veterinary Agency. Moreover, two meetings with the State Prosecutor were held and 22 joint operations between the KC and the Tax Administration of Kosovo were carried out. The KC has conducted 138 anti-smuggling operations. The KBP started 31 criminal investigations into cases of smuggling migrants, out of this number 12 have already been closed and 19 remain open. Since November 2012, the KBP refused entry on 1,265 occasions and issued 175 orders to leave in relation to illegal stay.

The Border Management System (BMS, the electronic system for crossing point management) was first launched in 2011, and while the system is in function at all border crossings including the airport, it has still not reached its full operating capacity with some of its features yet to be effectively used. Internet connection and the stable provision of electric power are key prerequisites for the functioning of the BMS, and standards differ substantially at the various border crossing points.

Kosovo Judicial Council and the Kosovo Prosecutorial Council:

the KPC has been hitherto focused on implementing the Law on State Prosecutor, which complements other court reform laws. Implementing this law required institutional reorganisation and staffing changes. In addition to the main laws regulating the structure and organisation of courts and prosecution, the KPC still needs to complete its institution-building measures particularly regarding the oversight of prosecutorial services, including regulations on performance evaluations for prosecutors. The KJC is working



on similar measures, although it has been hindered by the absence of two of its members who are yet to be appointed by the Assembly of Kosovo. In August 2011 the KPC adopted the regulation on procedures and criteria for performance evaluation of prosecutions and prosecution offices. This regulation is currently being amended. So far, three prosecutors have been evaluated on the basis of the existing regulation in 2013. The KJC was able nonetheless to recently amend the Regulation on Evaluation of Performance of Judges and has, since the beginning of this year, evaluated the work of 12 judges whose initial three-year mandates expired in May and June 2013 for the purposes of re-appointment. In 2012 the KJC adopted a five-year strategic plan in the field of information and communication technology. The funds for this were recently secured and are earmarked for the continued implementation and improvement of the case management system. The KJC Secretariat allocated legal officers to support the work of the KJC and its committees, though more is needed to ensure judicial reform is implemented effectively, the appointment process is completed, and the obligations of the European integration process and, more recently, the implementation of the Dialogue, are met.

Completion of Kosovo Property Agency-related Mandate: EULEX provides support through its executive functions to the Kosovo Property Claims Commission (KPCC) and the Appeals Panel of the Supreme Court for Kosovo Property Agency (KPA) in resolving outstanding agricultural and commercial property disputes resulting from the 1998-1999 armed conflict.

To this date, the total number of decided claims stands at 38,495 out of 42,515 submitted claims, whereas 580 have been withdrawn by claimants. The remaining 3,440 claims are yet to be processed by the KPA Executive Secretariat for referral to the KPCC. The understaffing situation of the KPCC and the KPA remained critical over the summer period, but have now been addressed by EULEX at least for the international staff. The KPCC office must now settle a structural backlog of six cover decisions following this staffing crisis to prevent a negative impact on the timely finalisation of the KPCC's mandate as the remaining claims are becoming more complex and time-consuming.

For this reason, the claim drafting system has been restructured to make it more efficient so that more time can be found for the more complex claims. So far, 646 appeals against KPCC decisions have been received by KPA, out of which a final decision has been made for 353 appeals, while the remaining 218 appeals are pending. At the May 2013 session of the Joint Rule of Law Coordination Board (JRCLB) the Kosovo authorities, in consultation with relevant stakeholders, agreed on a roadmap for further EULEX engagement on KPA-related matters, focusing in particular on the finalisation of the KPCC adjudication work by June 2014 and the establishment of a second KPA appeals panel by summer 2013 in view of the expected adjudication of all appeals by summer 2016.

Enhanced Performance of the Special Chamber of the Supreme Court:

EULEX provides support to the Special Chamber of the Supreme Court (SCSC) through its executive functions with regard to the adjudication of cases and by improving the SCSC's technical capacity. All cases are adjudicated by mixed panels of both local and EULEX judges and promote 'peer-to-peer cooperation' through the exchange of views and by sharing best practices. EULEX has developed indicators which can monitor the performance of the Court over time, including the total number of pending cases before the court, cases registered and cases solved, number of document pages translated and total case clearance rate.

The Court is currently registering significantly more cases than it is completing (it has a case clearance rate significantly below 100%, meaning that more cases/claims are being registered than finalised), and as such, backlogs continue to build at the SCSC. In terms of the type of cases currently before the Court, as of the end of July 2013, there were 370 workers' lists cases (comprised of 5,294 individual workers complaints), some 4,406 other types of trial panel claims and some 414 cases at the Appellate Panel. Over the reporting period, backlogs have continued to grow in all of these areas apart from the Appellate Panel, which has seen a very small decrease in the number of outstanding cases. Having decreased consistently over a number of months, the translation backlog at the SCSC also registered a rise in July 2013.

At the JRCLB session held in May 2013, the Board agreed to develop a joint roadmap for a fully functioning and fully resourced SCSC by the end of 2013.

Adjudication of property-related civil cases: EULEX supports the local judiciary in adjudicating property-related civil cases in the first instance and appellate court levels. The cases taken over are immediately allocated to an EULEX civil judge following the Mobile Unit internal roster and/or designation of the Kosovo Judges. Members of the mixed panels in second-instance cases are requested and provided by the Court of Appeals.

The procedures to take over cases have been substantially reduced in duration from 2-3 months to 10 days in processing urgent cases. Between November 2012 and August 2013 a total of 107 take-over requests were registered, 84 were legally assessed, out of which 37 civil property cases in 17 different courts/branches were pre-selected and taken over. Between November 2012 and August 2013 there were 60 civil cases falling under the executive mandate of the Mobile Unit of EULEX Civil Judges: 33 were finished and 27 are currently under adjudication. As planned, Housing and Property Claims Commission (HPCC) discrimination cases were prioritised: all 263 HPCC referrals were checked in 19 courts, the cases registered were inventoried, and out of them 44 were pre-selected, 12 were taken over, and four had been already decided. Executive functions were also exercised by the Mobile Unit of EULEX Civil Judges in 48 other sensitive property-related civil cases, out of which 29 were finalised.

International Legal Cooperation: the budget allocated to the Department for International Legal Cooperation (DILC) within the Ministry of Justice increased in 2013, in response to the growing number of requests for mutual legal assistance. DILC is competent for providing judicial cooperation in criminal and civil matters and the drafting and negotiating of bilateral agreements. International legal agreements dealt with by the DILC can be grouped into two categories: (1) the undertaking of agreements inherited from the Socialist Federal Republic of Yugoslavia, and (2) the agreements concluded with states that have recognised Kosovo. In order to improve the implementation of these agreements as well as to improve international legal cooperation, the State Attorney appointed seven focal points for addressing cases related to international legal cooperation in criminal matters. Recently, the KJC has followed suit with appointment of focal points at Basic Courts. Apart from the above mentioned categories of agreements, there is the technical agreement on mutual legal assistance between the Ministry of Justice and EULEX, based on which EULEX transmitted 1,713 requests and responses on legal cooperation between Kosovo and countries not recognising Kosovo until 20 March 2013 (including Serbia). After this date, a further 73 requests were transferred between Kosovo and non-recognising countries (excluding Serbia). In the framework of the EU-facilitated Pristina-Belgrade dialogue, new procedures for mutual legal assistance between Kosovo and Serbia were introduced on 20 March 2013 and since then 843 requests were transmitted from Kosovo to and Serbia and 1 request from Serbia to Kosovo. More work is needed to improve the inter-ministerial working relationships to ensure smooth flow of the legal cooperation requests.



3. NORTH OF KOSOVO

Objectives

- To restore rule of law in the northern part of Kosovo
- To enhance KP performance in the region
- To improve standards in detention centre in Mitrovicë/a

ACTIVITIES AND RESULTS

The KP in the northern part of Kosovo: during the reporting period, the desired six per cent reduction in reported and observed crime has not been met largely due to the significant increase of violent attacks in the area at the beginning of the year. The KP, though, has demonstrated greater flexibility in dealing with the increased level of attacks. This has also been demonstrated in joint operations with EULEX such as operation 'Needle', a targeted network of nightly vehicle checkpoints, launched by EULEX in conjunction with KP, in response to frequent incidents involving explosives. a. The KP still needs to improve its classification methodology regarding handling potentially ethnically motivated crimes.

Mitrovicë/a Detention Centre: the refurbishment of the Mitrovicë/a Detention Centre (MDC) was completed in December 2012, fulfilling the conditions laid out by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment regarding the conditions of prisoners. The MDC continues to suffer from a shortage of staff. EULEX and the MDC were instrumental in securing funding from the Government of the Netherlands for a reintegration project implemented by a local NGO. The MDC also maintains regular contact with local services, including Mitrovicë/a hospital and the fire brigade.

4. DIALOGUE IMPLEMENTATION

Objectives

- Within the Compact framework, for the EU Office and EULEX to support the Kosovo authorities in implementing several agreements reached in the Dialogue between Pristina and Belgrade, including:
 - Civil registry
 - Freedom of movement (FoM)
 - Integrated border management (IBM)
 - Cadastral disputes

ACTIVITIES AND RESULTS

Civil Registry: the negotiating parties have agreed to mandate EULEX, in consultation with experts from both sides, to certify, municipality by municipality, copies of all original civil registry books (CRB) from Kosovo currently in the possession of the Serbian authorities. The actual copying is done by an EU-funded implementing organisation. EULEX hands over the copied CRBs to the Kosovo Civil Registration Agency (CRA) once it has certified them. This process aims at providing the Kosovo authorities with their own copies of the CRBs so that the civil status data contained therein can contribute to establishing a fully reliable civil registry in Kosovo.

The total number of all certified copies of CRBs has reached 6,889 (out of an estimated 12,036 books), covering the municipalities of Lipjan/Lipjan (848),



Obiliq/Obilić (264), Fushë Kosovë/Kosovo Polje (219), Gillogoc/Glogovac (425), Prishtinë/Priština (1,013), Podujevë/Podujevo (1,066), Gjilan/Gnjilane (935), and and Kamenicë/Kamenica (824), Viti/Vitina (726), Novobërdë/Novo Brdo (67), and Ferizaj/Uroševac (502).

To date, a total of 4,770 certified copies of CRBs have been formally handed over from EULEX to the CRA for the following municipalities: Lipjan/Lipljan (848), Obiliq/Obilić (264), Fushë Kosovë/Kosovo Polje (219), Gillogoc/Glogovac (425), Prishtinë/Priština (1,013), Podujevë/Podujevo (1,066) and Gjilan/Gnjilane (935), Kamenicë/Kamenica (824) and Viti/Vitina (726). Of these, the CRA has handed over 4,770 certified CRBs to the municipalities of Lipjan/Lipljan, Obiliq/Obilić, Fushë Kosovë/Kosovo Polje, Gillogoc/Glogovac and Prishtinë/Priština. Before this distribution from CRA to the local Civil Status Offices, the books are hard-copy bound in Pristina with EU Office funding. The handover is carried out upon the completion of each municipality, the processing work of the CRBs is expected to be concluded in March 2014.



Freedom of Movement: the Dialogue agreement on the Freedom of Movement (FoM) provides citizens from Kosovo and Serbia with the ability to travel freely within or through the territory of the other by carrying only their ID cards, and, when driving, vehicle registration plates (VRP), driving licenses and car insurance policies. EULEX provides monitoring, mentoring and advising in the area related to the issuance of personal documents and

on the overall implementation of FoM related to free travel (with the relevant documents) within or through the territory of Kosovo and Serbia, and for registering each crossing into the Border Management System (BMS). To date, the FoM agreement is being implemented at all crossing points between Kosovo and Serbia south of the Ibër/Ibar River, this includes: Merdarë/Merdare (former Gate 3), Mutivodë/Mutivode (former Gate 4), Konçulj/Dheu I Bardhë (former Gate 5), Depce/Muçibabë (former Gate 6).

According to the FoM agreement, only RKS or KS licence plates are allowed to be used by car owners residing in Kosovo. Accordingly, the Kosovo Ministry of Internal Affairs (MoIA) has not only extended the policy of registering vehicles with KS plates but has also promoted a policy for allowing the owners of ex-Federal Republic of Yugoslavia (FRY) or Serbia-plated vehicles registered between 10 June 1999 and 31 October 2011 to re-register them with RKS or KS plates. The MoIA extended the initial deadline three times, until 1 June 2012, in order to meet the requests coming from eligible car owners. Applications for RKS and KS plates were submitted to an ad-hoc Commission established by the MoIA, which, after reviewing them, has forwarded all files, through the EULEX International Police Cooperation Unit, to the INTERPOL National Contact Bureau in Belgrade for appropriate verification. To date, no feedback has been received from Belgrade on the status of these cases. Meanwhile, the MoIA has been issuing applicants with one-year valid temporary VRPs, which, pending feedback from Belgrade, have been extended until June 2014.

Between 1 November 2011 and 31 May 2012, 8,413 owners of ex-FRY, Serbian or KS plates have extended or switched to KS or RKS plates: 3,251 vehicles were registered or extended with KS plates and 5,161 registered with RKS. Between 1 June 2012 and 28 February 2013, 2,163 applications have been received and are still to be verified. Of these applications 2,056 have been supplied with temporary VRPs. As of 1 August 2013 there are 262,993 vehicles with RKS plates in circulation throughout Kosovo including the temporary plates and 7,932 vehicles with KS plates. Containers for insurance offices have been installed at both northern crossing points Rudnica/Jarinjë and Bërnjak/Tabalije respectively, but they are not being used yet. The BMS is fully functional at the two northern crossing points, which have both been equipped with three BMS workstation computers for inbound and outbound data entry activities.

Integrated Border/Boundary Management: the agreement on Integrated Management for crossing points (IBM) intends to gradually set up joint, integrated, single and secure posts at all common IBM crossing points between Kosovo and Serbia, where officials of each party carry out relevant controls for all related services (police, customs, food and vet checks etc.). The IBM crossing points include Rudnica/Jarinjë (former Gate 1), Merdarë/Merdare (former Gate 3), Mutivodë/Mutivode (former Gate 4), Konçulj/Dheu I Bardhë (former Gate 5), Depce/Muçibabë (former Gate 6), and Bërnjak/

Tabalije (former Gate 31). EULEX officials are present at all crossing points and the Mission plays an active role in the IBM Agreement Implementation Group. All crossing points have been opened and both EULEX Customs Officers and EULEX Border Police have been permanently assigned to all crossing points.

Agreement was reached on both sides to continually assess the levels of traffic at Merdarë/Merdare and Mutivodë/Mutivode, to ensure that adequate resources are made available and that procedures to implement easing-of-traffic controls are applied in order to facilitate the movement of travellers during the summer season. Both delegations agreed that an information campaign needs to be introduced to advise travellers of the increase in waiting times at Merdarë/Merdare and that Mutivodë/Mutivode may be used as an alternative. The Director of Kosovo Customs has already agreed to deploy customs officers to Mutivodë/Mutivode, as required, and additional control booths, and has issued a press statement advising the public of the opening of the Depce/Muçibabë and Mutivodë/Mutivode crossing points.

EULEX continues to be an active member in the IBM Agreement Implementation Group (IG) meetings, participating in all IG meetings held in Pristina, Belgrade and Brussels. On the ground, the Tripartite Technical Working Groups (TWGs) continue to undertake site visits to all six crossing points in order to assess the current situation in terms of infrastructure. All outstanding issues are reported to the IG for further action, as required. The establishment of a Systematic Electronic Exchange of Data (SEED) between Belgrade and Pristina as a means of exchanging information between the customs administrations of Kosovo and Serbia started on 10 June with the financial support of the EU. Planning on establishing permanent crossing points was initiated and is making progress.

Cadastral Disputes: In order to protect the rights of people with legitimate claims to property, the Dialogue parties have agreed to jointly establish a fully reliable cadastre in Kosovo. To this end, the parties agreed for the EU to select a technical agency mandated with identifying gaps in certified copies of the original pre-1999 cadastral records by comparing them with the reconstructed Kosovo cadastre. In cases where the comparisons show the records not to be the same, an ad-hoc two-tier adjudication mechanism will make the final determination as to which cadastral record is correct. The EU will support the process of copying the cadastral records and will provide the necessary equipment to both sides. For the implementation of this process to start, the Kosovo authorities need to put in place relevant legislation. In particular, the draft Law on Kosovo Property Comparison and Verification Agency, which encompasses the old mandate on conflict-related property claims and the new mandate on cadastral records, should be approved by the Assembly of Kosovo. Once the law is in place, adequate funding for the KPVCA needs to be ensured.



COMPACT

on Joint Rule of Law Objectives for the period until June 2014

The Kosovo Rule of Law Institutions, the Head of the EU Office in Kosovo/EUSR and EULEX Kosovo,

Acknowledging the commitment of the Kosovo rule of law institutions to make further progress towards sustainability and accountability and to develop and strengthen an independent multi-ethnic justice system and a multi-ethnic police and customs service that are free from political interference, respect human rights and adhere to internationally recognized standards and European best practices;

Reaffirming their determination to fight serious and organised crime and corruption;

Affirming their joint commitment to work within the overall EU policy framework as defined in the Stabilisation and Association Process with Kosovo, including follow-up to the Feasibility Study on a Stabilisation and Association Agreement and the Structured Dialogue on the Rule of Law;

Committed to advancing Kosovo's EU perspective by strengthening the ability of Kosovo to align its legislation with the *Acquis Communautaire*;

Recognising the need for the Kosovo authorities to effectively cooperate with EULEX Kosovo in order to achieve progress, including on issues covered in the visa liberalisation dialogue;

Acknowledging the commitment of the Kosovo rule of law institutions to implement their existing strategies and plans for advancing the rule of law, including the phasing out of EULEX executive mandate to the Kosovo authorities;

Affirming the willingness to contribute to a normalization of relations between Pristina and Belgrade and move forward with the implementation of agreements reached so far in the EU facilitated dialogue as well as any other agreement in the rule of law area reached in the future;

Taking due note of the full complementarity of the European Union assistance programmes for Kosovo with the overall objectives, concrete goals and specific activities foreseen under this *Compact*;

have agreed as follows:

1. The Kosovo institutions, assisted by EULEX Kosovo through the implementation of its mandate of monitoring, mentoring and advising, commit themselves to the following overall **Joint Rule of Law Objectives**:

- Strengthening police, customs, correctional and judicial institutions across the entire territory of Kosovo, including in the north of Kosovo, for the benefit of all communities;
- Increasing the ability of Kosovo's rule of law institutions to deal with inter-ethnic crime, serious and organized crime and corruption;
- Enhancing the anti-corruption capabilities of Kosovo's institutions, particularly through the criminal justice system;
- Enhancing the accountability of all rule of law institutions by allowing institutions such as the Kosovo Judicial Council, the Kosovo Prosecutorial Council and the

Police Inspectorate of Kosovo as well as relevant internal structures to fully assume their roles in accordance with the law;

- Consolidating the strategic, operational and organizational management capacity of Kosovo's rule of law institutions to advance implementation of relevant legislation, strategies and action plans;
- Fostering a higher degree of ethnic inclusion and gender balance in the Kosovo rule of law institutions;
- Improving the responsiveness of Kosovo's rule of law institutions to concerns frequently raised by minorities in relation to public safety, accessibility and openness;
- Strengthening inter-institutional cooperation between prosecutorial bodies and law enforcement by facilitating a higher degree of communication between these institutions;
- Enhancing the ability of the relevant institutions in addressing outstanding property-related claims;
- Further developing of the Kosovo witness protection system;
- Further strengthening mutual legal assistance, including through the use of EULEX Kosovo to facilitate the processing of requests to and from States that have not recognized Kosovo in line with agreed procedures;
- Implementing the agreements reached in the framework of the EU facilitated dialogue, specifically the agreements on Civil Registry Books, Cadastral Records, Freedom of Movement, and Integrated Management of Crossing Points (IBM), and any other agreement in the rule of law area that might be reached in the future.

2. The Head of the EU Office in Kosovo/EUSR, EULEX Kosovo and the Kosovo institutions hereby endorse jointly developed *Compact* Actions which set specific activities and concrete goals with measurable benchmarks in line with the stated overall Joint Rule of Law Objectives.

3. The Joint Rule of Law Coordination Board will regularly review and take stock of progress achieved in the implementation of the *Compact* Actions. The Board will also

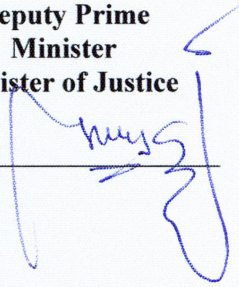
assess whether measures in addition to the annexed *Compact* Actions should be adopted to help achieve the stated overall Joint Rule of Law Objectives.

4. This *Compact* will help guide continued rule of law reform efforts in Kosovo and contribute to a strengthened partnership based on common goals and mutual respect.

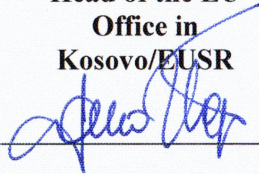
5. The Kosovo institutions and EULEX Kosovo commit themselves to allocating the necessary resources and focusing their work so as to achieve the goals set out in the *Compact* Actions by June 2014.

Pristina, the 9 November 2012

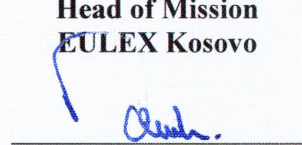
**Deputy Prime
Minister
Minister of Justice**



**Head of the EU
Office in
Kosovo/EUSR**



**Head of Mission
EULEX Kosovo**





European Union Rule of Law Mission

Partnership for Justice

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