

Compact Action No.	Compact Action Goal		Comments (Progress, Outlook, Issues Raised)
Joint Rule of Law Objective no. 1: 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			
1.1	Structured support to ensure a fully functioning Financial Intelligence Unit		<p>1. Has the FIU recruited all necessary staff to answer all operational needs? If yes, indicate total number of staffing in place. If not, explain why and what is being done to recruit all necessary staff?</p> <p>There is currently 17 staff in FIU, out of a foreseen total of 20. Although at least 2 more officers would be needed, the FIU Director will not proceed with the recruitment due to budgetary reasons. One out of the 3 positions will be filled by May, the other 2 will be pending for the time being. Currently, the number of the staff in FIU is 17, out of foreseen the total of 20. During the reporting period, one position of Intelligence Analyst was approved by the Ministry of Finance and advertised where the interview took place during May and in June the new staff (intelligence analyst) will start the work.</p> <p>2. How many of the total staff has received training in relation to basic and advanced Financial Intelligence –Techniques trainings, as specified in the Compact Action.</p> <p>FIU members have attended numerous trainings during the reporting period, an overview of which can be found in FIU’s Annual Report. During the reporting period two trainings for the FIU employees have been organized on a) using properly the new Standard Operating Procedures of Compliance Supervision (14/01/2014) and b) for effective compliance inspections.</p> <p>3. Specify which SOPs have been approved and updated during this reporting period?</p> <p>The SOP on information and workflow is in place, but needs to be updated in order to reflect the changes brought by the amendment to the Anti Money Laundering (AML) law as well as the MoU signed between the FIU and the CBK (Central Bank of Kosovo). The Administrative Instruction of FIU-K – No. 01/2013 – on Procedures for application of Administrative Sanctions for Non-Compliance of Reporting Subject; Standard Operating Procedures of Compliance Supervision (14/01/2014) were issued during the reporting period and they came into force.</p> <p>4. List the SOPs left to be approved.</p> <p>The Intelligence Manual is left to be approved. The Intelligence Manual is a SOP meant to secure the handling of Intelligence material in three steps: a) receiving intelligence reports from the banks’ Reporting Subjects or from the KP, b) analysing the gathered intelligence information, c) publishing and disseminating of data and official documents by FIU-Kosovo -in relation to the money laundering and terrorist financing.</p> <p>5. How often is FIU staff being evaluated in accordance with the Law on Civil Service (Law No.03/L – 149) as well as the Administrative Instruction (AI) MPS/DCSA 2003/08 on Performance Evaluation Procedures?</p> <p>In terms of staff evaluation, the FIU fully adheres to the Law on Civil Service as well as the Administrative Instruction (AI) MPS/DCSA 2003/08 on Performance Evaluation Procedures. All FIU staff was evaluated by the end of 2012 in accordance with the AI MPS/DCSA 2003/08. The FIU staff is evaluated in an annual basis, in accordance to the AI MPS/DCSA 2003/08.</p>

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		<p>6. Is the MoU between Kosovo Police and FIU on electronic exchange of information being implemented by both parties? How many KP Units have access to goAML Message Board ensuring a secured information exchange with FIU?</p> <p>Yes. The MoU was signed in February 2013 and it is being implemented. Indeed, the MoU has been signed with KP in February 2013 and is being implemented accordingly. The number of KP units is 5 that have an access in the goAML Message Board.</p> <p>7. With which countries did Kosovo sign MoUs on financial intelligence sharing during this reporting period? How many countries in total have signed an MOU with Kosovo?</p> <p>So far, Kosovo FIU has signed eight MoUs with: Albania, San Marino, Turkey, Czech Republic, Montenegro, Croatia, Slovenia, FYROM and Finland. The FIU has signed nine MoU's with: Albania, San Marino, Turkey, Czech Republic, Montenegro, Croatia, Slovenia, FYROM and Finland.</p>
1.2	Enhancement of the Kosovo Correctional Service	<p>1. Has the Internal Standards Auditing Programme (ISAP) been designed and implemented?</p> <p>The comprehensive first round of ISAP (18 areas) was completed in all KCS facilities by MoJ Internal Inspectorate (II), whereas all the KCS facilities themselves completed as a trial phase self-auditing in February 2014 in the partial areas of ISAP; disciplinary and punishment. This was monitored by CU and evaluated to be successfully achieved. Therefore all KCS facilities commenced the fourth round of self-audits in each KCS facility in different areas of the ISAP. KCS has completed this second partial round of ISAP in April 2014. This activity will continue until the KCS has self-audited the complete ISAP. Then the self-auditing process should start again from the beginning and be continuous and uninterrupted practise within the KCS. KCS HQ, jointly with EULEX Correctional Unit (CU) organized a meeting for KCS Directors/Deputies concerning the continuity of self-auditing operations according to the ISAP and the future implementation plan was presented. According to EULEX CU the full implementation is still not possible as KCS needs great support by the CU for the foreseeable future to be able to do so and operate fully on its own in the area of self-auditing. The self-auditing programme is a new function within KCS without any previous experience.</p> <p>1.a If yes, have any auditing measures from ISAP been implemented by the Kosovo Correctional Service (KCS)? List which ones.</p> <p>KCS has completed the internal self- audit operations in all KCS facilities, on "Discipline and Punishments" - Law on Execution of Penal Sanctions (LEPS) No. 04/L-149" Articles 101-113, KCS Internal Working regulations 5.1. KCS has completed the fourth round of self-auditing programme from ISAP.</p> <p>1.b How many audits were performed during the reporting period? How many recommendations for improvement were made and how many were implemented?</p> <p>67 audits were performed during the reporting period. 20 recommendations for improvement were made and 4 were implemented. The Internal Inspectorate (II) carried out follow up-audits in all correctional institutions, controlling fulfilment of different recommendations made during previous audits from 2011 – 2013 (October 2013). The II completed audit operations in all Kosovo DCs; regarding the implementation of prisoners transfers LEPS article 93. The II carried out an inspection at the KCS Hospital Security Unit staff working conditions in Dubravë/a and Lipjan/e Correctional Centres. According to an audit report, the majority of II recommendations made for audits from 2011 – 2013 have been implemented, although the Directors have failed to provide the II with relevant feedback. Directors have noticed that since they are unable to rectify the situation by their own capacities, they do not want to respond at all to II. EULEX CU continues to advise KSC the importance of giving the feedback to II from their audit recommendations through MMA mechanism. However strategies between MoJ and KCS HQ concerning the II recommendations implementation need more close cooperation, for instance when MoJ needs to provide necessary support and resources to KCS HQ, or when inspection results indicate what the justified needs are (e.g. economically significant acquisitions) and without which KCS HQ is unable to rectify situation independently.</p>

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				<p>2. Has KCS drafted and implemented its anti-corruption strategy? Explain what measures have been taken to achieve this task.</p> <p>KCS has based its anti-corruption strategy according to Kosovo Anti-Corruption Agency's (ACA) strategy 2012-2016 and the first draft of its own policy has been drafted in cooperation with CU. This activity has moved towards the expected results, but is still not completed, the policy has to be approved first and then implementation period will start. Until May 2014, the KCS commenced to draft the Internal Working Regulations (IWR) for KCS correctional and detention centres with EULEX CU support who provided advice on elements needed for the IWR.</p> <p>3. Specify which measures were taken by the Internal Inspectorate for developing a separate inspection function for quick examination of prisons and detention facilities of KCS?</p> <p>A study trip was done to Finland and Estonia for the Internal Inspectorate for Corrections of the Kosovo Ministry of Justice to familiarize themselves for audits and inspections in the hosting countries, the focus was on arrangements of audit operations of Inspectorates (or other internal control structures), such as Standard Operating Procedures, reporting, follow-up of recommendations given and their implementation, managing of Inspectorate etc. in the host countries. Likewise the Chief of the II participated in the study visit to UK to get acquainted with some UK high security prisons operations in order to gain knowledge for further audit operations inter alia to the Kosovo High Security Prison Further, EULEX CU provides constant support and advice to II in these areas through MMA mechanism during their operations.</p> <p>3.a How many inspections were carried out?</p> <p>The II completed the follow-up inspection in the area of granting compassionate leave in Dubravë/a CC. Inspection in the area of management of confiscated items and contraband was completed in Lipjan CC. This operation has been put on hold because the regulations issued by KCS are currently too vague. Inspection in the area of transfers of prisoners was completed in Gjilan/Gnjilane DC, Pristinë/a DC, Lipjan/e DC, Prizren DC and Peja/Pec DC. II inspected the preparation of inmates pardon documentation by the KCS. II initiated a preliminary inspection into the issue of KCS personnel II issued three recommendations concerning large number of prisoners housed in Detention Centres contrary to LEPS, namely:</p> <ul style="list-style-type: none"> • Prisoners housed to Detention Centres need to be transferred to serve their sentence to the Prisons as ordered by LEPS • Detention Centres should not house convicted persons who are sentenced to more than 3 months of imprisonment as this is violation of LEPS • Prison Directors should not admit convicted person to facilities whose paperwork is not completed as defined by the LEPS. <p>II completed the follow-up inspection concerning fulfilment of security-related recommendations made by II during 2013 at Lipjan CC, Pristina DC and Peja DC. Currently II is drafting the report from their findings, the final report when completed will be provided to CU for review and feedback. The areas inspected includes the outer perimeter and watchtowers, control room, certification of officers to use of firearms, management of firearms, radio communication and CCTV procedures and the duty hand-over. In the DC's which are housing top/high risk inmates the focus will be to inspect the IWR. The II drafted its work plan for 2014. Priorities for the next year were discussed between the II and CU. Main focus of II activities will be on negative findings from the EC 2013 Progress Report, namely corruption, nepotism, smuggling, and discrimination, extended privileges of certain prisoners, categorization of prisoners and efficiency of the complaints mechanism of prisoners. A report concerning the negative findings from the EC 2013 Progress Report, which has been discussed with the KCS Senior Management has been drafted and forwarded to the Minister of Justice in May along with findings and recommendations concerning necessary action. Also personnel management within KCS and operations of the new high security prison will be audited. According to EULEX CU, the II has reached respectable auditing standards, but still need great support by the CU in order to be able to operate independently in this area in the future. The II is a capable, young and developing institution with very little experience which appreciates CU support to develop strong oversight mechanism for MoJ.</p>

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		<p>3.b. Which competences have been handed over from MoJ to KCS during the reporting period?</p> <p>Budget, Finances, Procurement, Human Resources and Recruitment have all been handed over during the previous reporting period. EULEX CU will continue to monitor procurement and recruitment processes to assess and ensure transparency.</p> <p>4. Is the Security Information Reporting (SIR) system being used and fully implemented? How many SIR reports were made during the reporting period (per correctional facility)?</p> <p>The EULEX CU Security Advisor and the KCS Head of Security (based at KCS HQ) have arranged a program to monitor a number of security indicators (including the use of SIRs) at each Correction and Detention facility. Three security audits have been completed that encompass SIR's in Pristinë/a DC, Gjilan/Gnjilane DC and Mitrovica/e DC. The audits did confirm that SIR's were being used but there is a need to supplement the work to date with additional staff training. Proposals on required actions as a result of these finding will be made to the KCS following each audit. Dubrava CC continues to experience problems mainly with procurement which leaves many great initiatives on hold because of lack of funds. All areas of the prison are affected among which the maintenance of buildings, IT equipment, vehicles, training for staff etc. thus often leaving the Management Team in a very difficult situation.</p> <p>5. How many security assessments and in which areas have they been conducted up to date? How many and which recommendations (if any) within the assessments have been addressed and implemented so far?</p> <p>it has been agreed with the Deputy General (Security & Operations) of the KCS that the EULEX CU Security Advisor and the KCS Head of Security (based at KCS HQ) will monitor a number of security indicators (including the use of SIRs) at each Corrections and Detention facility. A check list complete with "indicators" has been compiled. The check list covers nine areas (Physical Security, Technical capacity, CCTV etc.), Increase intellectual capacities, Staff awareness, Security equipment, Staff activity programme, Secure escorting of prisoners, Improvement of security plans, High & Top risk prisoners) and includes over 30 "indicators". To date it can be reported that there is an approximate 80% compliance across the 3 assessed facilities. The main areas of concern are lack of staff in service training, the shortage of correctional officers at Mitrovicë/a and some weaknesses in the physical security in some areas. There are signs of changes pertaining to the improvement of prison standards and attempts to eliminate bad practices. Many procedures have been assessed and Managers, Supervisors and staff are starting to be held responsible in situations where they have not been acting according to procedures ultimately leading to disciplinary sanctions</p> <p>6. To what extent are the security related policies and procedures being implemented throughout Kosovo correctional facilities?</p> <p>See item 2 above: Based on the monitoring data gathered to date and the feedback from both Correctional Unit Monitors and Advisors who visit all the Correctional and Detention Facilities regularly it is predicted that there will be an 80% + average compliance to the required security standards across the correctional service. It is not anticipated that any facility will fall below a 75% compliance score.</p>		
1.3	Enhancement of the Kosovo Border Management	<p>1. Does the Kosovo Customs (KC) have a system in place, guaranteeing six-monthly and annual appraisal interviews?</p> <p>The staff performance monitoring will start when the Twinning Project in relation to HR starts which is envisaged to start in June 2014. The Project Work Programme has been prepared and staff performance monitoring will now start in June.</p>		

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		<p>2. Do the KC senior management carry out periodic staff evaluations/assessments and updates staff performance records? If yes, how many staff were evaluated in the last evaluation period?</p> <p>KC senior managers will begin carrying out periodic staff evaluations and update staff performance records when the Twinning Project starts. The Appraisal System has been included in the KC Strategic Plan for 2013-2015, according to which the KC Regional Directors have management profiles in place to help organise their work and carry out assurance checks on staff.</p>		<p>3. Has the PCA annual audit/action plan been approved and does it include a stronger emphasis on IIPR?</p> <p>The Post Clearance Audit (PCA) Action Plan is in force and the Unit is engaged in following its objectives. The Intellectual and Industrial Property Rights (IIPR) Sector has produced an Annual Report for 2013, outlining achievements, but also problems and challenges to be faced in 2014 (and beyond). One of the main initiatives is to increase Public Awareness – as well as informing the general public of the threat to health and safety for counterfeit and sub-standard goods. Figures supplied by the KC IIPR Sector show clear progress from the Sector's inception in 2010 (see table below). Further meetings are planned during June to ascertain the breakdown, reporting and progress of cases (including the number of cases post February 2014) under relevant legislation Risk profiles are constantly being updated on the customs system and KC officers can obtain the list of registered rights holders. To date (May 2014) the KC IPR Unit reports that the number of seizures of counterfeit goods is approximately 50% higher than the same period of last year (2013). Further meetings are planned during June to ascertain the breakdown, reporting and progress of cases under relevant legislation.</p> <table border="1" data-bbox="658 770 1034 954"> <thead> <tr> <th colspan="2">Number of cases by year</th> </tr> </thead> <tbody> <tr> <td>2010</td> <td>3</td> </tr> <tr> <td>2011</td> <td>48</td> </tr> <tr> <td>2012</td> <td>56</td> </tr> <tr> <td>2013</td> <td>163</td> </tr> <tr> <td>(February) 2014</td> <td>21</td> </tr> </tbody> </table> <p>4. How many of the KC Post Clearance Audit (PCA) operations meet the criteria of relevant risk analysis and cost effectiveness/public interest? How many are conducted in conjunction with the Tax Administration of Kosovo (TAK)?</p> <p>The PCA Unit is currently engaged in auditing the supply of electricity (to Kosovo) – as well as compliance with Customs Procedures, there may be an implication of VAT (on onward sales) – which falls within the domain of TAK. KC is aware of this and intends to consult with TAK before any 'deep audit' takes place. KC PCA Unit has drafted an Action/Audit Plan for 2014 – as part of the overall Business Strategy of KC which foresees 12 Objectives¹. It is also envisaged that there will be more joint working with Tax Administration of Kosovo (TAK), as well as better co-operation with other Sectors of KC, KP, Kosovo Agency on Medical Products, Economic and Financial Institutions etc.</p>	Number of cases by year		2010	3	2011	48	2012	56	2013	163	(February) 2014	21
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¹ Continuation of controls of the companies which did not declare transport expenditures during import; Continuation of controls of 45 companies selected for control in 2013 and identification of new companies for control which will be systemized in the programme for regular controls; Control of the Traders that deal with import of pharmaceutical products; Control of Traders that deal with electronic and electric devices; Control of Trade with vehicle spare parts; Identification of undervalued goods based on the level of revenue risk and priorities which are based on operational information; Identifying goods which import companies declare under incorrect tariff headings; Identification of goods for which import companies declare incorrect origin; Identification of different cases for companies which evade customs duties; Confirmation of declared values through the Section for international co-operation and by using agreements on exchange of information with different countries; Identification of importing companies that import goods on their behalf or for companies that deal with import of textile goods; Developing information campaign to all import companies (on Customs requirements)

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				<p>5. How many of the total KC Officers have received training on PCA audit and in valuation methodologies? KC Officers have not yet received any training on PCA audit and in evaluation methodologies as the Twinning Project which covers this training has not yet started due to the inability of the UK Customs Administration (HMR&C) to provide support to the proposed training event – funded by the UK Government, through the British Embassy in Pristina. Over 200 KC officers have received training and presentations from a number of rights holders.</p> <p>6. Has the number of detention of suspect goods increased in comparison to the last CTM? If yes, by how many? Problems have been identified in the control of IIPR goods detected by KC Officers at the point of importation. The processes understood to be in place by KC are not always being followed by KC Officers in the field – including the detention of goods pending contact with the relevant rights-holders, thus figures supplied by KC IIPR Unit infer progress in this area. There is still work to be done to improve detection numbers in the field, improve relationships with relevant Rights Holders and also to raise Public Awareness in respect of health and safety of counterfeit and sub-standard goods. The statistics have shown a year on year increase in the number of active cases rising from 56 in 2012 to 163 in 2013. However, considering the number of KC officers that have received training the number of IIPR referrals to the HQ should be much higher than presented in the table above. A constraint is the reduction in staffing in the IIPR Unit from seven to only two staff members.</p> <p>7. Specify a list of all recent/current infrastructure development and future plans for each BCP (to include all Border Authorities) in line with National IBM Strategy and Action Plan and the conditions set out in the Visa Liberalisation Roadmap. Primarily due to the lack of funding from the Kosovo Government Budget, the focus on infrastructure plans for BCPs has been on developing Vermicë BCP, specifically for commercial trucks, plus new search facilities. The other priority was "Adem Jashari" Pristina International Airport, the new terminal, which was opened on 23 October 2013. With regard to establishing Joint Border Crossing Points (JBCP), in May 2013 a Local Traffic JBCP between Kosovo and Albania was opened at Shistavec. In June 2013 the Governments of Kosovo and fYRoM signed an agreement for establishing a JBCP at Stançiç-Bellanoc. On completion of the demarcation of the border, Kosovo and Montenegro intend to pursue the important matter of creating two Joint Border Crossing Points (BCP) at Kuqishte (plans have already been produced by Kosovo) and at Kulina/Kulla Pass, which currently hosts the two countries BCPs, separated by approximately 11 kilometers of 'No-Man's Land'. In addition, on 05.12.2013 the Prime Ministers of Kosovo and Serbia agreed to a proposal for the establishment of 6 new permanent collocated Crossing Points (CPs), in particular a basis for the location of each. On 18.03.2014 in line with drawings produced by the "Needs Assessment for the Design and Construction of Common IBM Crossing Points between Kosovo and Serbia" project contractor, both Parties (Belgrade and Prishtina) agreed to the permanent locations of all 6 collocated CPs.</p> <p>8. Specify the status of the work per BCP (planning phase; on-going; completed) In line with question 7 – the new terminal at "Adem Jashari" Pristina International Airport was opened on 23 October and is fully operational. On 10.05.2013 a new JBCP between Kosovo and Albania was opened at Shistavec. The Government has approved the funding for developing Vermicë BCP, specifically for two new lanes for commercial trucks, plus new search facilities. With regard to the collocated CPs between Kosovo and Serbia, following agreement between the two Parties for the permanent locations of all 6 CPs – site visits will now be undertaken by the contractor to include various engineering tests, after which plans in line with an agreed template (<i>Article 16 of Technical Protocol refers</i>) will be produced.</p> <p>9. Has the Kosovo/Montenegro border been delineated and has the physical demarcation of the border started? If no, explain the reasons? Demarcation process with The border demarcation process with Montenegro, which also foresees the establishment of Joint Border Crossing Points (BCPs), is near completion with 88% of the border delineated. The remaining 9km that were planned to be finalised by the end of April 2014 are delayed due to disagreements on geographically-related documentation.</p>

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		<p>10. Has the National Centre for Border Management (NCBM) been established with necessary procedures?</p> <p>The National Centre for Border Management (NCBM) is open and, although not yet fully operational, progress has been made with the introduction of the Joint Intelligence, Risk and Threat Analysis Unit (JIRTAU), which is manned by representatives of all three Border Authorities, and 2) establish the Centre as the National Contact Point for 'real-time' exchange of information between all Border Authorities. An agreement was reached between NCBM and Pristina International Airport which allows the NCBM direct access to airport security cameras, thus increasing the Centre's surveillance capacity. The KC has re-launched the Anti-smuggling Hotline, which is directly linked to the NCBM. The Customs Hotline has produced 102 calls from the General Public in a period of six-weeks, compared with a total of 80 calls during whole of 2013. The EU Assessment Mission on Visa Liberalisation in Kosovo, undertaken in April 2014, has reported favourably on the establishment of the NCBM and highlights the Centre as one of the key elements in Kosovo's IBM system.</p>		<p>11. Does the project planning for the alignments of all major Border Crossing Points (BCPs) meet the standards set out in the EU Schengen Handbook?</p> <p>The plans for the 6 collocated CPs between Kosovo and Serbia will be in line with Article 16 of the Technical Protocol for the Implementation of IBM (23.02.2012) (<i>"the design of each CP/ZCP should follow the template CP/ZCP discussed between parties, which will be adapted to the requirement/needs/traffic/terrain for/of each CP/ZCP"</i>) - the template is based on the World Bank model which fully meets the standards set out in the EU Schengen Handbook. Likewise the new terminal at "Adem Jashari" Pristina International Airport meets with Schengen standards. However despite the new developments at Vermicë, the BCP will still require further improvements if it is to meet the standards set out in the EU Schengen Handbook. With regard to the JBCP between Kosovo and Albania at Shistavec, this BCP is only for local border traffic and consequently does not require to comply with all Schengen standards. The IBM & Fight against Drugs Trafficking (IBMDT) Twinning Project – Sub-component 1.2 IBM Organisational Development - Activity 1.2.8 has produced a report - on the current situation at the 11 Border Crossing Points in Kosovo (with fYRoM, Serbia, Albania, Montenegro, and includes "Adem Jashari" Pristina International Airport). The report is making recommendations for changes in working practices/procedures, including infrastructure weaknesses. This report has been passed to the IBM Executive Board for further actions in order to fulfil minimum requirements according to Schengen Principles.</p> <p>12. How many activities deriving from the Technical Protocol and IBM Action Plan have been implemented during this reporting period?</p> <p>Following the establishment of six interim Common Crossing Points (CPs), Freedom of Movement at all the CPs has been approved, Mutual Legal Assistance between the two Parties (Pristina and Belgrade) is being progressed and a new EU Phytosanitary Certificate has been agreed for use at Jarinje (Gate 1) and Merdare (Gate3). Cooperation between the two sets of authorities continues to be very positive at Local and Regional Level and the CPs are operating well in the spirit of IBM. An agreed Exchange of Information system between the two Customs Administrations', using the Systematic Electronic Exchange of Data (SEED) system started in November 2013. The current SEED Maintenance Contract will be finalised in June 2014, and, following the last IG level on 18.03.2014, in order to ensure the sustainability of the SEED link between the two Customs Services, the matter was discussed with DG Enlargement. DG Enlargement is fully aware of the implications of losing SEED, particularly with regard to the Dialogue, and will make every effort to find a way to give continued support to the SEED Project, thus ensuring the sustainability of the SEED Link between the two Customs Services of Kosovo and Serbia. Regarding the new Crossing Points, the Prime Ministers of Kosovo and Serbia in December 2013, agreed to a proposal for the establishment of permanent CPs, in particular a basis for the location of each of the six CPs. On 18.03.2014 in line with drawings produced by the <i>"Needs Assessment for the Design and Construction of Common IBM Crossing Points between Kosovo and Serbia"</i> project contractor, both Parties (Belgrade and Prishtina) agreed to the permanent locations of all 6 collocated CPs. In addition on 14.12.2013 the collection of Customs Revenue by Kosovo Customs was successfully introduced at Jarinje /Rudnica-Jarinjë/Rudnice (Gate 1) and Tabavije /Bërnjak- Tabalije/Brnjak (Gate 31). KC received an official notification that an agreement between Pristina and Belgrade was reached in relation to double taxation, where Belgrade notified that as of March 2014 travelers entering Serbia with final destination Kosovo and in possession of proper transit document are not required to pay Customs fee at the entry to Serbia. The re-introduction of the</p>

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				<p>licensing regime at the northern CPs came into force on 21.05.2014 - the new licensing regime will be applied to all imports coming through Jarinje and Brnjak. The first IBM Central Level meeting was successfully hosted by the Pristina Party in May 2014. Both Parties made constructive contributions and cooperation was once again very professional. All Parties agree that the CPs are being operated in a spirit of good cooperation and each side is committed to further developing this positive process.</p> <p>13. Have Kosovo Border Police (KBP) and KC carried any joint operation with other participating agencies listed in the Kosovo National Organised Crime Strategy (OCS) and Action Plan (AP)? If yes, provide details (how many of such operations have been carried out, indicate their timing, activities, organizations involved, and results).</p> <p>Kosovo Border Police has reported only one joint operation with other Kosovo Law Enforcement Agencies. However KBP Units do carry out 'ad-hoc' operations on a regular basis (daily) together with KC, KFA and KFVA. Cooperation between KBP and other KS Law and Enforcement Agencies, contributing in the fight against Organized Crime is improving, although there are still not enough pre-planned joint operations between KBP and KC. There is a big need to arrange an operational meeting for future joint-operations. It may be possible /appropriate for the national IBM centre to coordinate and be more proactive in this area. Basically all the IBM agencies are concentrating crime investigations strictly within their own areas of responsibility. Intelligence / Analysis units do have a good co-operation between three main actors (KBP, KC, KFVA). The OC Strategy is having minimal impact from a Customs perspective. Legal decisions in KC which prevent or hamper major investigations are having a demoralising effect on staff. Furthermore, the Kosovo Organized Crime Strategy does not detail any organised crime groups that should be targeted for investigation by Customs or any other agency. Investigations are re-active to offences being discovered at the time they are committed. KC does not have resources to mount long term investigations into suspected smugglers and/or fraudsters with an objective of identifying pre-cursor criminal activities leading in to the criminal act.</p> <p>14. Is the performance of narcotics Anti-Smuggling Operations and Cross-Border Criminal Investigations improving? If yes, provide evidence of the number of narcotics cases detected as a result of cooperation with, and information received from partner agencies during the reporting period. If no, explain reasons.</p> <p>KC anti-narcotics work is unfocused where it lacks the drive and connectivity with KP drugs intelligence structures. Profiling is rudimentary. Customs continue not to receive any meaningful reporting from other agencies concerning narcotics smuggling; hence, narcotics detections continue to be nil or negligible. KBP seems to understand the importance of joint-operations, but there are some difficulties to find possibilities for the natural way of joint operations. In some regions intelligence/analysis units are trying to solve the problems. On analysis side they have already found common practises to produce joint-analysis and reports. The quality of investigations is fairly good however KBP is still missing specific tools to follow-up cases and there are no basic tracking systems available. There are also problems concerning equipment and premises, which makes daily work unnecessarily difficult. Co-ordinated counter-narcotics work has shown no discernible improvement. KC state that there were no information or intelligence reports related to narcotics exchanged with other law enforcement agencies.</p> <p>To date, (May 2014) KBP on the other hand, has seen an increase in the number of detection of narcotics at the official border crossing points when compared with both the previous month and also with the current month against the same month of the previous year</p> <p>Class A detections are absent – with only relatively small marijuana detections made (one commercial smuggling attempt only intercepted, 6 kilos of cannabis at Vermicë/a BCP in November 2013).</p> <p>KBP has implemented couple of large investigations concerning the smuggling of migrants and document forgery. On both cases secret coercive methods have been largely used as well as both investigations were opened after in-depth intelligence work. Overall, the KBP intelligence is based mainly on statistics and information from open sources, the exchange of intelligence information between different entities is limited.</p>

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		<p>15. How many meetings between the KC, KBP and the State Prosecutor took place during the reporting period? Do these meetings have: 1) an agenda; and 2) Signed minutes which are distributed and archived? Indicate any specific major outcomes from these meetings.</p> <p>Regular structured meetings established and held (bi-annually); with agendas issued and minutes distributed. However, work in this activity continues to be limited because there are only bi-annual meetings between the State Prosecutors and KC and KBP are an integral part.</p> <p>16. Please indicate the number of cases dealt with by the Independent Review Board (IRB) during the reporting period and how does this number compare to the number from previous reporting period. Is there an increase in handling of the number of pending cases by the IRB related to the KC?</p> <p>There were 943 outstanding cases carried over into 2014 (223 appeals against TAK, 623 appeals against KC and 97 cases returned from the Supreme Court). The IRB is working within its competence trying to process the backlog of cases. By the end of May 2014 there are a total of 435 outstanding cases (91 TAK, 278 KC, 66 Supreme Court). However, since 1st December 2012, appeals against Decisions made by Customs and Tax Administrations are submitted to the Kosovo Basic Court and it is believed that there are some 400 outstanding cases already. The Chair of the IRB has brought his concerns to the attention of the Kosovo Government, by letter, with copies forwarded to various International Stakeholders including the US Embassy and the Head of EULEX.</p> <p>17. How many fiscal evasions have been identified jointly by KC and TAK during the reporting period?</p> <p>From January to December 2013 Investigation Department submitted cases involving 151 Criminal Charges where the total value of lost tax (evasion) is 4,13,441.95 Euros. In December 2013 there are 51 active investigation cases where the value of tax evasion is estimated at around 4 million euros. During 2013 until 10.12.2013 862 cases of Customs offences were registered.</p> <p>To date (May 2014) Customs report 5 current joint operations with Tax. There is also an ongoing operation with KBP into vehicles that are brought into Kosovo temporarily and are then used by unauthorised drivers, which renders the vehicles liable to seizure if the driver/owner does not pay tax due and a penalty. Encouragingly Customs have made significant strides in the past 6 months evidenced by the current statistics (see table below).</p> <table border="1" data-bbox="562 948 1733 1374"> <thead> <tr> <th></th> <th>January</th> <th>February</th> <th>March</th> <th>April</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>New Cases</td> <td>3</td> <td>12</td> <td>24</td> <td>12</td> <td>51</td> </tr> <tr> <td>Criminal Reports sent to Prosecutors Office</td> <td>9</td> <td>10</td> <td>12</td> <td>15</td> <td>46</td> </tr> <tr> <td>Tax Evasion from these Cases</td> <td>22,557.66</td> <td>48,431.36</td> <td>3,806,591.06</td> <td>2,190,381.65</td> <td>6,067,961.73</td> </tr> <tr> <td>Cases referred to Offences Unit for further treatment (No Criminal Cases)</td> <td>29</td> <td>13</td> <td>50</td> <td>54</td> <td>146</td> </tr> <tr> <td>Arrests</td> <td>3</td> <td>0</td> <td>0</td> <td>0</td> <td>3</td> </tr> <tr> <td>Currently Under Investigation</td> <td>48</td> <td>35</td> <td>49</td> <td>45</td> <td>45</td> </tr> <tr> <td>Special Reports for Prosecutors (NO Criminal Cases)</td> <td>4</td> <td>2</td> <td>8</td> <td>3</td> <td>17</td> </tr> <tr> <td>Raids of Premises</td> <td>1</td> <td>0</td> <td>2</td> <td>2</td> <td>5</td> </tr> </tbody> </table>						January	February	March	April	TOTAL	New Cases	3	12	24	12	51	Criminal Reports sent to Prosecutors Office	9	10	12	15	46	Tax Evasion from these Cases	22,557.66	48,431.36	3,806,591.06	2,190,381.65	6,067,961.73	Cases referred to Offences Unit for further treatment (No Criminal Cases)	29	13	50	54	146	Arrests	3	0	0	0	3	Currently Under Investigation	48	35	49	45	45	Special Reports for Prosecutors (NO Criminal Cases)	4	2	8	3	17	Raids of Premises	1	0	2	2	5
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				<p>18. How many cases were investigated and reported to prosecutor? During 2013 court action was taken in relation to 536 cases where outstanding fines totalled 1,119,742 euros. 46 Criminal Reports and 17 Special Reports were sent to Prosecutors Office (see table above).</p> <p>19. How many joint cases, intelligence reports and investigative actions were undertaken during this reporting period? KC currently has 10 live cases where opportunities to pursue and confiscate significant amounts of proceeds from crime exist, but are not being exploited by Prosecutors.</p> <p>20. How many Border Crossing Point (BCP)/Station profiles have been drafted by the KBP and KC during the reporting period? All seven Regional Directors and their Station Commanders have management profiles in place to help organise their work and carry out assurance checks on staff. In addition to the development of the Profiles, at the request of the Director General KC the Advisor is advising on organising of working groups in each region which will use the management profiles as an aide to developing regional plans to shape Customs work from 2015 to 2018.</p> <p>21. How many monthly visits to access the application of the profiles were carried out? Advisor made visits to all the newly appointed Regional Directors in January 2014, three of whom had previously been counterparts in the Law Enforcement Department. They took the management profiles that the Advisor had helped them produce in their old departments and they said they were adapting them to their new management positions. The KC Regional Directors in Pristinë/a, Podujevë/o and Vermicë/a have not started to compile their Profiles as they are under heavy pressure from the Director General to establish themselves and the new structure, while increasing revenue collection.</p> <p>22. Are the relevant laws and sub-legislation on migration in place and is it in line the EU <i>acquis</i>? If yes, please list them. New Laws on Foreigners, Law on Asylum and Law on State Border Control and Surveillance, Law on preventing and combating trafficking in human beings and protecting victims of trafficking; Law on cooperation between authorities involved on Integrated Border Management; Law on amending and supplementing the Law on State Border Control and Surveillance entered into force (which entered into force in September 2013) are mostly in line with EU <i>acquis</i>.</p> <p>23. Which of the conditions from the Visa Liberalisation Roadmap Block 2 have been being implemented during this reporting period? In relation to Integrated Border Management (IBM), positive progress has been made and most of the IBM structures are now in place. The three Border Authorities involved in IBM (<i>Border Police, Customs and the Food and Veterinary Agency</i>) are cooperating well under the guidance and direction of the National Coordinator and the IBM Executive Board. Inter-agency cooperation in terms of IBM has significantly improved during the course of the last year. In line with the new 'Law on Cooperation between the Authorities involved in IBM', amended 'Law on Border Control' and revised 'IBM Strategy and Action Plan - 2013-2018', all implementing legislations (Administrative Instructions) (AI) and Standard Operating Procedure (SOP) have been revised and adopted (AIs: Marking the Border Line; Border Incidents; Construction of Buildings within the Border Crossing Zone; Form, Content and Manner of Placing of Warning and Written Signs on Border Crossing Points and Border Crossing Zone; Prohibition, Limitation or Conditioning of Certain Activities along the State Border; Categorization of Border Crossing Points; Functioning, Duties and Responsibilities of the National Centre for Border Management; and Rules on Local Border Traffic and Local Border Traffic Permit. - SOPs: Profiling at the Border Crossing Points (BCP; Joint Activities between authorities involved in IBM; 2nd Line Check; Joint use of equipment within IBM authorities (KP-KC-FVA); 1st Case responding officer (FCRO; Joint risk analysis of border crossing points and border line and also Border Police K9 Unit) Six bilateral agreements related to Police Cooperation and Border Management were signed in March by the Ministers of Interior of Kosovo and Montenegro.</p>

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		<p>Implementation of the IBM Technical Protocol is on-going and following the establishment of six interim Common Crossing Points (CPs), Freedom of Movement at all the CPs has been approved, Mutual Legal Assistance between the two Parties (Pristina and Belgrade) is being progressed and a new EU Phytosanitary Certificate has been agreed. Cooperation between the two sets of authorities at the six interim collocated Crossing Points (CP) continues to be very positive and the CPs are operating well in the spirit of IBM. Regular local and regional level meetings are held – the level of cooperation has significantly improved and now deemed to be extremely constructive. However meetings at the Central Level (6 monthly) have not been held and the proposed dates in October 2013 and again in February this year were cancelled at the last moment with both parties citing the use of non-status neutral language – on 18.03.2014 agreement was reached with both Parties to hold the Central Meeting in April 2014. On 25.11.2013, the EU funded Systematic Electronic Exchange of Data (SEED) System was implemented between the Customs Administrations of Kosovo and Serbia and it is fully operational. fYRoM Authorities have now agreed that in May 2014 the Information Exchange Office at Kosovo/fYRoM BCP - Hani i Elezit/Blace - will be opened. Regular joint and synchronised border police patrols continue to be carried out with Albania, fYROM and Montenegro. All the revised IBM Administration Instructions and SOPs have been introduced at all BCPs and a schedule of relevant trainings is and will be delivered to all the staff. With regard to anti-corruption the Government approved a SOP on an IBM Code of Ethics – a comprehensive program of joint inter-agency training on the IBM Code of Ethics was delivered to all staff working at the BCPs.</p> <p>With regard to exploring modalities of cooperation with FRONTEX, a delegation from FRONTEX made the first official visit in Kosovo between 29-30.10.2013. The FRONTEX delegation met with the Director of Kosovo Border Police (KBP) and competent representatives from all the Border Agencies (<i>Customs, Border Police and Food & Veterinary Agency</i>). The aim of the visit was to discuss risk analysis related activities, sharing of information, the scope of neighbouring /partner countries in this process and to also explore modalities for further cooperation. For the first time a representative of the KBP (<i>Regional Director North</i>) participated in a FRONTEX hosted conference held in Vienna between 13-14.11.2013 (<i>Activities relating to Trafficking of Human Beings (THB), Migration, Visa Regime and Customs Border Controls</i>)</p> <p style="text-align: center;">24. Is the KBP able to implement the Kosovo Visa Regime for foreigners in line with the applicable law and the EU standards? If yes, do they apply it uniformly across all BCPs? If yes, please provide evidence by listing Administrative Instructions, SOPs and whether they are available at all BCPs?</p> <p>To date KBP is not able to implement the Kosovo Entry Conditions and Visa Regime for Foreigners in line with the applicable law and best European standards. The issuance of visa at the BCP continues to be not in line with the Visa Code and Visa Liberalization Roadmap recommendation. The new Kosovo Law on Foreigners foreseen that an entry visa may be issued at a certain border crossing point in exceptional cases established by MoIA AI. Currently only two Kosovo Consulates are equipped for the issuance of entry visa, the Kosovo Consulate General in Istanbul, Turkey and the Kosovo Embassy in Tirana, Albania. In line with the EU Visa Code the Kosovo visa at the BCP should be issued only for grounded unforeseeable and imperative reasons for entry, major national interest and humanitarian reasons. Most of the cases reported so far do not have exceptional reasons justifying the issuing of a visa at the BCP. The KBP Directorate for Migration and Foreigners (DMF) has developed three draft Police SOPs. The SOP for the Initial Treatment of Asylum seekers, SOP for Verification of Kosovo Visa Applications and SOP for the Implementation of Punitive Provisions foreseen in the Law on Foreigners, which have been amended in line with the approved immigration laws and related Administrative Instructions (AIs). Despite the fact that new Law on Foreigners, Law on Asylum and Law on State Border Control and Surveillance are mostly in line with the <i>acquis communautaire</i> the implementation of the new legal framework is a demanding challenge for the KBP. The laws in question provide new competences for the Police where KBP at this stage is not able to fully apply the new responsibilities. Moreover, the lack of clear guidelines and police SOPs is affecting the daily performance of KBP officers. Contradictory information is given to the border guards operating at the BCPs, there is no coordination within different institutions (MoIA and MFA) and internally to the KBP structure.</p>		

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		<p>25. Is the BMS being utilized by KBP at all CP's? Has the maintenance agreement for the BMS been finalised? How many second-line checks were performed (Border/Boundary and Migration Management)?</p> <p>EULEX personnel have noticed that on separate occasions a number of 'Young Persons' on push bikes have passed through the official border crossing without either being verified against any identification document or entered in the Border Management System (BMS). While the explanation given was that the travelers were described as youngsters' commuters, such practice which, goes against all regulations and procedures raises some concerns. The maintenance contract had been previously awarded to a Croatian company but the contractors were not able to operate on the system as currently the local institutions who oversee the procurement procedures are technically inoperative under their mandate. While it was understood that the operations would have started once the final signatures were in place, it appears that there was an additional appeal once again from one of the companies competing for the contract. Due to this reason, the local institutions have put the procurement process on hold while the case is evaluated and the outcome is decided by the appeals board, therefore no progress can be made as the activities in relation to the BMS are temporary suspended until the agreement is awarded and activities reactivated. During this interim time, personnel from Kosovo Police Information Communication and Technology Unit (KPICT) are covering the technical tasks to keep the system operational.</p> <p>There has been a slight increase in the amount of secondary line checks as reported by KBP when comparing 2012 and 2013 (see table below). The percentages are still relatively low when cross matched with the overall transections taking into consideration that a huge number of 'Relaxed Checks are undertaken thought out the year. The increase of the second line checks related to Documents would be attributed to the enhancement of the performance of the Border Management System.</p> <table border="1" data-bbox="656 799 1431 1150"> <thead> <tr> <th rowspan="3"></th> <th colspan="4">Second line checks</th> </tr> <tr> <th colspan="2">2012</th> <th colspan="2">2013</th> </tr> <tr> <th>Transections</th> <th>Controls</th> <th>Transections</th> <th>Controls</th> </tr> </thead> <tbody> <tr> <td>Persons</td> <td>11343712</td> <td>21691</td> <td>11510307</td> <td>26600</td> </tr> <tr> <td>Vehicles</td> <td>2935443</td> <td>13816</td> <td>3065327</td> <td>22252</td> </tr> <tr> <td>Documents</td> <td></td> <td>4233</td> <td></td> <td>18973</td> </tr> </tbody> </table>					Second line checks				2012		2013		Transections	Controls	Transections	Controls	Persons	11343712	21691	11510307	26600	Vehicles	2935443	13816	3065327	22252	Documents		4233		18973
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1.4	Support for the KP in the north	<p>1. How many former MUP officers were integrated into KP In line with the 19 April dialogue agreement? 288 officers and a new regional Police Directorate was established.</p> <p>2. Which measures of the crime reduction strategy and its related activities are being implemented (pursued) to reduce the volume of crime in the north?</p> <p>Crime reduction is being pursued through:</p> <ul style="list-style-type: none"> Strengthening police strategic approach at KP station level, particularly by introducing and enhancing intelligence led policing and patrol management techniques. 																															

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		<ul style="list-style-type: none"> Dealing effectively with politically and ethnically motivated crimes: assess closely and regularly KP relevant performance, mentor and advise on investigations wherever appropriate and in line with reduced EULEX PSD capacities in the North. 		<p>3. Provide statistical information about the level of reported crime in the north since September 2013 until now. Has there been an increase in the level of reported crime during the reporting period?</p> <p>Below, are presented the reported crime figures covering the period September 2013-February 2014: September 2013: 85 reported cases. October 2013: 83 reported cases November 2013: 87 reported cases December 2013: 71 reported cases January 2014: 95 reported cases February 2014: 81 reported cases March 2014: 102 reported cases April 2014: 88 reported cases</p> <p>4. What actions have been (are being) taken to increase the public perception of KP North and to increase confidence of local communities to report crimes and offenses to KP?</p> <p>Specific actions are taken to improve the public perception of KP North and to increase confidence of local communities to report crimes and offenses to KP: All stations have their patrol and deployment areas approved and dictated by the KP policy on sector policing with smaller assigned units for intervention patrolling. This deployment pattern is geared toward fulfilling both Intelligence Led Policing and Community Policing strategies as the sector teams are both able to complete the needed tasks associated with these policing approaches, which primarily require closeness and familiarity with the community in which the teams work.</p> <p>KP took over the chair of the Community Safety Partnership (CSP) meeting, which was previously co-chaired with EULEX and is a temporary substitute for the foreseen Municipal Community Safety Councils. The recent local elections have given the opportunity for the formation of the Local Security Committees (LSC) in accordance with the law, and work is moving forward to form the committees. KP attendance at security meetings held in the municipality was at a 100% attendance rate.</p> <p>5. Have the KP in the north assessed as PEMI all the reported cases that have elements of PEMIs. Specify how many of these were thoroughly investigated by KP (case registered with an investigation/activity plan and clear evidence of investigative actions)</p> <p>The KP in the north assessed all the reported cases that have elements of politically and ethnically-motivated crimes (PEMC). Only one case qualified as PEMC (in September 2013) which was properly investigated culminating in a joint EULEX/KP North investigation.</p>
1.5	Mitrovicë/a Detention Centre			<p>1. Describe steps undertaken to set up a KCS Mitrovica Prisoner Escort Unit, including staffing needs, communication issues, equipment, and treatment of prisoners.</p>

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				<p>During the last session of JRCB, on 28 May 2014, the Acting Head of the Kosovo Correctional Services stated that they are ready to take over EULEX functions on prisoners' escorts in the north of Kosovo as decided on the 30 April 2014. The number of officers deployed in north Kosovo (7) has not increased since the JRCB meeting in September 2013, but 150 KCS officers stand ready to take over required duties.</p> <p>According to EULEX information, not much has changed since the last JRCB meeting. The Mitrovica Detention Centre is still lacking the agreed level of staff, firearms, ammunitions, firearm training, tactical procedures training (PEU procedures), additional armoured vehicles as well as a contract on maintenance of all vehicles. EULEX reiterates that it shall be clear that under the new mandate EULEX will no longer deal with prisoners' escorts in north Kosovo.</p> <p>Basic correctional officer training for the KCS recruits was completed at the end of October 2013 and the KCS Director General committed to deploy the new officers to Mitrovicë/a Detention Centre (MDC) by end on November 2013.</p> <p>Seven (newly) recruited Kosovo-Serbian correctional officers have been deployed to MDC in November 2013, after completing their basic training, as well as induction training at the MDC and a MP-5 (submachine gun) training. To be considered proficient to participate in an escort task, the new officers need new firearms (pistols), firearm training, training on PEU specific procedures (which include also prisoner treatment, communications and other practicalities and procedures).</p> <p>The total number of MDC uniformed staff is 38, which is still too low to have a self-contained prisoner escort unit as is the case in other KCS facilities. The level of overall correctional staffing in MDC is a clear concern not only for the achievement of the JRCB roadmap goals but also for effective overall functioning of the MDC as part of the RoL institutions in north Kosovo.</p> <p>Treatment of prisoners is included in the basic training of all KCS Officers. Therefore all the officers in question are automatically trained on such principles. The lack of firearms and ammunition, as well as subsequent training, is still a matter to be tackled appropriately.</p> <p>A kick-off meeting, to launch the second part of the Rehabilitation project, funded by the Dutch Embassy, was held in the MDC. The main focus of the extended rehabilitation project is to create sustainability and by implementing sentence planning policy in MDC.</p> <p>2. Has the KCS Mitrovicë/Mitrovicë/a Prisoner Escort Unit (PEU) conducted any prisoner escorts? If yes, how many escorts? If not, explain why not.</p> <p>EULEX assistance for prisoner escorts as a routine has ended on 30 April 2014, and EULEX SPD will act only as 3rd responder after KCS and KP. SPD informed KCS PEU that the request to provide support for escorts must come from KP in future, thus ending the direct cooperation between SPD and KCS PEU.</p> <p>The new MDC Officers have not been issued with their personal firearms in March 2014 and have not received training on pistols due to lack of ammunition and weapons. Despite CU support and recommendations, KCS HQ has been unable to solve these problems, which have delayed the JRCB roadmap since November 2013. KCS has requested help from the KP in providing the necessary ammunition while the procurement procedure for ammunition of the KCS is ongoing.</p> <p>3. Specify the number of staff in the MDC break down by ethnicity and gender. Is the current level of staff sufficient for the full functioning of the MDC? Is the MDC fully integrated into the KCS?</p> <p>The MDC currently employs 38 correctional staff, 30 are Kosovo-Serb, 8 are Bosniaks and 10 are female. The 7 Kosovo Serb correctional officers that were recruited in July 2013 have finished their initial training and have taken up duties in the Mitrovicë/a Detention Center in the first week of December 2013. Although the 7 officers are a welcome addition to the MDC staff, the staffing numbers remain low.</p> <p>The level of overall correctional staffing in MDC is a clear concern not only for the achievement of the JRCB roadmap goals but also for effective overall functioning of the MDC as part of the RoL institutions in the north of Kosovo.</p>

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				<p>4. How frequent are contacts between the Mitrovicë/a Detention Centre (MDC) and the KCS HQ? Are they done independently or with assistance of EULEX? Does the MDC attend the KCS HQ staff meetings? If yes, does the MDC raise problems identified in the MDC? If yes, is the response of KCS HQ timely, appropriate and relevant? If MDC does not attend the KCS HQ meetings, how are the MDC issue addressed to the KCS HQ and how are they dealt with by the KCS HQ?</p> <p>Contacts take place regularly and as deemed necessary, all contacts are independent but sometimes MDC require assistance from EULEX. The Director attends all meetings to which he is officially invited, where he has the opportunity to report on things of importance.</p> <p>Chief CU stepped in after the MDC Director had his request for KCS HQ to release the 7 newly recruited/trained correctional officers turned down. The KCS HQ wanted the officers to go through planned UNOPS additional training for the High security prison (HSP). MDC Director did not consider this essential as the staff would not be deployed to the HSP, taking into account the additional training is already well behind schedule and the fact the MDC is seriously under resources and a commitment through JRCB to implement prisoner escort road map.</p> <p>The Joint Working Group (CU / KCS) drafted an amended timetable with benchmarks in an attempt to get the JRCB roadmap progressing again after a 2 month hiatus. The KCS HQ is still experiencing difficulties to solve the firearms and ammunition problems for the MDC PEU staff. All suggested measures on these two issues to progress the JRCB roadmap have not yet resulted in any progress.</p> <p>5. Does the MDC maintain regular contact with local community leaders to ensure dialogue? If yes, is this dialogue fruitful from the point of view of ensuring acceptance of MDC and its challenges? If not, why not?</p> <p>The MDC is an institution of significant importance for rule of law and general stability in north Kosovo. As such, it maintains regular contacts with all local services and relevant political leaders in the north, with the aim for the society to accept the existence of the MDC and to cooperate as much as possible.</p>
1.6	Kosovo Police Regional Operational Support Unit			<p>1. What is the progress in developing a functional Kosovo Police Special Operation Unit (SOU) with a focus on the ongoing centralisation and recruitment processes in OSU?</p> <p>The centralisation process of the Kosovo Police Special Operation Unit (SOU) led to SOU forces located in Pristina and Mitrovica South. This process allowed the full integration of officers from all communities of SOU Mitrovica into the KP SOU centralized operational system. The recruitment process for SOU was concluded last year. Furthermore, the Quick Response Teams (QRT), as unit between regular police and the SOU, are mandated to deal with medium risk operations and fall under the responsibility of the Regional Directors, in line with the overall decentralisation of KP. These teams can perform several kinds of missions such as patrolling in difficult neighbourhoods, arrests/detentions of dangerous criminals, and minor Crowd and Riot Control (CRC) operations.</p> <p>2. What is the foreseen number of staffing level for QRT operators across seven regions in Kosovo? Has the training for QRT North started?</p> <p>After the finalization of the recruitment process, the amount of QRT operators across seven regions in Kosovo is planned to be: Pristina 30, Pejë/Pec 23, Gjilan/Gnilane 15, Ferizaj/Urosevac 15, Prizreni/Prizren 23, Mitrovica South 15 and Mitrovica North with 40 operators. As for establishment of regional Director North the first step to create a QRT North resulted in 43 candidates (out of which five female) being trained. Seven are Kosovo Albanians and 36 are Kosovo Serb, and most of them are former police officers from Public Order Units and regular police.</p> <p>3. Does the KP SOU apply relevant SOPs and tactics related to tackling large scale public disorder in a consistent and uniform way throughout Kosovo? If not, explain why not.</p> <p>Kosovo Police Special Operation Unit (SOU) has adopted the SOP which defines all their responsibilities and in which operations are to be included. In addition to their SOP, the SOU Unit has also adopted the Concept for Crowd and Riot Control (CRC), which they use for their training and for training of QRT</p>

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		Mitrovicë/a North.		<p>4. Is the KP Unit for the Protection of Religious and Cultural Heritages Sites (RCHS) sufficiently staffed, ethnically mixed and fulfilling its tasks according to plans?</p> <p>The KP Unit for the Protection of Religious and Cultural Heritages Sites (RCHS) is currently sufficiently staffed, ethnically mixed and fulfilling its tasks according to plans. It has 204 police officers (Albanians 72%, - Serbs 16% - Bosniaks 7% - Turks 4% and 1% others). The current gender balance is 6% female officers and 94% male officers. KP RCHS ensures the security of 194 religious and cultural heritage sites, among them 24 Orthodox churches, which are under 24/7 static security protection, including the Peć/Peja Patriarchate that was handed over to the KP RCHS protection as of September 2013. KFOR still continues its static presence at Deçan/Dečani Monastery.</p>
Joint Rule of Law Objective no. 2: Increasing the ability of Kosovo's rule of law institutions to deal with inter-ethnic crime, serious and organized crime and corruption				
2.1	Facilitate the ability of senior management in Kosovo's rule of law institutions to deal with inter-ethnic crime			<p>1. Specify what policies, sub legal acts, instructions, procedures, guidelines and/or SOPs do the KP, KPC/State Prosecutor and KJC have to tackle the inter-ethnic crime?</p> <p>A Special Report (Document registration ID: 2013.PSD.0041.001) submitted by EULEX PSD Advisors – Regional Advisory Unit - in early October 2013 to EULEX Chain of Command has been evaluated and beneficial knowledge is being extracted to assist in the review and development of KP Police SOPs for responding to and reporting interethnic crime. Some information in the above mentioned Report has been found inaccurate, due to the extensive use of KP Flash Reort as main source of information; however, training and SOP issues have been gleaned from the report and have been referred to the KP for potential modification to existing SOPs. EULEX PSD Advisors and KP met to discuss the way forward concerning the identification of the below documents that exist within the Kosovo law and SOPs. Existing definitions will be evaluated and harmonized in order to reduce confusion and insure consistent application of terminology for statistical purposes. EULEX advisor and KP discussed the importance of the issue of interethnic criminality and the international community's view of the issue in terms of the political reference. A working group of KP and EULEX PSD Advisors will identify and evaluate these documents over the next coming months.</p> <p>Existing SOP and Procedures:</p> <ul style="list-style-type: none"> • Republic of Kosovo, Ministry of Internal Affairs, "Standard Operation Procedures, Victims Ethnicity". • Republic of Kosovo, ministry of Internal Affairs, "principles and Procedures, Interethnic- and Hate Crimes" • Republic of Kosovo, General Police Directorate, "Strategic Development Plan 2011 – 2015, "Strategic Objective 4, (5), "Reduce Inter-Ethnic Crime. (On page 11: "Every three months the Kosovo Police will provide a report on performance to the Minister of Interior. At the end of each year the Kosovo Police will publish an Annual Report outlining performance against all of the goals and objectives and explaining which targets have been met and which ones have not". So far it has not been possible to get an example of this "three month report", as it is likely that such a report does not exist. In the Annual Report 2013, Inter-Ethnic Crime is not mentioned. <p>KPC has not developed specific policies, sub-legal acts, instructions, procedures or SOPs regarding inter-ethnic crime. The Minister of Justice has back in 2006 issued a Memorandum 02 No. 230-501/06 and circulated it to Chief Prosecutors of Municipal Prosecution Offices, appealing to them to give priority to "solving" the criminal report related to cases of inter-ethnic nature.</p> <p>2. Specify which data does KP record that would enable tracking of inter-ethnic crime.</p> <p>A meeting concerning the harmonization of the SOP with relevant legislation has occurred with KP considering the revision. The SOP lists six (6) ethnicities (communities) while the legislation lists ten (10). The sampling of cases and statistic information for interethnic cases derive from the Kosovo Police is through analysis of flash reports and statistical reports. There are inherent problems with using the flash reports as a source of information. The current (third</p>

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				<p>quarter) report has not been completed but is due out after the reporting deadline. The report is checked against the KP SOP for victim's ethnicity crime statistics for compliance.</p> <p>The statistics available about Inter-Ethnic Crime for 2014: <i>Kosovo Police (KP)</i> Since 2011 until the end of March 2014, Kosovo Police received in total 44 cases with possible interethnic motive, criminal offence foreseen by article 147 of new Criminal Code of Kosovo and article 115 of Provisional criminal code of Kosovo. During 2011, Kosovo police dealt with 18 cases with possible interethnic motive, in 2012 with 16 cases, in 2013 with 9 cases and during the first trimester of 2014 KP received 1 case with possible interethnic motive. Based on those data, it is obvious that from year to year there is an obvious decrease of committing criminal offences with possible interethnic motive.</p> <p><i>Criminal charges received by Prosecutor's offices and the way they were resolved</i> Out of 44 cases that were investigated by Kosovo Police, 23 of those cases were processed to State Prosecutor's office. From those 23 cases, 12 were received by Basic Prosecutor's office in Prishtina, 5 by Basic Prosecutor's office in Mitrovica, 2 by Basic Prosecutor's office in Gjakova and 1 case by Basic Prosecutor's office in Peja.</p> <p><i>The way how the prosecutor's office resolved the cases</i> Regarding 23 received cases the Prosecutors' office took following actions: In 1 case criminal charge was rejected; The indictment was filed directly for 6 cases; 16 cases are under investigation.</p> <p><i>The way how the Court resolved the cases</i> Kosovo Courts have received by State Prosecutor's office 6 cases, and following actions were taken: Basic Court in Mitrovica has resolved 1 case finding the perpetrator guilty by sentencing him/her with imprisonment in period of 1 year. Basic court in Peja has imposed measure of fine penalty. 4 cases are under investigation.</p> <p>3. Specify which data do KPC/State Prosecutor and KJC keep on the demographics of the concerned parties (suspect, witness, and victim). The statistical information published by KPC and KJC is inadequate to give a clear picture of the inter-ethnic crime. The statistical information covers only the crime of inciting national, racial, etc. hatred (Art. 147 Criminal Code). It contains no information about cases where the crime was motivated by ethnicity/nationality. It contains no information with regard to crimes committed between persons of different ethnicities/nationalities. In addition, there is lack of consistency in the reports regarding prosecution offices. The Report on Performance of the Prosecution Office for 2012 only gives details of the work done by SPRK, not of the other prosecution offices, while, in contrast, the Report regarding the first six months of 2013 provides details only about those crimes in Basic Prosecution Offices. The statistical information published by KPC and KJC is inadequate to give a clear picture of the inter-ethnic crime. The statistical information covers only the crime of inciting national, racial, etc. hatred (Art. 147 Criminal Code). It contains no information about cases where the crime was motivated by ethnicity/nationality. It contains no information with regard to crimes committed between persons of different ethnicities/nationalities. In addition, there is lack of consistency in the reports regarding prosecution offices. The Report on Performance of the Prosecution</p>

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		Office for 2012 only gives details of the work done by SPRK, not of the other prosecution offices, while, in contrast, the Report regarding the first six months of 2013 provides details only about those crimes in Basic Prosecution Offices. The "2013 Annual Report on the work of the prosecution offices in the Republic of Kosovo" mentions ethnicity as part of the statistics referred to the Law on Amnesty Kosovo wide and detailed by each BPO and SPRK. Gender is recorded only as for the composition of the Prosecutorial System, both Prosecutors and Support Staff. There is no mention to "victims" and/or "offenders" in the report.
Joint Rule of Law Objective no. 3: Enhancing the anti-corruption capabilities of Kosovo's institutions, particularly through the criminal justice system		
3.1	Enhance anti-corruption capabilities in the Criminal Justice System	<p>1. Review of Legislation in the field of Anti-Corruption</p> <p>From a general perspective, a commendable progress has been made in adopting new legislation and amending existing legislation as well as in addressing institutional needs and measures. However, the proper and effective implementation of the legislation and measures defined in anti-corruption strategic documents including their monitoring still remain a challenging task ahead for authorities in Kosovo.</p> <p>The Law 2011/04-L-50 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials was amended to in line with the Criminal Code. With the amendments made all senior public officials as defined by this law, that have a wealth above € 3,000 are obliged to declare it and that failure to do so or in case it is falsely declared will not any longer lead to commission of a minor offence but to a criminal offense.. The Law was adopted by the Assembly on March 2014.</p> <p>The same goes for the Law on Prevention of Conflict of Interest which was amended in line with the Criminal Code making Conflict of interest a criminal violation. Although ACA was insisting to limit judges and prosecutors not to hold other positions, as well as to limit senior officials to having more than two positions and consequently no to be members of boards in public enterprises.. The Law is pending adoption by the Assembly. The ACA has reported 238 cases of conflict of interest in 2013. Only one (1) person did not take action to avoid conflict of interest after the ACA issues a warning. This case is currently pending before the Court. In January-March 2014 there were 67 new cases of conflict of interest. There were no cases forwarded to the prosecution. Non-disclosure / false declaration of assets and conflict of interest has considerably decreased since their classification as criminal offenses.² However, the level of fines imposed by Courts are relatively lenient which does not assist in preventing and fighting corruption³</p> <p>2. Implementation of a regular and harmonized tracking system of corruption statistics from the inter-institutional tracking mechanism.</p> <p>In April 2013 the so called "Prevalle register" has been established which to a large extent enhanced coherency and consistency of reporting across the Kosovo institutions. The development of this database has involved cooperation with KP, Customs, the KJC, the ACA and other institutions. The results included: an agreed, harmonised list of criminal offences to be considered by all relevant institutions as "corruption offences" and cross-checking of data between institutions before entering the "Prevalle register". This register is in access data base and is installed in each prosecution office; however each office holds its own information and gives it to the statistics department in KPC. This data base is not networked between the prosecution offices or between the prosecution offices and other institutions.</p> <p>A major deficiency identified is the inconsistencies between the statistical data registered in the database of the tracking mechanism and the data reported by</p>

² ACA annual report published on 08.04.2014

³ Note by Mr. Preteni at the National Council on Anti-Corruption held on January?

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				<p>the Prosecution offices. The Prevalle register should be improved based on shortcomings, and access to database should enable producing of reliable reports based on what risk assessments on sectors vulnerable to corruption are prepared.</p> <p>The lack of feedback mechanisms between the Kosovo Police and other institutions is a problem. A mechanism needs to be set up for all institutions in the fight against corruption, so feedback can be given to the originator of the information, not only when its results in a criminal report, indictment or a conviction, but also when it is not acted upon and the investigation is closed. This will enable institutions to produce reliable statistics and gauge their performance.</p> <p>3. Level of implementation of the strategies and action plans against organized crime and corruption, identification /resolving of structural and institutional deficiencies in the fight against corruption?</p> <p>The strategies and action plans against organised crime and corruption are generally in place however the level of implementation is not satisfactory. The Anti-Corruption Strategy and Action Plan for 2012-2016 have been adopted. The KPC has adopted a Strategy for Inter-Institutional Cooperation in the Fight against Organized Crime and Corruption for 2013-2015. The KPC has also adopted an Action Plan to increase the efficiency for the prosecutorial system in fighting corruption (adopted on 4 November 2013). KPC has adopted a regulation on the establishment and functionalization of the National Coordinator for fighting economic crimes (adopted on 31 December 2013).</p> <p>Kosovo Customs have since 2006 an Action Plan on Prevention and fight against corruption. This document is reviewed in annual basis. In addition activities on the Action Plan are in line with Arusha Declaration Blueprint recommendations, national Strategy on Anti-Corruption as well as its Implementing Action Plan.</p> <p>There is also Strategy and action plan for the prevention and fighting of informal economy, money laundering and financing of terrorism 2014-2018 (Kosovo Police).</p> <p>As part of the legislation and policy revision, the institutions have created the National coordinator for corruption, the National coordinator for fighting economic crimes, and the National Institute for Economic Crimes.</p> <p>Although some assessment has been done by various institutions to identify deficiencies, a great deal of work needs to be done to address them in order to show tangible results in the fight of corruption. Limited assessment has been carried out by institutions in the anti-corruption area where some limitations have been identified.</p> <p>KPC has taken action to address some limitations in its "Action Plan for increasing efficiency of the prosecutorial system in the fight against corruption". This includes requiring Chief Prosecutors of Basic Prosecution Offices and SPRK to give priority to corruption cases and Chief Prosecutors of Basic Prosecution Offices to engage all prosecutors to deal with corruption cases.</p> <p>Other limitations such as adequate equipment, well-structured and tailor made trainings, additional staff have been identified by institutions.</p> <p>4. Is there an improved inter-institutional cooperation between Kosovo rule of law institutions, anti-corruption bodies and related oversight agencies based on fully developed and implemented strategy on inter-institutional cooperation, especially in regards to the ACA and State Prosecutor?</p> <p>Although there is a great number Strategies and MOUs signed between different institutions their implementation remains unsatisfactory hence the inter-institutional cooperation remains weak. No appropriate inter-institutional mechanism between law enforcement institutions exists to discuss and coordinate issues in the fight against corruption.</p> <p>For example the ACA has MoU's with all Kosovo institutions involved in the fight against corruption (Prosecution, SPRK, Financial Intelligence Unit, Ombudsperson, Customs, Regulatory Body on Public Procurement, Tax Administration, General Auditor, KJC, and the Disciplinary Prosecutor), as well as with foreign institutions, viz. the Albanian Inspectorate for Declaration of Assets and the Montenegrin Commission for the Prevention of Conflict of Interest. Inter-</p>

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		<p>institutional cooperation between the ACA and the State Prosecutor remains weak. While there are regular meetings between the ACA and the State Prosecutor, the communication between the institutions is flawed. The ACA is missing feedback from the State Prosecutor on 80 cases. There is virtually no cooperation between ACA and Kosovo Police.</p> <p>5. Is there a development and implementation of communication and outreach strategies that effectively engage public and increase participation of civil societies in anti-corruption activities?</p> <p>There are no specific communications strategies developed by institutions dealing with anti-corruption. No awareness campaigns have been conducted in 2013 by any of the institutions dealing with anti-corruption. Most of the institutions consider that the existence of their official web page is sufficient. Consultations with civil society are formal. They lack inclusion, transparency and consistency.</p> <p>There is a scarce engagement of civil society and a lack of a mechanism which would coordinate efforts of civil society and Kosovo institutions in the anti-corruption area. The level of coordination between the ACA and civil society organizations is very low and no policy-related input is received from civil society.</p>		
<p>Joint Rule of Law Objective no. 4: 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</p>				
4.1	Support to ensure a fully functional Police Inspectorate of Kosovo	<p>1. How many Administrative Instructions (AI) have been adopted by the PIK and how many remain to be adopted? Please list them.</p> <p>All 16 AI's were adopted in 2011. Because of the poor quality all of them will be redrafted. Out of 16, 5 have been redrafted and are under review by working group under support of EULEX PIK advisors. It is planned to finish these AI's before June 2014. The AI on Internal Organisation and Structure, MOIA 03/2013, was redrafted, reviewed and is signed by Minister of Interior. The regulations of the AI are implemented in PIK.</p> <p>The Standard Operation Procedures for the Departments of PIK according the new structure will be redrafted. A template with the structure of the SOP was handed over to PIK officials and agreed to setup with working-groups to adjust the SOP to the PIK Departments. Main item will be to create a proper procedure for handling, review and forwarding complaints.</p> <p>Working-group meetings started in May 2014. Due to some adjustments and clarifications of responsibilities within the PIK the final draft of the SOP might be ready till August 2014.</p> <p>2. How many Administrative instructions and SOPs have been adopted by KP PSD? Please list them.</p> <p>KP PSD has one Administrative Instruction 06/2012 for Violations, Measures and Disciplinary Procedures in Kosovo Police. They have 3 SOPs, namely 'Standard Operation Procedures for PSD database and Case manager' (05.07.2013); 'Standard Operation procedure for conducting investigations at local level' (January 2013) and 'Standard Operation procedures for beginning, development and completion of internal investigations and background screening' (February 2014).</p> <p>3. Are all necessary sub-legal acts (Administrative Instructions) in relation to performance measures in place? If yes, please provide a list of the sub-legal acts.</p> <p>A performance measure system is working in PIK. This system has to be reviewed and processes with job descriptions according the new structure of PIK.</p>		

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
				<p>4. How many complaints has the PIK Department of Complaints Management Review processed (registered, assigned and investigated) in the reporting period? From 1st January till 31st May 2014 PIK received 431 complaints.</p> <p>5. During the reporting period, how many complaints received by PIK were forwarded to KP PSD because they did not constitute criminal offences? From 1st January till 31st May 2014 PIK 203 cases were forwarded to KP PSD.</p> <p>6. Has a procedure or sub-legal act for complaints management process in the PIK been adopted? Currently there is no sub-legal act for management and review of complaints adopted. This is considered as needed in the new SOP for PIK under chapter Management Complaint Review, which will be finalized in the most probably till beginning of September 2014</p> <p>7. Has a procedure or sub-legal act for complaints management process in the PSD been adopted? If yes, when was it adopted and is it being implemented properly? Complaints forwarded to KP PSD are disciplinary cases. The procedure which is in use is the SOP for beginning, development and completion of internal investigations and background screening’.</p> <p>8. Against how many police officers have disciplinary measures been taken by KP PSD on the basis of investigations conducted by PIK in the reporting period? KP PSD DIRECT INVESTIGATIONS: 548 received cases. (742 accused employees)Among these: 174 cases opened.282 cases recommend to IDC.49 cases closed. 42 cases pending. 1 case forwarded to Local Level.</p> <p>9. How many investigations in general has KP PSD conducted based on complaints received by the KP PSD? PIK receives all complaints (disciplinary and criminal). PIK forwards after reviewing the (low profile) disciplinary complaints to KP PSD. Last year, 2013, 804 complaints were forwarded from PIK to KP PSD.</p> <p>10. How many criminal investigations were conducted by the PIK in the reporting period? PIK have investigated 94 criminal cases, Under process 31 cases, Arrested citizens 0, Arrested KP Officers 14; Suspended KP Officers 28, Transferred KP Officers 6, Cases sent to prosecutor 63, Criminal indictments 45, Sent with Special Reports 18.</p>

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
				<p>11. What is the level of cooperation of KP with PIK in relation to criminal investigations conducted by PIK? Please provide an example of good cooperation and an example of bad cooperation, if applicable.</p> <p>The cooperation between PIK and KP in relation of criminal investigations is on a high professional level. In each case with an overlap of investigations a joint investigation will be conducted. The support if needed will be provided by KP in a professional and communicative manner. There are regular meetings and ad hoc meetings on special case between PIK Director of Investigation and KP officials.</p> <p>12. How many disciplinary investigations were conducted by the PIK during the reporting period? Out of this number, on how many investigations did PIK submit recommendations to the KP? Out of these, how many were followed-up by the KP with a decision for action? What measures were taken by KP to adopt the recommendations? During the reporting period, what was the average time period within which the KP provided feedback to PIK?</p> <p>1 case of high profile disciplinary investigation out of 2013 was transferred to 2014 and is still in process. The cases of failed background check are not opened in PIK right now because KIA didn't forward any information regarding that item yet.</p> <p>13. How many inspections were conducted by the PIK during the reporting period? Out of this number, how many inspections resulted in recommendations to the KP? During the reporting period, how many meetings did PIK have with KP to follow-up on inspections and status of recommendations?</p> <p>Inspection Directorate started the five planned regular inspections and one extraordinary:</p> <ol style="list-style-type: none"> 1. Inspection of the road traffic management in Kosovo Police; 2. Inspection of using official KP vehicles by KP Officers; 3. Inspection of the trainings and police knowledge about the use of force; 4. Inspection of the calls management in Kosovo Police; 5. Inspection of the implementation of the PIK recommendation of 2012 – 2013; <p>Extra-ordinary Inspection: Inspection of the traffic tickets.</p> <p>Inspections process is on-going.</p> <p>The Inspections Department is planning to conduct four regular inspections in Kosovo Police during the following months of 2014 with one special assessment, covering the following areas:</p> <p>Inspection of KP management of road traffic;</p> <p>Inspection of the KP officers' care in using official vehicles;</p> <p>Inspection of officers' trainings and knowledge about the use of force;</p> <p>Inspection of the managing of citizens' phone calls by KP.</p> <p>Special assessment: PIK is planning to make an assessment of the implementation of recommendations 2012 – 2013 by KP.</p>

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
4.2	Further support to the Kosovo Judicial Council and the Kosovo Prosecutorial Council			<p>1. How many of the regulations and instructions foreseen in the Law on Courts and the Law on KJC and the planning documents of KJC have been adopted by the KJC? How many of those are being implemented?</p> <p>In order to fully implement the provisions in the Law on Courts and the Law on the KJC, the KJC needs to adopt more than 40 regulations and instructions. So far 13 Regulations foreseen in the Law on Courts and Law on KJC have been adopted and implemented by the KJC. Another 12 regulations still need to be drafted and adopted.</p> <p>In December 2013, the KJC adopted the “Regulation on Performance of the KJC Disciplinary Committee”, which is a positive development as the KJC Disciplinary Committee was previously applying procedures that were outdated and not always adequate. On 21 May 2014, the KJC adopted the Draft Regulation on the Disciplinary Procedure for KJC members and on</p> <p>On 7 April 2014 the KJC adopted the Regulation on Promotion of Judges.</p> <p>Furthermore, during the reporting period the KJC prepared initial drafts of the following Regulations: Draft regulation on organization and functioning of the Office of Disciplinary Counsel, Draft Regulation on the organization and functioning of the Court Performance Review Unit, , Draft Regulation on the organization, activities and systematization of job positions of the Secretariat of KJC. These drafts were discussed by the KJC Normative Committee. However, these draft regulations are yet to be finalized and presented to the KJC for adoption. KJC still needs to set policies, standards and directives for the training of judges, lay judges and court staff, as required by the Law on KJC.</p> <p>In September 2013, KJC adopted a National Backlog Reduction Strategy. The Strategy provides a general framework with 11 strategic goals and allows the Basic Courts to develop their individual action plans taking into consideration the specifics of each court. The tailor-made approach provides flexibility with regard to addressing the specific backlog in the individual courts. Although the adoption of the National Backlog Reduction Strategy is an important step, the development of individual action plans for the implementation of the Strategy by the Basic Courts will pose some challenges more so as there are already some delays in developing the individual action plans. So far the Basic Courts in Ferizaj/Uroševac Pejë/Peć, Prizren and Gjakovë/Djakovica have developed and presented to the KJC their action plans for the implementation of the Backlog Strategy. The KJC still needs to develop simple performance indicators in order to measure progress. Furthermore, there shall be a unified reporting system in place that will allow KJC to gather and analyse information from the Basic Courts.</p> <p>In April 2014, the KJC approved the Strategic Plan for the judiciary 2014 – 2019 consisting of five strategic pillars: 1) Building Trust and Confidence in the Judicial System; 2) Enhancing the Administration of Justice; 3) Broadening Access to Justice and Service to the Public; 4) Promoting Confidence, Professionalism and Civility; and 5) Improving Court facilities and technology. The Strategic Plan further outlines action plans to ensure that each goal is achieved. The Plan is intended to be an every-day management tool for the KJC and a roadmap to guide the Kosovo Judiciary over the next five years. While the adoption of the Plan is an important achievement, significant efforts are now needed for the practical implementation and achievement of the strategic objectives</p> <p>2. How many of the regulations and instructions foreseen in the Law on KPC, the Law on the State Prosecutor and the planning documents of KPC have been adopted by the KPC? How many of those are being implemented?</p> <p>To fully implement the provisions in the Law on KPC and the Law on the State Prosecutor, the KPC needs to have in place around 50 legal instruments. The main new legal instrument to be passed within the following months by KPC is the new Regulation on internal functioning and organization of Prosecution Offices, that will cover Basic Prosecution Offices, Appellate Prosecution Office, Office of the State Prosecutor and SPRK, which is crucially important for the implementation of the reform of the criminal justice system instituted as of 1 January 2013. Since KPC was established the number of legal instruments – regulations and instructions – adopted and published are 40. Other important actions during the reporting period include the following:</p> <p>Recruitment of Prosecutors: after an amendment of the Annex on Pre-Selection stage of the Regulation 03/2013, on the process of recruitment,</p>

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
				<p>appointment and reappointment, increasing the scoring for those who have passed the Bar Exam, it is on its way to the next stage –“written test”-. Process is likely to be finished by June-July 2014.</p> <p>With regards of the support staff of the prosecution offices, the Prosecutors Performance Review Unit (PPRU) found out that the functioning of registry offices was not satisfactory, especially in Pristina.</p> <p>The KPC webpage presented in December 2013 is still largely under construction, especially in the Serbian and English versions. Legal instruments published are mainly in Albanian.</p> <p>In March, the KPC approved the new “Regulation on setting criteria and procedures for selection and proposal for appointment of the Chief State Prosecutor”. The new Chief State Prosecutor should be appointed before August 2014.</p> <p style="color: red;">3. During this reporting period, has the KJC adopted and implemented any institution building measures as anticipated in other laws and planning documents of the KJC?</p> <p>According to Article 291, paragraph 6 of the Law no. 04/L-099 on Amending and Supplementing Customs and Excise Code in Kosovo No. 03/L-109 from 1 December 2012, the competent body entitled to receive the appeals against the Customs Appeals Sector’s decisions should be the Fiscal Division of the Administrative Department of the Basic Court of Pristina. The Fiscal Division was only established in January 2014 by the KJC. It is of concern that although the law clearly states that from 1 December 2012 the competent body entitled to receive the appeals against the Customs Appeal Sector’s decisions should be the Fiscal Division of the Administrative Department of the Basic Court of Pristina, the Division was established in January 2014 and became operational in April 2014.</p> <p>Since April 2014, the Fiscal Division of the Administrative Department of the Basic Court of Pristina became operational, with single judge assigned to adjudicate these cases. However, it remains of concern whether the assigned judge, being the only judge in this division will be able to ensure timely adjudication of the aforementioned cases.</p> <p>During the reporting period the KJC drafted an Instruction on the payment of the ex-officio defense counsels in implementation of article 57 and 58 of the Criminal Procedure Code. During the reporting period the draft was discussed and agreed with the Kosovo Chamber of Advocates. The draft instruction was discussed by KJC and will be adopted in one of the next regular meetings of the Council.</p> <p>Moreover, the Legal Department of the KJC Secretariat prepared initial drafts of the following instructions: on implementation of Criminal Procedure Code; Law on Contested Procedure; the Law on Non-Contested Procedure; the Law on Enforcement Procedure; and Law of Minor Offenses; Draft Instruction on compensation for witnesses in criminal proceedings; Draft instruction on selection of experts in criminal proceedings and their compensation; and the Draft Instruction on certification of interpreters and translators in court proceedings. However, these instructions are still at the stage of initial drafts and they have not yet been discussed by the KJC Normative Committee or by the Council itself.</p> <p>On 14 February 2014, at a joint meeting of the Normative Committees of the KJC and KPC discussed the Draft Law on Justice Academy presented by MOJ. The two Normative Committees made comments and agreed KJC and KPC to recommend to MOJ the Draft Law on Justice Academy to be fully harmonized with the package of 4 laws in the area of judiciary in order to avoid contradictions and inconsistencies.</p> <p>KJC, Tax administration and Central Bank in implementation of an Instruction of the Central Bank of Kosovo established a mechanism for facilitation of execution of decisions of debt cases.</p> <p>Although the KJC made some progress there still a significant number of institutional measures that have to be finalized and implemented. For example, according to the Law on Amending and Supplementing the Laws related to the Ending of Supervised Independence of Kosovo, the Kosovo Judicial Council shall develop a special regulation on the process of appointment and reappointment of judges from communities that are underrepresented among judges serving in Kosovo. This Regulation is not yet in place. (See also under 6.1)</p>

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
				<p data-bbox="613 301 2078 355">4. Has KJC adopted a system for performance evaluation of judges? If yes, has the implementation started? If yes, how many judges were evaluated during this reporting period? If no, explain the reasons.</p> <p data-bbox="562 360 2112 619">The Regulation on the Evaluation of Performance of Judges has been initially adopted by the KJC on 22 February 2012 and amended twice since then, in May 2013 and in June 2013. In September 2013 the KJC Committee for the Evaluation of the Performance of Judges, held a meeting to evaluate judges whose initial mandate expired on 21 October 2013. In compliance with the KJC Regulation on the Evaluation of the Performance of Judges, the aforementioned committee in its full composition decided to recommend 75 judges for permanent re-appointment. Their proposal was forwarded to the KJC which adopted the recommendation of the Committee for the Evaluation of the Performance of Judges and subsequently, sent its proposals to the President of Kosovo for the permanent appointment of 75 judges after the expiration of their initial three years mandate. The KJC decided not to propose for permanent appointment only one judge after receiving a report from the Office for Judicial Assessment and Vetting (OJAV) according to which the judge was involved in taking loans from different financial institutions and not paying back and was not respecting the court decisions issued with respect to the aforementioned cases against him and in this way damaged the reputation of the Kosovo judiciary.</p> <p data-bbox="613 655 2078 710">5. Has KPC adopted a system for performance evaluation of prosecutors? If yes, has the implementation started? If yes, how many prosecutors were evaluated during this reporting period? If no, explain the reasons.</p> <p data-bbox="562 715 2112 943">The "Regulation on performance evaluation of Prosecutors" was published in October 2013 and the KPC Performance Review Committee held its first meeting in January 2014 in which preliminary issues related to the work of the Committee needed to be agreed. The agenda points included discussion and agreement with respect to the process of prosecutors' performance evaluation, in accordance with the new KPC Regulation. The Committee agreed to evaluate the work of 22 prosecutors who are on their initial mandate and as the work of 35 prosecutors who are on the permanent mandate. During the first 6 months of 2014 the Committee will be focused on evaluating the performance of the 22 prosecutors who are on the initial mandate. In this regard, the Prosecutors Performance Review Unit (PPRU) will prepare all the necessary documents for the Committee to perform its work. Once the evaluation of performance of these 22 prosecutors has been finalized, the Committee will commence on evaluating the 35 prosecutors on permanent mandate. In the meantime, the PPRU will assist the Committee with providing the necessary documentation for them to evaluate the work of the 35 prosecutors with permanent mandate.</p> <p data-bbox="562 948 2112 1147">EULEX KPC Team has offered to assist the Committee as appropriate and has made suggestions, particularly stressing the need to ensure that the evaluation system is fully transparent and that evaluations are not conducted on the basis of unsubstantiated oral statements or rumors. KPC Advisors monitored the meeting of the KPC Committee on Performance Evaluation of Prosecutors on 10 March. All Chief Prosecutors except Pristina have complied with the request from the Committee on providing the necessary reports to continue the process. Different actions were discussed in order to obtain that information. The final decision was to ask formally on behalf of the Chair of the Committee those reports within 10 days and if the Chief State Prosecutor of BPO Pristina fails to comply with this request the Committee will decide if to put this case for KPC consideration. The Committee has started visiting all BPOs to proceed with the evaluation on the field.</p> <p data-bbox="613 1382 2056 1407">6. Has the preparatory phase of the CMIS project been completed, including approval and implementation of the work plan for the implementing</p>

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
				<p>partner, start of the basic IT training for court staff? If the training has started, how many staff was trained? Have the existing case management practices across Kosovo been analyzed? If yes, have there been any recommendations issued? If yes, please summarize the content of the recommendations. Has a decision been made on the model and technology to be used for the development of the functional specifications of the CMIS?</p> <p>In September 2013, the Norwegian Government signed an MOU with MOJ, KJC and KPC on further funding for the Case Management Information System (CMIS) project. The Norwegian Government committed to fund the CMIS project for the next four years, with approximately € 6.5 million. The funding is however conditional upon a positive evaluation to be completed in the preparatory phase of the project by both the beneficiary and the donor. The KJC and KPC already seconded experts to work on the project. On 20 February 2014, KJC approved the Work Plan of the CMIS Project for 2014. The work plan specifies the tasks to be performed during the preparatory phase of the CMIS project. Furthermore, the KJC selected a working group consisting of KJC members, Court Presidents, Court Administrators and KJC Secretariat staff, to support and advise on the implementation of the project.</p> <p>7. Have the Annual reports of KJC and KPC been produced within the timelines foreseen in regulations for internal organization of KJC and KPC? Are the reports available on the KJC and KPC websites? Are they available in hard copies and available to the general public?</p> <p>The KJC Regulation on the Organization and Activities of the KJC requires that the annual report is prepared at the latest by the end of March of the following year. Furthermore, Article 35 of this regulation requires that the report is published by the end of April and presented by the Chair to the Kosovo Assembly. On 23 April 2014, the KJC approved its Annual Report for the year of 2013.</p> <p>The KJC started the process by discussion and adoption of annular reports of all Basic Courts and the Court of Appeal, which outline the accomplishments and challenges for the coming year. The insufficient number of judges, with emphasis on the Serious Crimes Department and problems with execution of civil judgments were mentioned by Presidents of courts. Furthermore the KJC Secretariat developed a template based on which the Basic Courts shall report to KJC every three months.</p> <p>The KPC approved on 20 March the reports on the activity of Basic Prosecutor's Office (BPOs) Prizren and Gjilan. As stated by the Director of Prosecutor Performance Review Unit (PPRU) and the Director of the Secretariat of the Office of State Prosecutor, the draft of the annual report on the State Prosecutor for 2013, which compiles the activity of all BPOs, Appellate Prosecution Office, State Prosecutor's Office and SPRK is 90 per cent finished but is unlikely to be published within the first quarter of 2014. The only general statistics are for the first semester of 2013. As for the statistics on the criminal offences under the "Prevalle Harmonization System", the annual report was approved and published in March 2013. On November 2013 a partial report re the first 9 months was published.</p> <p>8. Do the KJC and KPC and their Secretariats perform their functions and conduct their activities in full compliance with the applicable legislation, human rights instruments and EU standards? Do the KJC, KPC and their Secretariats perform their functions free from political interference? If no, please provide examples. Do the KJC and KPC adopt sub-legal acts fully comply with the applicable legislation, human rights instruments, and EU standards?</p> <p>The KJC Regulation on the Organization and Activities of the KJC requires for the KJC to establish an annual schedule for its meetings. In line with this requirement, the KJC decided to hold regular meetings on every first and third Wednesday of each month. The Publication of an Annual schedule for the regular meetings of the KJC is a positive development. It will increase the predictability and the transparency of the work of the KJC and will allow to the KJC members to plan in advance their other activities in order to ensure their availability for the KJC meetings.</p> <p>The KPC does not have a Secretariat. The job is done mainly by the Evaluation Unit staff and the administrative structures within the Chief State Prosecutor's Office. The lack of a Secretariat significantly hampers the performance of the KPC.</p>

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
		The budget of the prosecution system remains in the name of the State Prosecutor, although the Law on KPC foresees the budget to be KPC's responsibility. This is against the rule of law principle and might create conditions for undue interference in the independence of the prosecution service.		

Joint Rule of Law Objective no. 5: 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

5.1	KP strategic management development: Support to the implementation of the KP Information and Communication Technologies Systems Strategic Plan (ICTSSP)	<p>1. Which features of the KP Information and Communication Technologies Systems Strategic Plan (ICTSSP) have been implemented so far? The various components of the ICTSSP, regulating the storage of information on human resources, finance and logistics are currently at different levels of implementation: however it is foreseen to reach full implementation by June 2014.</p> <p>2. What measures remain to be implemented? The various components of the ICTSSP are at the following level of implementation:</p> <ol style="list-style-type: none"> 1. Computerized Business Policing Functions <ol style="list-style-type: none"> a) Develop a Kosovo Police Information System based on the concept of Intelligence Led Policing is ongoing, but approaching the end result. The software is installed. The departments are now in the process of learning to use the system, using the method "Teach the Teacher". b) Develop a Resource management System (PRIMS) is in process. The data of HR are in the system and currently KP is adding the data of logistics. Because all components are interconnected, the system will only be fully functional after all data are in the system. c) Develop the Border Management System has been completed. As with every software/program, BM is tweaking the system. d) Develop a Common User Interface and a single point of access for each system used by police officers is a subset of developing a Kosovo Police Information System and upgrading the existing versions of Microsoft software products currently in use. On-Going 2. Rationalization of Technical Infrastructure for Applications and Systems <ol style="list-style-type: none"> a) Upgrade the existing versions of Microsoft software products currently in use. The KP is continuing the server migration for email (MS Outlook 2013) and upgrades to the current version of MS Office. This should be considered Complete 3. Telecommunications and Network Infrastructures <ol style="list-style-type: none"> b) Upgrade the capacity of microwave links of KP and infrastructure is being conducted as part of an ICITAP funded project. On-Going. 4. Information and Communications Organization and Processes <ol style="list-style-type: none"> a) "Design a new ICT Organization" has been completed and approved. b) "Define and use standard processes" is on-Going c) "Increase number of professional IT staff and train them in IT best practices" is complete. Current staffing meets current requirements, including the implementation of this strategy. 		
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Compact Action No.	Compact Action Goal	Comments (Progress, Outlook, Issues Raised)
		<p>5. Computer Architecture and Data Centre</p> <p>a) Build a Data Centre – primary site – construction is complete and the opening was held on 29 October. The site is designed to meet the data requirements of the KP for the next 20 years. Modifications will continue, to include the installation of server cabinets and servers as the need arises. The site is well secured with multiple redundancy systems to ensure data protection and security from numerous threats. This section is considered “Complete”.</p> <p>3. What are the issues that are impeding implementation of the ICTSSP?</p> <p>The software of the Resource Management System is fully implemented. Introducing the data in the system is ongoing and instruction for KP personnel how to use the system has started. Although it was KP’s plan to put all data of human resources, finance and logistics in PRIMIS (PRIMS is covering these subjects) by mid this year, they didn’t succeed due to the many errors found in the current data. The HR data are in the system and currently KP is adding the data of logistics. Because all components are interconnected, the system will be fully functional after all data are in the system. The fact that different projects are funded/managed by different sponsors (ECLo, ICITAP) made the overall coordination more complicated and inevitable less effective.</p>
5.2	<p>KP strategic management development: Enhancement of the KP administrative pillar</p>	<p>1. Specify the level of implementation of the KP multiannual and annual procurement as per the applicable legislation, including submission of preliminary and final procurement forecasts and of multiannual progressive procurement plan.</p> <p>KP started developing a multiannual procurement plan, however, this is a long and difficult process, and needs to take into consideration the KP Multiannual Work Plan, whilst there is no GoK budget plan for the same period of time. The annual procurement plan was finalized on 20 January 2014, and was published on the website of the Public Procurement Regulatory Commission in the Public Procurement System.</p> <p>2. Does the KP have in place all necessary procurement regulations, policies and standards, in accordance with the applicable legal framework, European best practices and internationally recognized standards? If not, what is missing? Please provide examples of implementation of those regulations in KP procurement.</p> <p>The main focus of the cooperation between KP and EULEX – through monitoring tender processes – to improve KP administrative procedures was to ensure that expenditures, procurement and fleet management adhere to the applicable legal framework. For instance, procedural details, such as correct composition of the committees and proper document management, were scrutinized. Most of these procedures were found to be in compliance with the law, while others are still under discussion, such as the composition of the procurement committees, as well as the essential level of education for some procurement officers.</p> <p>The non-functional Procurement Review Board (PRB), due to the expiration of the mandate of its members since August 2013, caused extreme delays in the procurement procedures. New members of PRB were appointed at the end of March 2014 and the Board started functioning again. As a consequence of the prolonged inactivity of the PRB, a number of tenders had to be cancelled due to expired timelines. This may impact on KP budget consumption and KP operability.</p>

Compact Action No.	Compact Action Goal	Comments (Progress, Outlook, Issues Raised)
		<p>3. Does the KP have in place all necessary regulations and policies (if any) concerning the fleet management and whether they adhere to the applicable legal framework, European best practices and internationally recognized standards? Are the regulations and policies being implemented, including through establishment of a working group to investigate abuse of vehicles, plan for vehicle replacement, and evaluate usability?</p> <p>KP has in place almost all the necessary regulations and policies concerning fleet management and they adhere to the applicable legal framework, European best practices and internationally recognized standards. However, due to the real circumstances (age of vehicles and budget restrictions) KP is not able to make proper/full application of these regulations and policies.</p> <p>Since the beginning of the year, KP in cooperation with EULEX advise, implemented the following changes, in order to achieve a better and more efficient fleet management:</p> <ul style="list-style-type: none"> a. decentralised maintenance at regional workshops; b. decentralised stock of spare parts; c. double shifts in maintenance workshops; d. start of installation (test phase) of GPS in BP vehicles.
Joint Rule of Law Objective no. 6: Fostering a higher degree of ethnic inclusion and gender balance in the Kosovo rule of law institutions		
6.1	Higher degree of ethnic inclusion within Kosovo's rule of law institutions	<p>1. Have the Kosovo Rule of Law institutions adopted adequate policies, sub legal acts, instructions, procedures, guidelines and/or SOPs complying with EU Best Practices and International standards regarding staff recruitment?</p> <p>The Law on Amending and Supplementing the Laws related to the Ending of Supervised Independence of Kosovo, requires that the Kosovo Judicial Council develops a special regulation on the process of appointment and reappointment of judges from communities that are underrepresented among judges serving in Kosovo. This Regulation is not yet in place.</p> <p>The KJC Secretariat, with the support of USAID/EROL experts, has launched an outreach campaign for attracting candidates from non-majority communities to enter the judiciary. The KJC has therefore prepared a number of brochures outlining the requirements for accessing legal professions, which are distributed during a series of meetings held with interested parties in municipalities with citizens from non-majority communities. The Campaign has completed its activities in 2013.</p> <p>The lack of non-majority community applicants for the positions of Prosecutors in the last two selection process is leading gradually to a smaller percentage of them within the Prosecution System. It can also be applied to the support staff. During 2013 and 2014 efforts to ensure the recruitment of non-majority communities have not been sufficient according to the results obtained. KPC does not seem to have a clear plan or strategy to tackle the issue.</p> <p>2. Do the Kosovo Rule of Law institutions maintain data on the demographics of their workforce?</p> <p>Yes they do. Both KJC and KPC keep data on demographics of its workforce.</p> <p>3. Please provide the statistics of the composition of the workforce for each rule of law institution and the current distribution by ethnicity and gender.</p> <p>In the Kosovo Justice System there are 18 judges from minority communities. Previously there were 20 judges but 2 retired. One judge (7.14%) from minority communities has been recruited and appointed to the Supreme Court (SC).</p>

Compact Action No.	Compact Action Goal	Comments (Progress, Outlook, Issues Raised)																																			
		<p>28 vacant positions have been reserved for judges from the minority communities for the entire territory of Kosovo. Additionally, the Government of Kosovo has allocated funds for 31 positions reserved for judges from minority communities in the north of Kosovo. Currently 4 out of 11 members of KJC are from minority communities.</p> <p>Ongoing procedure of appointment of prosecutors has not been finished but the percentage of prosecutors from minorities is likely to decrease since all the applicants found to be eligible were Albanian. This shows the need of effective proactive actions to include members from ethnic minority groups, both as prosecutors and as support staff, since the ratio is decreasing after every selection process and the prosecutorial system already have one of the lower ratios in Kosovo public administration.</p> <p>According to the data received by the Human Resources Department of the State Prosecutor, ethnic minorities are represented as follow in the prosecutorial system:</p> <ul style="list-style-type: none"> - Out of the current 124 prosecutors 7 are from minority communities, whereas 44 are female. - Out of 389 of the current support staff 15 are from minority communities, whereas 225 are female (See chart below) <table border="1" data-bbox="824 651 1839 804" style="margin: 10px auto;"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">Gender</th> <th colspan="6">Nationality</th> <th rowspan="2">Total</th> </tr> <tr> <th>M</th> <th>F</th> <th>Alb</th> <th>Ser.</th> <th>Bos</th> <th>Tur.</th> <th>Gor.</th> <th>RAE</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">TOTAL</td> <td style="text-align: center;">164</td> <td style="text-align: center;">225</td> <td style="text-align: center;">374</td> <td style="text-align: center;">1</td> <td style="text-align: center;">10</td> <td style="text-align: center;">2</td> <td></td> <td style="text-align: center;">2</td> <td style="text-align: center;">389</td> </tr> </tbody> </table> <p>According to the data received by the HR Department of the Office of the State Prosecutor (SP)in March 2013, the number of ethnic minorities within prosecution service is 7. Out of this number:</p> <ul style="list-style-type: none"> - 1 at the Appellate Prosecution Office - 5 within basic prosecution offices throughout Kosovo - 1 within SPRK <p>(Please note that the ethnic minority prosecutor at SPRK was suspended from office without pay as a result of criminal proceedings against him. He was recently convicted of a criminal offence; we understand that he has appealed against his conviction.</p> <p style="color: red;">4. Have KP and KC reached a level of ethnic representation of minority communities in their middle and senior management (including civilian staff) that corresponds to the overall ethnic representation of minority communities in Kosovo? What are the current figures of the KP/KC ethnic representation?</p> <p>KP (November 2012): Senior management 12.5% - Col. 14.3% - Lt. Col. 10% - Maj. 36% - Captain 9.75% - L.ten. 7%--- overall middle senior management 8.8% June 2013: Senior management 12.5% - Col. 15.4% - Lt. Col. 10.8% - Maj. 9.4% - Captain 9% - L.ten. 7.3%---overall middle senior management 8.4%.</p> <p style="color: red;">5. Have the Kosovo Rule of Law institutions adopted policies and procedures to give preference to applicants/candidates from certain communities? If yes, are these being applied? If yes, provide example.</p> <p>Neither the KJC, nor the KPC has adopted special policies targeting ethnic minorities' inclusion beyond the practice of reserving seats for ethnic minorities as obliged by law, and keeping the positions free as long as such candidates apply in regular vacancy announcements. Both Councils rely on</p>									Gender		Nationality						Total	M	F	Alb	Ser.	Bos	Tur.	Gor.	RAE	TOTAL	164	225	374	1	10	2		2	389
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				<p>the integration of north Kosovo in order to increase the representation of the Serb minority representatives into the system.</p> <p>6. Specify whether the Kosovo Rule of Law institutions have attained a level of inclusion and meaningful participation in the decision making process by ethnic minority members of the workforce, in line with best European practices, or as a minimum have improved the level of inclusion and meaningful participation and are taking active steps to further improve?</p> <p>Currently 4 out of 11 members of KJC are from minority communities and they actively participate in the decision making process of the Council. During February 2014 EULEX discussed with the Chief State Prosecutor, the Minister of Justice and the Director of PPRU the convenience of adopting a useful tool to improve gender balance and ethnic minority presence in Committees (e.g. Performance Evaluation Committee, Appointment Committee). The issue of a larger presence within the Prosecutorial System, as prosecutors or support staff, was also raised by EULEX. KPC as a board, Chief State Prosecutor and the Director of the PPRU still have not shown effective interest on improving inclusion and meaningful participation in the decision making process. Only one KPC member is from the Bosnian Community (1 out of 9). He is also the Chair of the Performance Evaluation Committee. He was recently appointed Chair of the KPC due to the expiration of the mandate of his predecessor.</p> <p>7. Are official languages used in compliance with relevant legislation? Are all documents in relation to proceedings issued in the official language chosen by the parties, as stipulated in Article 14 of the Law on Use of Languages?</p> <p>The KJC and its Secretariat are making considerable efforts to comply with the Law on Official Languages with respect to its public communication, internal regulations, vacancy announcements and signs in the KJC premises. However, EULEX has identified difficulties to ensure full compliance, mainly due to the lack of sufficient professional resources (interpreters and translators).</p> <p>The KJC and its Secretariat are making considerable efforts to comply with the Law on Official Languages with respect to its public communication, internal regulations, vacancy announcements and signs in the KJC premises. However, EULEX has identified difficulties to ensure full compliance, mainly due to the lack of sufficient professional resources (interpreters and translators).</p> <p>The KPC makes efforts to ensure that the official languages are used in accordance with the applicable legislation. KP publishes in both official languages all relevant documents concerning recruitment and promotion, besides secondary legislation as Administrative Instructions and SOPs. Promotion and recruitment exams are conducted in the language requested by the candidate.</p> <p>Indictments and verdicts are in most proceedings translated in the language chosen by the party. However, there is a low compliance rate regarding most other court documents. For example, minutes of court hearings are only translated upon specific request by the party which is contrary to Article 14 of the Law on Languages. Some judges tend to interpret the relevant provisions in such a manner as to restrict the rights of the parties to obtain documents related to the proceedings to cases where an explicit request is put forward by them. Additionally, courts do not use unified forms and therefore any non-compliance may vary by court. This is for example the case with court summons.</p> <p>Advice given by the EULEX KPC Team on November 2013 to the Chair of the KPC and Head of KPC Performance Evaluation Unit that interpretation must be provided for the ethnic minority KPC member, in order to enable him to perform his work, has been taken and for almost all KPC meetings since January 2014 a Serbian interpreter is provided for the ethnic minority member. But in many occasions the interpreter is either dismissed or has no active role in the meetings. The documents given for KPC meetings to the Bosnian minority member are translated into Serbian when required. But the official documents are issued only in Albanian, not in both languages, as the Law foresees.</p> <p>KP publishes in both official languages all relevant documents concerning recruitment and promotion, besides secondary legislation as Administrative Instructions and SOPs. Promotion and recruitment exams are conducted in the language requested by the candidate.</p> <p>Indictments and verdicts are in most proceedings translated in the language chosen by the party. However, there is a low compliance rate regarding most other court documents. For example, minutes of court hearings are only translated upon specific request by the party which is contrary to Article 14 of the</p>

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		<p>Law on Languages. Some judges tend to interpret the relevant provisions in such a manner as to restrict the rights of the parties to obtain documents related to the proceedings to cases where an explicit request is put forward by them. Additionally, courts do not use unified forms and therefore any non-compliance may vary by court. This is for example the case with court summons.</p> <p>8. Are parties in judicial proceedings able to use both official languages on an equal footing, as stipulated in Article 12.2 of the Law on Use of Languages?</p> <p>Parties are able to use the official language of their choice in judicial proceedings as all courts have translators/interpreters who are present during main trial hearings. However, during several hearings it became apparent that the quality of simultaneous interpretation is often low, which caused difficulties during the trial hearings. While the Law on the Use of Languages requires the courts to conduct proceedings in the official language/s "chosen by the parties to the proceedings", in practice this decision is taken by the judges in the vast majority of cases and the choice of the party/parties is hardly ever documented in minutes. The court in Štrpce/Shtërpçë however conducts proceedings in the language chosen by the parties which is reflected in the minutes of the court. In certain instances, when the judge is fluent in both official languages, the judge tends to speak directly in Serbian with the Kosovo Serb party and in Albanian with the Kosovo Albanian party, while the interpreter simultaneously translates in Serbian what the K/Albanian or the judge say in the Albanian language.</p> <p>9. Are official web sites and public information services in Kosovo's rule of law institutions posted in both official languages?</p> <p>Generally KJC is making an effort to publish all its decisions and regulations in the two official languages but as a rule the Serbian language part of the website does not display all the materials available on the Albanian language part. There are two prosecution webpages: 1) webpage of the State Prosecutor, and 2) webpage of the KPC. EULEX KPC Team conducted several researches on the Webpage of the State Prosecutor to see whether additional documents have been placed on it in Serbian. The previous review of the webpage showed that many documents were available in Albanian, but not in Serbian and there was not compliance with the Law on Official Languages. In particular KPC Regulations during 2013 were not published in Serbian. Continuous advice has been given to the KPC Director of Performance Evaluation Unit that the website did not have Serbian documents and this needed to be improved. The situation has not improved sufficiently as the last update made 05 June shows. New documents uploaded are mostly in Albanian. Results are poor and no real actions have been taken.</p> <table border="1" data-bbox="577 1066 1921 1406"> <thead> <tr> <th data-bbox="577 1066 996 1129">Website review on 10 December 2013</th> <th data-bbox="996 1066 1429 1129">Website review on 24 February 2014</th> <th data-bbox="1429 1066 1921 1129">Website review on 05 June 2014</th> </tr> </thead> <tbody> <tr> <td data-bbox="577 1129 996 1193">35 Laws published in Albanian</td> <td data-bbox="996 1129 1429 1193">37 Laws published in Albanian (2 more)</td> <td data-bbox="1429 1129 1921 1193">37 Laws published in Albanian (2 more)</td> </tr> <tr> <td data-bbox="577 1193 996 1313">22 Regulations published in Albanian, 16 Regulations published in English</td> <td data-bbox="996 1193 1429 1313">23 Regulations published in Albanian, 17 Regulations published in English (1 more in Albanian and 1 more in English)</td> <td data-bbox="1429 1193 1921 1313">24 Regulations published in Albanian, 18 Regulations published in Serbian and 18 Regulations in English (1 more in Albanian, 5 more in Serbian and 1 more in English)</td> </tr> <tr> <td data-bbox="577 1313 996 1406">13 Administrative Instructions published in Albanian</td> <td data-bbox="996 1313 1429 1406">17 Administrative Instructions published in Albanian (4 more in Albanian)</td> <td data-bbox="1429 1313 1921 1406">18 Administrative Instructions published in Albanian, 14 in English and 10 in Serbian (1 more in Albanian, 4 more in English and 2 more in Serbian)</td> </tr> </tbody> </table>			Website review on 10 December 2013	Website review on 24 February 2014	Website review on 05 June 2014	35 Laws published in Albanian	37 Laws published in Albanian (2 more)	37 Laws published in Albanian (2 more)	22 Regulations published in Albanian, 16 Regulations published in English	23 Regulations published in Albanian, 17 Regulations published in English (1 more in Albanian and 1 more in English)	24 Regulations published in Albanian, 18 Regulations published in Serbian and 18 Regulations in English (1 more in Albanian, 5 more in Serbian and 1 more in English)	13 Administrative Instructions published in Albanian	17 Administrative Instructions published in Albanian (4 more in Albanian)	18 Administrative Instructions published in Albanian, 14 in English and 10 in Serbian (1 more in Albanian, 4 more in English and 2 more in Serbian)
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Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
				in Serbian)
		215 Decisions published in Albanian, 177 Decisions published in English	231 Decisions published in Albanian, 182 Decisions published in English (16 more in Albanian and 5 more in English)	269 Decisions published in Albanian, 218 Decisions published in English and 129 in Serbian (38 more in Albanian, 36 more in English and 7 more in Serbian)
		22 MoU's published in Albanian	23 MoU's published in Albanian (1 more)	26 MoUs published in Albanian and 25 in English (3 more in Albanian and 3 more in English)
		5 Instructions and Orders of the CSP published in Albanian, 1 in Serbian and 5 in English	8 Instructions and Orders of the CSP published in Albanian, 2 in Serbian and 7 in English (3 more in Albanian, 1 more in Serbian and 2 more in English)	9 Instructions and Orders of the CSP published in Albanian (1 more in Albanian)
		Action Plan on the increase of efficacy of prosecutorial system available in Albanian only	Action Plan on the increase of efficacy of prosecutorial system available in Albanian and English (English version published)	Action Plan on the increase of efficacy of prosecutorial system available in Albanian and English (English version published)
		37 requests for protection of legality published in Albanian	39 requests for protection of legality published in Albanian (2 more)	43 requests for protection of legality published in Albanian (4 more)
				Annual report on harmonization of statistics 2013 (Albanian and English)
				Report of the committee on verification of data for statistics re fight against corruption (Albanian only)
				Strategic plan on inter-institutional cooperation in the fight against organized crime and corruption 2013-2015 (Albanian, English and Serbian)
				International vacancy announcement for the position of the Chief State Prosecutor (available in Albanian and Serbian)
				List of candidates that have met the criteria for the appointment as Chief State Prosecutor (available in Albanian only)

Compact Action No.	Compact Action Goal	Comments (Progress, Outlook, Issues Raised)		
				Schedule of Interview of candidates for Chief State Prosecutor (available in Albanian only)
				Final list of scoring of candidates for CSP (available in Albanian only)
				International vacancy announcement for the position of the Chief State Prosecutor (available in Albanian and Serbian)
				List of candidates that have met the criteria for the appointment as Chief State Prosecutor (available in Albanian only)
				International vacancy announcement for the position of the Chief State Prosecutor (available in Albanian and Serbian)
		<p>The new KPC official webpage is still under construction in many of its elements, especially those in Serbian. It is clear that the webpage is not yet functional. The Albanian version is basically functioning as a news provider. The rest of the areas are under construction. In Serbian language the version is almost inexistent. KPC Spokesperson is responsible for updating and uploading the news but these are as a rule not available in Serbian. The use of languages in both official webpages (State Prosecutor and KPC) is still not in compliance with the Law on the use of languages.</p> <p>10. Is the quality of translation of court decisions, as well of other documents issued in the course of the court proceedings, satisfactory?</p> <p>There are indications that the translations of court decisions and other documents issued in the course of proceedings are not always up to standard. In this regard, the Deputy Ombudsperson stated that court translations are often not up to standards throughout the judiciary.</p>		
Joint Rule of Law Objective no. 7: Improving the responsiveness of Kosovo's rule of law institutions to concerns frequently raised by minorities in relation to public safety, accessibility and openness				
7.1	KP strategic management development: Community policing	<p>1. Which of the measures anticipated in the Community Policing Strategy and Action Plan 2012-2016 has the KP implemented on the strategic so far?</p> <p>Municipal Community Safety Councils (MCSC) as consultative bodies foreseen by Administrative Instructions issued by the Ministry of Internal Affairs and the Ministry of Local Government Administration are established and fully functional in 34 Municipalities (except Mitrovica North, Leposavić/Leposaviq, Zubin Potok and Zvečan/Zvecan), whereas 37 Local Public Safety Committees (LPSC) have been established: 11 in Albanian populated areas; 25 in mixed populated areas (Albanians/Roma/Askali), and one in a Serbian populated area.</p> <p>During January 2014, the KP assisted by OSCE Mission in Kosovo (OMiK) and Community Safety Development Section (CSDS), conduct a bi-annual review of the new Community Policing Strategy and Action Plan (CPS&AP) 2012-2016. The review is used to identify any implementation difficulties in relation to the CPS&AP 2012-2016. As a result the Evaluation Report concerning Community Policing Strategy and Action Plan 2012-2016 was developed and published.</p>		

Compact Action No.	Compact Action Goal	Comments (Progress, Outlook, Issues Raised)
		<p>2. Which of the measures anticipated in the Community Policing Strategy and Action Plan 2012-2016 has the KP implemented on the operational level during this reporting period?</p> <p>During the whole of 2013, these Councils convened 284 times, where the KP attended 95% of these meetings. After the local elections at the end of 2013, which brought about changes in the composition of municipal assemblies and mayoral offices, the MSCS activities restarted in 34 municipalities (except Mitrovica North, Leposavić/Leposaviq, Zubin Potok and Zvečan/Zvecan, with the aim of encouraging municipal officers, KP, and the civil society to work together on local security issues in order to increase the level of security and safety in the communities.</p> <p>3. How many of the community policing concerns raised by the public (in for example MCSCs, LPSC or other relevant forums) have been processed and feedback provided to the relevant forum?</p> <p>Since the beginning of the summer season 2013, a sharp decline in official meetings in the communities has been observed. This applies to both, MCSC and LPSC meetings and other gatherings. The Steering Group for monitoring the Implementation of National Strategy for Community Safety has been visiting Municipalities to revitalize and functionalize the MCSC's, the initiative effectively led to the renewal of hitherto idle MCSC.</p>
<p>Joint Rule of Law Objective no. 8: Strengthening inter-institutional cooperation by sharing intelligence and operational resources as well as strengthening cooperation between prosecution and police</p>		
8.1	Increased capability for joint team work between the KP and the Public Prosecution Offices (PPO)	<p>1. Has the KP Serious and Organized Crime Threat Assessment (SOCTA) been presented to KPC and Regional Chief Prosecutors? If yes, when?</p> <p>So far the KPC has neither addressed this topic in any of its meetings, nor was information on the matter made available by the Chief Prosecutors to the KPC or to the Chief State Prosecutor for KPC discussion. No publication on the issue has been released by KPC or Chief State Prosecutor. However in a recent meeting in 2014 with KP Deputy Director they have agreed to have a joint meeting with Chief Prosecutors and Police Directors within the next 10 days and this issue will be one of the topics.</p> <p>2. Have any national or regional action plans between KP, KPC and Regional Chief Prosecutors been developed on the basis of SOCTA? If yes, have they been communicated to all stakeholders?</p> <p>No, consequently to what outlined in the answer above. It shall however be mentioned that the KPC decided on 21 March 2014 to create a Working Group for selecting the 50 most serious criminal cases throughout Kosovo and make them object of a specific inter-institutional cooperation (from police to Court), in order to prosecute them faster and more efficiently. The working group was composed by representatives from SPRK, PPRU, the Director of SPO's Secretariat, one SPRK EULEX prosecutor and the National Coordinator on Economic Crime among others. EU Office, EULEX, KP and representatives of other Law Enforcement Agencies will also take part in the meetings. The aim is to have all 50 cases allocated to Prosecutors by the end of April 2014 and to report progress on monthly basis. On 24 April, the WG held its last meeting for drafting the "SOP for Selection of Targets of Serious Crimes and Multiagency Investigation Teams". This meeting concluded the drafting stage of the SOP, which has to be sent to the KPC for approval.</p> <p>3. Have KPC, Chief State Prosecutor, Chief Prosecutors and KP analysed whether the relevant SOPs, instructions, regulations, decisions, budget plans or other documents are sufficient for functional Proactive Investigation Teams PITs?</p> <p>On 1 November 2013 the KPC decided to adopt an "Action Plan on Corruption" under the KPC Strategy on Inter-Institutional Cooperation. Two elements of the adopted plan may assist in achieving progress in the development of PITs, at least in relation to "corruption cases". These are:</p> <ul style="list-style-type: none"> • Art 6.8 "Chief Prosecutors shall strive to allocate named prosecutors to an individual case at the earliest appropriate time in accordance with article 69,

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
				<p>paragraph 3 of the Criminal Procedure Code 2012". In essence, this means that Chief Prosecutors should allocate cases to prosecutors at the time when KP request covert measures (this may be before the opening of a formal prosecutor investigation). The early allocation of a specific named prosecutor to a specific KP investigation at this stage will in essence enable a pro-active investigation team of prosecutor with KP to be formed.</p> <ul style="list-style-type: none"> Art 7.1 "Chief Prosecutors of the respective prosecution offices shall organize regular meetings with Kosovo Police, ACA and other law enforcement agencies in order to enhance the coordination and cooperation in the highest possible level. Chief Prosecutors shall discuss with Kosovo Police and, as appropriate other agencies, which cases at pre-investigation stage require early allocation of a named prosecutor prior to the submission of a criminal report." <p>This provision will allow KP Directors (in corruption cases) to request Chief Prosecutors to assign a specific named prosecutor (i.e. not the duty prosecutor) to work with police on early investigation stage. This is an important step for the formation of PITs in corruption investigations.</p> <p>As mentioned in the WG re the draft of the "SOP for Selection of Targets of Serious Crimes and Multiagency Investigation Teams" PITs shall no be left aside in the day to day work, so duplication of efforts can be avoided. Nothing has been decided at KPC or State Prosecution Level on this regard.</p> <p>4. Has the KPC issued a decision or policy on prosecutorial approach to the investigation to the less serious crimes? Is there an agreement on the definition of less serious crimes?</p> <p>No specific decision or policy has been issued by KPC on this topic. There is no agreement as for the definition of less serious crimes other that the one given by the applicable Law.</p> <p>5. Specify the number of direct indictments reported by State Prosecutor/KPC</p> <p>On 26 November 2013 the EULEX KPC Team prepared a report on the filing of "direct/instant indictments" by prosecutors, in order to provide a starting benchmark of the number of direct indictments. This report analyses the statistics of the KPC and assesses to what extent the prosecutors and police are using the "direct/instant indictment" procedure.</p> <p>The statistics show that there was extensive use of "direct/instant indictment" by both the District and Municipal Prosecution Offices during 2012 and by both in the General and Serious Crimes Departments of the BPOs in the first six months of 2013.</p> <p>In general terms this means that prosecutors are proceeding to draft indictments on the basis of "pre-investigations" predominantly done by KP (i.e. in contrast to prosecutor led investigation following a ruling/decision to open a prosecutor investigation). The statistics are not able to provide information as to the extent of prosecutor involvement in or direction of those KP pre-investigations.</p> <p>In serious Crimes Departments, the instant/direct indictment continued to be used. According to the KPC First 6 month of 2013 report, of all cases "solved" during the first six months of 2013, 24% of suspects/defendant's (427 persons) cases were "solved" by way of instant/direct indictment. In the General Crimes Departments, use of the instant/direct indictment increased in the first six months of 2013. Since the summary procedure (which existed under the CPC 2003) was abolished under the CPC 2012, it may be that prosecutors are drafting and filing instant/direct indictments in cases which would have been dealt with by summary indictment.</p> <p>The 2013 Annual Report of the State Prosecutor's Office states that during 2013 Prosecutors of Serious Crime Departments of Basic Prosecution Offices in Kosovo solved criminal reports against 3,943 persons, and 567 (or 14.4% persons) of them were completed through direct indictment. With regards of the criminal reports, 18,834 adult perpetrators were completed and their cases solved, bein 8,640 or 35.7% of persons completed with direct indictment.</p> <p>6. Does the KP keep a record of identified challenges in assuming greater responsibility in relation to less serious crimes as stipulated in the Criminal Procedure Code?</p> <p>The KPC has not address this topic on any of its meetings.</p>

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
		<p>7. Specify the number of joint (KP, KPC, prosecutors) training sessions (and the number of staff trained) on the reinvestigation and investigation stage of Criminal Procedure Code.</p> <p>On 3 September 2013 KPC Advisor attended IPA-AMSCA project Joint Meeting II (stakeholder meeting) regarding support to the Agency for Managing of Sequestered and Confiscated Assets. The meeting was attended by, among others, six Chief Prosecutors, Deputy Chief of SPRK and a representative from the seventh Basic Prosecution Office and from Office of the State Prosecutor as well as the KPC Training Coordinator. Representatives of KP and Kosovo Customs and judges were also present. The main purpose of the meeting was to present findings of the experts' report on legal issues related to confiscation proceedings.</p> <p>7 Joint training on confiscation of proceeds of crime, "Follow-the-Money-Workshops", run by the National Institute for Economic Crime/US Treasury, have been held from October 2013 till February 2014. Judges, prosecutors, police and FIU among others attend these meetings held in Pristina, Gjilan, Vushtrri, Gjakova, Ferizaj and Prizren</p>		<p>8. Specify the number of meetings held and conclusions/actions documented in relation to corruptions in accordance with the KPC Action Plan?</p> <p>On 1 November 2013 at the KPC Meeting, the KPC adopted an Action Plan on Corruption. It requires earlier allocation of cases to prosecutors, encourages Chief Prosecutors to meet with police and other actors (KPC Team had provided some mentoring on this plan). The Anti-Corruption National Coordinator holds regularly Press Conferences to explain the implementation and progresses of the Plan on increasing the effectiveness of the prosecutorial system. The last one was held on 8 May 2014. No information on number of meetings or conclusions/actions documented in relation to corruption as stated in the KPC Action Plan was given.</p> <p>9. Did all six KP regions have a joint meeting with the Regional State Prosecutors Office during this reporting period?</p> <p>State Prosecutor's Office has not referred information on this topic to KPC and has not published it. Have the KP/KPC/State Prosecutor initiated the process of joint review of criminal justice system, including issues of police/prosecutor cooperation? If yes, has there been any proposal for amendments to existing strategies, legal acts, policies, instructions and SOPs/</p> <p>Yes, the process has been initiated under the lead of MoJ and a first draft has been produced.</p> <p>10. Has the implementation of the KPC strategy on inter-institutional cooperation started? If yes, please provide concrete examples.</p> <p>Yes. The Action Plan on increasing the effectiveness of the prosecutorial system on fighting corruption has been elaborated and two reports on the Harmonization of Statistics for characteristic criminal offences have been produced so far.</p>
Joint Rule of Law Objective no. 9: Enhancing the ability of the relevant institutions to deal with outstanding property issues and adjudicate property cases				

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
9.1	Completion of KPA-related mandate			<p>KPCC: The following data refer to the period During the reporting period 1 September 2013 to 20 March 2014. A KPCC session has recently been held and that the office is currently drafting a number of decisions, resolutions, processing guidelines that will be finalized before the end of March 2014.</p> <ol style="list-style-type: none"> 1. How many property disputes within the mandate of the KPCC have been resolved and how many are left? 41, 813 (out of 42, 713 claims in total). A total of 900 (391 contested and 509 uncontested) property disputes remain to be decided 2. How many KPCC sessions have been held and what is the number of claims decided on in KPCC Sessions? During the reporting period there were three KPCC sessions held (25 November - 28 November 2013, 10 March – 13 March 2014 and 28 April – 30 April). A total of 2, 842 claims were decided during these three KPCC Sessions. 3. How many of those claims underwent a thorough quality control before submission to KPCC? The Office of the KPCC conducted a thorough quality control of 2, 919 claims in total during the reporting period 4. What is the number of signed cover decisions drafted relating to agricultural property claims? 6 (six). 5. What is the number of signed cover decisions drafted relating to commercial property claims? 3 (three) 6. What is the number of signed cover decisions drafted relating to residential property claims? 6 (six) 7. What is the number of individual decisions issued on the basis of the finalized cover decisions? A total of 1,773 individual decisions have been issued to parties during the reporting period. 8. What is the number of processed requests to overturn the KPCC decisions? 83 (eighty-three) 9. What is the number of signed Resolutions drafted after the KPCC Sessions? 3 (three) resolutions (Resolution nos. 35, 36 and 37) overturning a total of 81 (eighty-one) claims have been signed and issued during the reporting period. 10. What is the number of issued written Processing Guidelines after the KPCC Sessions? 2 (two) out of a total 38 (thirty –eight) Processing Guidelines were issued during the reporting period. 11. What is the number of updated consolidated Processing Guidelines after the KPCC Sessions? No consolidated Processing Guidelines has been issued during the reporting period.

Compact Action No.	Compact Action Goal	Comments (Progress, Outlook, Issues Raised)		
		<p>KPA Appeals Panel:</p> <p>12. What is the number of resolved appeals against KPCC decisions, which were lodged by individual parties? 471 resolved cases as of 31 December 2013</p> <p>13. What is the number of active appeals lodged against KPCC decisions? 26 as at 30 May 2014</p> <p>14. What is the current state of implementation of the Roadmap for KPA Appeals Panel for transferring of executive responsibilities? The recruitment process for an additional local judge for the second KPA Appeals Panel (foreseen in the Roadmap) is in the final stage and would be completed within one month. At the moment the KPA Appeals Panel/s of the Supreme Court of Kosovo works with four international judges, one assigned local judge and a rotating second local judge from the Supreme Court. Since March 2014, on the basis of a monthly rotating system, a second local judge, out of the pool of judges of the Supreme Court of Kosovo, is designated to the Panel to sit as a panel member. The roster was set by the President of the Supreme Court of Kosovo and it will be in place until June 2014.</p>		
9.2	Enhanced performance of Special Chamber of the Supreme Court	<p>1. List the main results on clearance rates at the SCSC out of the monthly performance evaluation mechanism. Specifically, provide the following data:</p> <p>a. Total number of pending cases before the Court? 11,836 cases (as at April 2014)</p> <p>b. Total number of cases registered for the reporting period? 7,026 (422+534+1067+943+653+767+1,026+1,614). As shown there has been a continuous increase of the backlog during the reporting period.</p> <p>c. Total number of cases closed for the reporting period? 714 (51+74+105+122+111+75+86+90)</p> <p>d. Total case clearance rate at the Court for the reporting period? Case clearance rate is 10.1 %. (714/7,026*100=10.1)</p> <p>2. What is the current state of implementation of the Roadmap for SCSC for transferring on executive responsibilities? The recruitment process for the remaining of two (2) Supreme Court Special Chamber judges is in its final stage. Two judges, out of 11 candidates in total, have been selected and are foreseen to be recruited within two week. This was confirmed by the KJC at the JRCB meeting of 28th May 2014.</p>		

Compact Action No.	Compact Action Goal	Comments (Progress, Outlook, Issues Raised)
9.3	Adjudication of property-related civil cases	<p>1. Describe the main developments occurred in the reporting period in relation to property-related civil cases</p> <p>During the reporting period the EULEX Civil Judges at the Mobile Unit continued to adjudicate on a regular basis the property disputes in their executive mandate - finalizing in a reasonable time civil cases with unreasonable multiple years duration in the Kosovo courts and serious infringements in the fairness of the proceedings, inter-ethnic disputes for properties illegally usurped during the conflict, nullification of void real estate contracts signed based on false authorizations and using other fraudulent schemes in the post-conflict years, determination of compensation for immovable properties expropriated by the Government of Kosovo, post-privatization release of business premises – subject of 99-years Leasehold, contests related to violations of the Special Protective Zones surrounding the Serbian Orthodox Patrimony, litigation between the Municipality of Prishtinë/Priština and the Prizren Apostolic Administration (Diocese of Kosovo) for non-authorized construction in the terrain of the Catholic Cathedral in Prishtinë/Priština, etc.</p> <p>For the first time since EULEX inception, a civil case of the Basic Court of Mitrovicë/Mitrovicë/a was adjudicated by EULEX Civil Judge at the Mobile Unit in North Mitrovicë/a. Regardless of the additional logistical and security measures in the organization of the trial, its conduct in the North is a rather symbolic sign for judicial normalization in an area with limited access to civil justice. It is expected to set a future trend of accessibility to civil proceedings in the North, enabled by EULEX. The dispute has been already resolved in the first instance.</p> <p>On 4th November 2013 the Court of Appeals confirmed the ruling for lifting a temporary security measure rendered by EULEX Civil Judge in the first instance expropriation cases related to the Highway VERMICË-MËRDARE, highly sensitive in its human rights aspects and with broad media coverage. In practical terms, this allowed the demolition of a residential building hindering for months the construction of the highway by building a bridge over the existing Prishtinë/Priština – Mitrovicë/a road which unblocked the realization of this infrastructure project towards Serbia.</p> <p>During the reporting period the EULEX Civil Judges at the Mobile Unit continued to take over property related civil cases in the competence of the regular Kosovo courts based on Article 5 of the Law No. 03/L-053 on Jurisdiction and the Guidelines for civil cases, last endorsed by the 21st Assembly of EULEX Judges. The practical implementation of the system included: forwarding of the taking over requests of parties received by OPEJ to the Mobile Unit, drafting of legal assessments to OPEJ for clearance, conduct for the pre-selected cases of the taking over procedures, assignment of the new cases to the EULEX Civil Judges following internal roster, their registration in case inventory and further adjudication in compliance with the applicable procedural rules. The taking over system was satisfactory in its operation and results with standardized forms and procedures, notifications served within a reasonable time, lack of objections of the parties and the Kosovo Judiciary against the EULEX jurisdiction and a regular influx of new civil cases.</p> <p>During the reporting period the EULEX Civil Judges at the Mobile Unit drafted Information Memorandum with overview of the special enforcement procedure under the HPD/HPCC and KPA/KPCC mandate to identify its formal and practical deficiencies upon re-occupations of once evicted real properties. On this basis, proposals were drafted for legislative changes aimed at rationalization of this special enforcement procedure upon re-evictions and direct access of the property right holders with final HPCC and KPCC decisions to the general civil executive procedure. The target is to provide adequate civil legal instruments to tackle the re-occupation phenomena massively affecting IDPs, by broadening the possibilities for their reinstatement into effective possession. The proposals were in principle reflected in the draft Law on Kosovo Comparison and Verification Agency.</p>

Compact Action No.	Compact Action Goal			Comments (Progress, Outlook, Issues Raised)
		<p>2. How many taken over procedures have been initiated upon requests of parties, Kosovo judiciary or ex officio pre-selection by EULEX Civil Judge? September 2013 – May 2014: 19 taken over procedures were initiated upon requests of parties, Kosovo judiciary or ex officio pre-selection by EULEX Civil Judge at the Mobile Unit.</p>		<p>3. How many taken over procedures have been conducted by PAEJ through rulings for written statements served to the parties or taking over hearings? September 2013 – May 2014: 19 taking over procedures were conducted through rulings for written statements served to the parties</p> <p>4. How many taken over procedures have been finalized by rulings of PAEJ for assignment or non-assignment of civil cases to EULEX? September 2013 – May 2014: 19 taking over procedures were finalized by PAEJ or his Delegate through rulings for assignment and non-assignment of civil cases.</p> <p>5. How many rulings for allocation of the taken over cases to EULEX Civil Judges following an internal roster have been drafted? September 2013 – May 2014: rulings for allocation of 14 civil cases to EULEX Judges were issued at the Mobile Unit following internal roster.</p> <p>6. How many property-related civil cases have been newly taken over during the reporting period September 2013 – May 2014: 14 property-related civil cases were newly taken over during the reporting period.</p> <p>7. How many property-related civil cases have been finished at first instance level, and how many at appellate court level? September 2013 – March 2014, in total 23 property-related civil cases were finished, including 20 at first Instance level, and 3 at appellate level.</p> <p>8. How many property-related civil cases are currently pending for adjudication in EULEX executive mandate? On 30 May 2014, 17 property-related civil cases remain pending in the EULEX executive mandate.</p> <p>9. How many civil complaints with taken over requests have been referred by OPEJ to the Mobile Unit for legal assessments? During September 2013 – May 2014, 44 civil complaints with taken over requests were referred by OPEJ to the Judges Mobile Unit for legal assessments</p> <p>10. How many legal assessments were produced upon complaints registered? During September 2013 – May 2014, 31 legal assessments were produced upon complaints registered</p>

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Joint Rule of Law Objective no. 10: Further developing the Kosovo witness protection scheme				
10.1	Support to the development of a witness protection scheme in Kosovo			<p>1. Is the Witness Protection Directorate (WPD) prepared to organise the execution of the necessary witness protection programmes 24/7? If yes, provide an example. If no, why not?</p> <p>On 01 March 2014 the Director of the Witness Protection Directorate stated that the Kosovo Police Witness Protection Directorate was ready for the full handling of witnesses, provided managerial and technical assistance would be given by EULEX and WINPRO II during the foreseen transition period.</p> <p>2. Does the WPD have in place the required functionalities, financial resources, equipment and transport modalities?</p> <p>The Joint Rule of Law Coordination Board (JRCB) Roadmap for the development of a Kosovo Witness Protection Scheme was endorsed and is currently being implemented. In this regard several significant progress can be noted against the JRCB Roadmap as follows:</p> <ul style="list-style-type: none"> – In terms of recruitment: KP has employed 8 witness protection officers in December 2013 and January 2014, bringing the total staff up to 13. In-house training was given to 3 officers in January 2014. According to MoIA, this number of staff should ‘indeed’ be sufficient for functioning of the Directorate. – Concerning training and program development: Some witness protection officers have attended regional training in the Balkans as well as in other European countries. – Concerning Transport: The KP Director has donated 3 used vehicles to the KPWPD. WINPRO II has promised to donate 2 four-by-four vehicles and 1 van. KP has promised to take responsibility for maintenance after expiration of the three year warranty on the new vehicles. – In terms of Equipment: according to WINPRO II, technical specifications for the encrypted video-conference software were finalized, agreed and signed off by the parties in late March 2014. A closed tender procedure will be used for the purchase of this equipment, which is expected to be completed during the 4th quarter of 2014. – Three seminars and one regional conference have been organized in 2014, contributing to the capacity building of the Department. <p>3. Is the WPD fully operational?</p> <p>Necessary administrative instructions have been prepared and Memoranda of Understandings with relevant state authorities, as well as with some partner countries, have been signed. Further work is ongoing to create the necessary preconditions for the KPWPD to begin taking on cases, with the assistance of EULEX and WINPRO II during the foreseen transitional period.</p> <p>4. Which steps have been undertaken to ensure an enhanced inter-agency and international cooperation/collaboration for witness protection in Kosovo? What is the current total of inter-institutional and international cooperation agreements for the purposes of WSD?</p> <p>The required internal administrative regulatory-framework, containing all essential sub-legal acts and administrative instructions was approved and had entered into force. This included amongst other all SOPs; the SOPs consist of one comprehensive SOP and additional 13 SOPs regulating technical and administrative issues.</p> <p>Two draft agreements on cooperation on witness protection (with the KCS and the Ministry of Education) are about to be finalized. This process was previously delayed but is now moving ahead as planned.</p>

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		<p>Contacts with other relevant institutions – such as the Border Police for the transferring of witnesses abroad – have been secured.</p> <p>5. Which steps are being taken to ensure a higher understanding of witness protection among Kosovo judges and prosecutors? No information available.</p>
Joint Rule of Law Objective no. 11: 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		
11.1	Support to Kosovo international legal cooperation	<p>1. Has the MoJ allocated to the Department for International Legal Cooperation (DILC) the necessary funds according to the DILC needs assessment? The approved budget for DILC covers wages and salaries, goods and services. The budget has increased in comparison with previous years, given the growing number of MLA requests. In order to ensure more adequate functioning of the DILC, mail and logistics could be outsourced particularly when dealing with urgent requests. There is also a dire need for translators; their numbers will be increased, as a recruitment process is currently ongoing for one translator for English and one for Serbian.</p> <p>2. How many training sessions were organized for DILC staff during the reporting period? How many staff attended the training out of the total number of staff? The Twinning project organised one training occasion for the DILC staff on national and European criminal record system, as well as a study visit to the Federal Office of Justice in Bonn. 9 other trainings were organised for judges and prosecutors, including the focal points for international legal cooperation.</p> <p>3. Does the DILC have sufficient number of staff to address the workload? MoJ in its Strategic Development Plan for 2011-2015, has identified the development of professional capacities for the effective functioning of the scope of the Ministry of Justice, as one of the key strategic objectives. Based on the needs of professional capacity and quality, and based on the recommendations of the functional review, a more efficient organizational structure for the DILC was created in October 2012, which included the establishment of two Divisions: Division for International Judicial Cooperation in criminal and civil matters, which besides the head of Division has seven officials, and the Division for Drafting and Negotiating Bilateral Agreements, which besides the head of Division has one official. Currently, there are two vacant positions, their recruitment being in process.</p> <p>4. How many bilateral agreements were concluded with states that have recognised Kosovo? Agreements on international legal cooperation can be grouped in two categories: the undertaking of previous agreements of SFRY, and the agreements concluded with states that have recognized Kosovo. The table in annex lists in alphabetical order both categories of agreements. Germany and Kosovo, have agreed on a multi-card agreement in the area of extradition, judicial cooperation in criminal matters, and transfer of sentenced persons, and we are expecting signing the agreements. A bilateral Agreement on International Legal Cooperation in Civil Matters is currently being negotiated with fYRoM; LCU experts supported DILC in the preparation of the draft.</p> <p>5. With how many non-recognising states did Kosovo develop a mechanism for international legal cooperation? As for the countries that have not recognized Kosovo, the Ministry of Justice and the European Union Rule of Law Mission in Kosovo signed on 12 August</p>

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				<p>2011 a Technical Arrangement on Mutual Legal Assistance, which has proved to be an effective legal mechanism facilitating the exchange of MLA requests between Kosovo and non-recognizing States. So far, the mechanism has been used to cooperate with Bosnia and Herzegovina, Greece, Israel, Slovak Republic, Romania, Vietnam and Ukraine.</p> <p>With regard to Serbia, an agreement on a procedure for general requests for mutual legal assistance between Kosovo and Serbia was reached within the context of the technical dialogue on the implementation of the IBM Protocol. Following a letter by the Chair of the IBM Protocol implementation working group dated 19 March 2013 the new procedure entered into force and is to be facilitated by EULEX. Since January 2014, cooperation between Serbia and Kosovo via EULEX has become functional.</p> <p>The MOJ introduced a new policy with regard to MLA requests from Serbia where the presence of the prosecutor at their execution is also sought. The MOJ decided that such requests need to also have the approval of the Ministry of Internal Affairs.</p> <p>6. Specify the number of multilateral agreements researched by DILC and proposed to MOJ/Ministry of Foreign Affairs in preparation for Kosovo's accession to the agreement in the field of international legal cooperation?</p> <p>None in respect of CoE conventions. However efforts are underway to establish forms of cooperation with the Hague Conference on Private International Law (which adopted many of the existing conventions on judicial cooperation in civil matters).</p> <p>7. Please specify the number of requests for international legal cooperation processed:</p> <p>In January 2014, a new database for the registration of MLA requests was introduced at the DILC. As opposed to the previous database used by the DILC, the new database allows for accurate and more detailed statistics to be produced. Hence, data cannot be provided for the period before January 2014. Since January 2014 to date, Kosovo has sent 888 requests from courts and prosecution offices in Kosovo to other countries and 625 responses from courts and prosecution offices to requests received from other countries. On the other hand, 764 requests have been received by Kosovo from other countries (and further transmitted to courts and prosecution offices in Kosovo for execution), as well as 768 responses to requests sent to other countries by courts and prosecution offices in Kosovo.</p> <p>There is no available data yet regarding the number of requests transmitted via the MFA; the DILC has yet to start entering such information in the database on a regular basis.</p> <p>8. Does the DILC maintain data on how long does it take to process requests for international legal cooperation? If yes, is it possible to deduce the average time of processing? If yes, please specify the average time</p> <p>In principle, the new DILC database is able to provide information on the time needed for requests to be processed at the DILC; however the DILC is still getting accustomed to the use of the database and has not been able yet to provide the information requested. To be noted that in certain cases, the time of processing at DILC is delayed due to limited translation capacities. Transmission of requests and responses is always delayed by months in all cases where transmission is done via diplomatic channels (MFA/Kosovo embassies). Execution of more substantial requests (i.e. requests other than simple services of documents) by courts and prosecution offices in Kosovo often takes several months, in spite of repeated reminders sent by the DILC and the requesting states.</p> <p>9. Does the DILC have established procedures for cooperation with MFA, courts, prosecution offices and police within the field of international legal cooperation? If not, are they needed?</p> <p>The DILC has managed to keep its good level of cooperation in the field of international legal cooperation with courts, prosecution offices, and the International Law Enforcement Cooperation Unit (ILECU), General Directorate of Kosovo Police.</p>

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		<p>In an effort to strengthen the cooperation with the Prosecution Offices in February 2013 the KPC has appointed seven focal points (one for each Basic Prosecution office in Kosovo) responsible for addressing cases related to international legal cooperation in criminal matters and admitted through the competent prosecution. In addition, the Kosovo Judicial Council, with its decision KGJK Nr.74/2013, dated 10 June 2013, has appointed seven focal points for international legal assistance at the level of the Basic Courts, who will exercise the duties and responsibilities in accordance with legal provisions.</p> <p>10. Has DILC developed appropriate primary and/or secondary legislation with regard to the field of legal cooperation? A new Law on International Legal Cooperation in Criminal Matters, Law Nr. 04/L-31 has entered into force. Currently, the LCU and Twinning project experts are assisting the DILC in the preparation of guidelines, manuals and other tools to be used in matters related to international legal cooperation.</p>
<p>Joint Rule of Law Objective no. 12: Implementing the agreements reached so far 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</p>		
12.1	Civil Registry	<p>1. What progress has been made in the implementation of the Civil Registry Books (CRB) Project? How many certified copies of CRBs have been handed over to the Civil Registration Agency? The copying and certifying of civil registry book in Serbia, agreed in the EU-facilitated dialogue and being a joint endeavour by EULEX, the EU Office (with its contractor Danish Refugee Council), ended successfully on 31 March 2014. In total, 12,391 civil and religious registry books of birth, marriage and death, covering 22 Kosovo Municipalities, were copied, certified and handed over to the Kosovo Civil Registration Agency.</p> <p>2. How many meetings of the Joint Committee on Civil Registry have taken place? During its last phase, the project ran into several challenges. In several cases, Belgrade refused to allow the copying and certifying of duplicate books, where originals had been lost. Also, they requested a full list of copied books from Pristina, which ran against the spirit of the dialogue agreements. Several Joint Committee meetings between the three parties (EULEX, Kosovo and Serbia) did not bring about a solution.</p> <p>In spite of EULEX trying to meet Serbian delegation separately on CRBs, the issue did not move forward. According to the Serbian side, the request was not in line with the agreement and there was a need of a new document stipulating both Kosovo requests for duplicated books and Serbian requests for the CRB in the territory of Kosovo.</p> <p>3. Have the certified copies of the CRBs been processed so they contribute to the establishment of a fully reliable civil registry ion Kosovo? In compliance with its responsibilities EULEX, through the Joint Committee meetings on civil registry, was pushing and encouraging the CRA to continue with the second phase of digitalizing the civil registry books. It includes data entry and establishment of full link for feeding up the Central Civil Status System (CCSS) with data from the existing original, duplicate, reconstructed and certified registry books. Kosovo authorities still have to organize the work of the new Civil Registry Agency in practice and to digitalize the CRBs in order to establish a sustainable and reliable civil status system which is a key factor in the visa liberalization process and ultimately the rule of law in Kosovo. The MMA activities of EULEX are geared toward implementing the constant and regular use of certified copies in order to strengthen the civil registry system in Kosovo through the achievement of reliable record keeping and the establishment of correct and secure personal data of citizens. In this regard EULEX has started conducting field visits to the municipalities that have received certified copies of the civil registry books kept in Serbia. These visits will</p>

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		assess the utilization of certified copies in the daily activities of the municipal civil status offices and as outcome of the visits CRA will know the areas requiring strengthening of its policies and procedures.
12.2	Freedom of movement agreement in the context of the Dialogue	<p>1. What progress has been made in the implementation of the agreed conclusions of July 2011 on Freedom of Movement (FoM) since the last CTM? What is the status of insurance offices due to be set up at the northern gates?</p> <p>GATES 1 and 31: Containers for insurance offices are installed and equipped at both on the Kosovo side, but still not used. So far there is no insurance office set up on the Serbian side; Serbian counterparts stated that containers are available and will be installed as soon as an agreement on the matter is reached.</p> <p><i>Memorandum of understanding between insurance companies</i></p> <p>Negotiations between representatives from insurance companies belonging to both countries are still ongoing. Several rounds of talks took place in February 2014 in order to sign a Memorandum of Understanding based on the model of what Kosovo previously has signed with FYROM. Another meeting will probably take place in March in order to sign it.</p> <p>The main points listed in this agreement are:</p> <ul style="list-style-type: none"> i) The creation of a specific yellow card system in order to cross BCPs has been abandoned. The Motor Third Party Liability (MTPL) produced and issued by insurance companies will be used. ii) An agreement on handling and claims indemnification iii) The establishment of a guarantee/deposit fund iv) The creation of an implementation committee <p>During the round of negotiations on 20 February 2014, proposals have been presented by both delegations in relation to the police reports on accidents; the mention of Kosovo in the MTPL issued by Serbian insurance companies and agreements supposed to be signed by both countries with the Council of Bureau at Brussels. Based on comments provided by both parties a final consensus should be reached during the talks scheduled at Brussels in March 2014.</p> <p>Negotiations between representatives from insurance companies belonging to both countries are still ongoing. Several rounds of talks took place in February 2014 in order to sign a memorandum of understanding based on the model of what Kosovo previously signed with FYROM. Other meetings have been foreseen in order to sign it.</p> <p>On 22 May 2014 a meeting took place at Brussels gathering EU representatives, the Kosovo delegation and members of the Council of Bureaux (COB). Discussions focused mainly on an agreement on financial guarantee as if Kosovo was a transitional member even if COB transitional membership is per se not (yet) on the table. The Kosovo delegation seems to also have agreed on a separate process for past claims that will not constitute a pre-condition for signing the MoU. In addition and in case of accident, a presence of a Kosovo Serbian officer for the police report within a radius of 50 km from the border has been accepted.</p> <p>Both delegations are now supposed to forward all their comments related to the memorandum of understanding prior to next meeting at Brussels and during which a signature of the MoU is expected. Such a meeting may take place mid of June 2014.</p>

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				<p data-bbox="622 411 2085 467">2. How many ex - FRY or Serbian plated vehicles registered between 10 June 1999 and 31 October 2011 have been re-registered with KS or RKS plates up to date?</p> <p data-bbox="577 472 2085 528">As of 28 February 2014, a total of 10,576 ex -FRY or Serbian plated vehicles registered between 10 June 1999 and 31 October 2011 have been re-registered with KS or RKS plates.</p> <p data-bbox="577 533 2085 588">As of 1 June 2012, 3,252 vehicles were registered / extended with KS plates and 5,161 registered with RKS plates, for a total of 8,413 ex/FRY/Serbian or KS plates have been extended /exchanged to KS or RKS plates.</p> <p data-bbox="577 593 2085 676">After 1 June 2012 all requests for exchange of VR plates from ex-FRY/Serbian by 31 October 2011 were processed under a verification procedure. The total number of vehicle registration requests/applications for RKS or KS plates, received after the 1st of June 2012 from the owners of vehicles having ex-Yugoslav/Serbian registration plates registered in Kosovo between 10 June 1999 and 31 October 2011 is 2,163.)</p> <p data-bbox="577 681 2085 737">Until the files are verified through the Interpol channel at the NCB (National Contact Bureau) in Belgrade the Commission established by MoIA will be blocked, since no feedback was received on those cases from Serbia.</p> <p data-bbox="622 780 1928 807">3. How many ex-FRY or Serbian plated vehicles registered after June 2012 have been re-registered with KS or RKS plates up to date?</p> <p data-bbox="577 812 1767 839">From 1 June 2012 to 28 February 2014: 2,163 applications have been received (the same amount as on 28 February 2013).</p> <p data-bbox="577 844 2085 1011">Since the expiry date of the temporary license plates was approaching and there was no feedback from Serbian authorities (which are part of the verification process), the MoIA in Pristina issued decision 290/2013 of 25 June 2013, for the extension of the validity of temporary license plates related to the VRDs waiting for verification: "All vehicles which have been supplied with temporary registration plates according to the Administrative Instruction no.38/2012 on the Registration of Vehicles from former FRY plates to temporary plates of the Republic of Kosovo are allowed to extend the temporary registration for an additional year, starting from the expiry date of registration of the vehicle with temporary plates. The new deadline will expire in June 2014.</p> <p data-bbox="577 1016 2085 1072">As of 1 May 2014 there are 269098 vehicles with RKS plates in circulation throughout Kosovo including the temporary plates and 4755 vehicles with KS plates. In the northern municipalities 502 vehicles were registered, from them 445 with RKS and 57 with KS plates.</p> <p data-bbox="622 1102 1563 1129">4. Please provide details on the implementation of the agreements on FOM when it comes to:</p> <p data-bbox="663 1145 1417 1173">A. Entry/exit documents and the 15-day-limitation on entry/exit document</p> <p data-bbox="577 1177 2085 1233">Kosovo citizens travelling with their ID card to Serbia receive an entry-/exit document from the Serbian Border Police. However, the document only allows for a stay limited to 15 days.</p> <p data-bbox="577 1265 2085 1404"><i>Entry/exit documents:</i> Kosovo Border Police re-started issuing the entry/exit documents as agreed in the Freedom of Movement. It was revealed that the form being used is containing a language which cannot be considered as "neutral" as it is using terms like: "Republic of Kosovo", "Nationality" and "Border Crossing Points". In a conversation with the Head of KBP he insisted that the form they are using would not be in conflict with the FoM and the operational conclusions which they are using as a reference. He even claimed that the FoM had never been signed, until he was presented with letter sent to Edita Tahiri from the EEAS in Brussels. Pointing at the footnote to paragraph 3 of the said document HoKBP asked for interpretation of "neutral</p>

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				<p>language” from EEAS in Brussels. After having flagged this issue, it was taken to the IG level and a one-sided decision was made by Pristina representatives in Brussels on 18 March 2014 to stop issuing the entry/exit documents. KBP has given respective orders to all Border Crossing Points in the east. The Belgrade side continues to issue the documents for Kosovars entering with their ID card to Serbia, although Pristina side hopes for a positive reciprocity in that regards.</p> <p>The info had been shared with BBDN, who on their side found out that this order had not been followed in the north. EULEX have been informed that the forms are still used at the gates 1 and 31. After receiving a copy of these forms EULEX/Border Management Department realized that they contain neutral terminology. That was in contrast with what we had been told by HoKBP, who claimed that KBP had never been using other forms as the recently revealed ones which contained non-neutral language. That proves that at the beginning the KBP must have had the agreed format and that at a certain point the forms had been changed against the Brussels-agreed format.</p> <p><i>15-day-limitation on entry/exit document:</i> Kosovo citizens travelling with their ID card to Serbia receive an entry-/exit document from the Serbian Border Police. However, the document only allows for a stay limited to 15 days. The legal basis is the above mentioned Regulation on Cross Control of Administrative Line towards Autonomous Province Kosovo and Metohija. Since this law came into force after the FoM agreement, it has been recommended to discuss that matter at the next Implementation Group Meeting.</p> <p>B. Handover to the Serbian authorities of the new Civil Status Certificates and electronic ID card samples.</p> <p>During the second week of December 2013, Kosovo Border Police (KBP) asked EULEX to facilitate the official handover of samples of 1) new Kosovo biometric ID card 2) new Kosovo birth certificate and the extract from the central register of civil status to the Serbian authorities. EULEX staff handed over the above mentioned copies of samples, and the KBP decided to officially provide themselves as well the samples of documents to the Serbian authorities. Following some conflicting information on the acceptance of the biometric Kosovo ID (Serbian Police at BCPs Merdare, Mutivode and Depce accepted the new documents whereas BCP Konculj did not, pending clarification from their supervisory levels), it has been understood that the Serbian Police received a verbal order not to accept neither the Kosovo eID nor the new “extract” certificate. The written order is expected soon. The issue will be discussed on the next round of Regional Level Meetings by D/HoBMD in order to seek for clarification/explanation. If the Serbian institutions will refuse these documents, it may cause major disturbances at the BCPs again.</p> <p>Decisions taken during last talks in Brussels:</p> <p>In January and February 2014, several meetings took place at Brussels in order to mainly solve three issues: The new Biometric ID card produced and issued by Kosovo, the question of birth extracts versus birth certificates and the signature of an MOU between Serbia and Kosovo to produce and issue an insurance recognized by both parties and specifically used, but not limited to, at the northern gates.</p> <p>C. Biometric ID cards</p> <p>It was reported that the Serbian authorities refused to accept the new Kosovo biometric ID-cards at the BCP while traveling through Serbia. The Kosovo MoIA started with issuing these new biometric ID card to citizens on 9th of December 2013.</p> <p>In January and February 2014, meetings took place in Brussels and among other topics the decision by Serbia not to accept the new Biometric ID-card produced and issued by Kosovo was discussed. After exchanging the specimen and a clear explanation of security features contained in the new biometric ID card, Belgrade and Pristina agreed that Kosovo citizens can use the new biometric ID-cards issued by Kosovo in order to enter and travel in the territory of Serbia.</p> <p>After exchanging the specimen and a clear explanation of security features contained in the new biometric ID card, the decision has</p>

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		<p>been taken and agreed by both parties to continue using this biometric-ID card by Kosovo citizens in order to enter and travel in the territory of Serbia.</p> <p>D. Birth Certificates versus Birth Extracts</p> <p>Both documents were used to enter in Serbia for the same purpose. An agreement has been reached during the second round of talks at Brussels in January 2014 that only birth certificates will be from now on used at the BCPs in order to fill requirements requested to produce an entry/exit document.</p>
12.3	IBM agreement in the context of the Dialogue	<p>1. Which decisions of the implementation Group, deriving from the Technical Protocol for IBM implementation, were implemented, and to what extent?</p> <p>In line with the agreement on the IBM (Integrated Border Management), the six temporary crossing points continue to be operated without major problems. The Border Management System (BMS) is fully functional at the CPs. EULEX continues to play an active role in the implementation of the Technical Protocol on IBM, with Mission personnel presence at all six co-located CPs on a 24/7 basis. EULEX continues to play an active role in the implementation of the Technical Protocol on IBM, with Mission personnel presence at all six co-located CPs on a 24/7 basis. Proposals for the construction of permanent CP were made at the IBM Agreement Implementation Group (IG) meeting held on 20 November 2013 and endorsed by the Prime Ministers of Kosovo and Serbia in December 2013. Following bilateral meetings held with both Parties (Pristina and Belgrade) to discuss the permanent locations of the CP led to agree that proposed plans for the permanent location of each of the six CPs will be presented to both Parties: the drawings were finalized by the contractor (SAGEFE International Engineering Consultants) and presented to the parties for comments. An agreement was reached on the geographic locations of the six permanent CPs.</p> <p>In November 2013 the exchange of information between the two Customs Administrations', using the SEED (Systematic Electronic Exchange of Data) system started; further to the meeting held in March with Directorate General (DG) Enlargement to discuss continued European Commission (EC) support for the SEED Project, both as a whole but most importantly with regard to the Dialogue and the Technical Protocol for the Implementation of IBM, DG Enlargement has stated that, subject to final approval, continued support to the SEED Project will be secured post the end of the current maintenance contract in mid-June 2014. This continued support will ensure the sustainability of the SEED Link between the two Customs Services of Kosovo and Serbia.</p> <p>In December 2013 the collection of revenue by Kosovo Customs (KC) was successfully introduced at CPs Jarinjë/Jarinje and Bërnjak/Brnjak. Both processes have hitherto progressed without major hindrances. With respect to the revenue collection, as of February all excise goods from Serbia can enter Kosovo through any of the CPs that are open for commercial traffic, this solving an issue raised detected at several of the gates at stake. In May 2014 the re-introduction of the licensing regime at the northern CPs came into force - the new licensing regime will be applied to all imports coming through CPs Jarinjë/Jarinje and Bërnjak/Brnjak . A number of activities involving procedures has been successfully agreed and implemented, particularly the easing of traffic procedures during holiday periods.</p> <p>2. Have the regular local, regional, central and Technical Working Groups joint meetings taking place?</p> <p>Cooperation between the two sets of authorities continues to be very positive at Local and Regional Level and the CPs are operating well in the spirit of IBM. Tripartite Local Meetings, facilitated by EULEX, continue to be held on a weekly basis (alternating from one side of the CP to the other). Regional meetings for all 6 CPs, continue to be held on a monthly basis.</p> <p>The first Central Level meeting was successfully hosted by the Pristina Party on 15 May 2014 and held in EULEX HQ. Both Parties made constructive contributions and cooperation was once again very professional. All Parties agrees that the CPs were being operated in a spirit of good cooperation and</p>

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		each side was committed to further developing this positive process.		
12.4	Cadastral disputes	<p data-bbox="622 391 2089 443">1. What is the progress in the implementation of Agreed Conclusions on Cadastral Disputes in the Context of the EU Facilitated Dialogue? What is the statute in preparing the relevant draft legislation by the Kosovo Government?</p> <p data-bbox="577 451 2089 592">The draft law on Kosovo Comparison and Verification Agency has been endorsed by the Government in December 2013, and approved by the Kosovo Assembly Committee for Legislation and Judicial matters in March 2014. Elections held in June 2014 did not allow for a final reading of the draft, the legislative procedure will therefore be taken over by the newly elected Assembly. The draft law endorsed by the Government did not however include EULEX proposals on the issue: further discussion shall hopefully lead to consider suggestions. As previously reported, any progress in the field of cadastral disputes depends largely, if not exclusively, on the approval of the law and the setup of the KPCVA.</p> <p data-bbox="622 628 1637 651">2. What actions is the Government of Kosovo taking in the process of dealing with cadastral disputes?</p> <p data-bbox="577 659 2089 711">As mentioned above, any progress in the field of cadastral disputes depends largely, if not exclusively, on the approval of the law and the setup of the KPCVA. Apart from approving the draft Law, the Government has limited options to do anything else in this regard.</p> <p data-bbox="622 748 2089 801">3. In case the Kosovo Property Claims Court (KPCC) will get involved in the cadastral record verification process, are there adequate measures in relation to staffing and equipment being undertaken so to be able to manage the additional caseload?</p> <p data-bbox="577 809 2089 916">In case the Kosovo Property Agency (KPA) continues to receive funding from donors as has been the case up to date, then 'yes'. In case the KPA has to function only with the budget received from the Kosovo Government, then a concern is that many qualified lawyers currently working for the KPA/KPCC might leave the KPA. In that case it is doubtful whether qualitative results can be produced. Everything depends on funds available to the KPA. 50% of the salaries etc. were provided by donors who contributed to better motivation and quality of the work, as well as a higher number of employees.</p>		