



Progress or regress?

Assessing Kosovo's performance across 2021-2023 EC
Country Reports

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Introduction

European Commission, via Country Reports, annually assesses Kosovo and other Western Balkan countries on **the preparedness to join the EU** as well as **the level of progress made towards that end**. The report assesses these components by two grading systems. First, it assesses the **country's preparedness to adopt the obligations of EU membership** according to the following grading: (1) early stage; (2) some level of preparation; (3) moderately prepared; (4) good level of preparation; (5) well advanced. Second, it assesses the **country's annual progress in adopting obligations of EU membership** is assessed according to the following grading: (0) backsliding; (1) no progress; (2) limited progress; (3) some progress; (4) good progress; (5) very good progress.

The 2023 report assessed Kosovo to have some level of preparation to adopt the obligations of EU membership. In comparison to 2022, Kosovo advanced for 0.1 point towards being more prepared for EU membership.¹ This was the first time Kosovo moved positively towards being more prepared for EU membership since 2019.²

Given the reports are published annually, they allow for assessing the progress or regress countries make through years. This report takes stock on the assessments that EU Country Reports published for Kosovo during 2021-2023 period and reflects the view of GLPS, focusing on areas pertaining to its programmatic areas.

A primary goal that EU Country Report serves is to track progress and preparedness towards joining EU, through this report GLPS aims to evaluate the performance of Kosovo during 2021-2023. On a general level, the report evaluates the areas where there has been progress during this period, as well as the stagnation and regress. In particular, the report tackles areas that correspond to GLPS's programmatic areas: democracy, rule of law, public administration reform, Kosovo-Serbia dialogue and the European agenda. More precisely, the **first section** of this report covers the assessment on 'Functioning of Democratic Institutions' which includes elections, parliament, governance and civil society. The **second section** covers 'Public Administration and Procurement' followed by the third section on Public Procurement. The **fourth section** covers the Judiciary and Fundamental Rights, Justice Freedom and Security, including sections on fight against corruption and freedom of expression. Lastly, **the fifth section** focuses on the process of 'Normalization of Relations between Kosovo and Serbia' and the European Agenda.

Executive Summary

In 2021 Kosovo had a major shift in its political scene given the voters elected Lëvizja Vetëvendosje (LVV) in power for the first time. LVV has come into power promising to undertake a set of reform processes.³ Some of those processes, including those in the rule of law sector as well as public administration that were initiated or are in the process of implementation.

On a positive note, the 2023 report confirms the entry into force of visa liberalization from January 1, 2024 and also underlines that Kosovo continues to fulfill all commitments while progress was also noted in the European Reform Agenda. Moreover, the 2023 report also takes note of Kosovo submitting the application for EU membership in December 2022. The report stresses the fact that 2023 has been characterized by political stability in Kosovo. Further, the 2023 report noted that the current LVV majority in the parliament has enabled the Government to put forward an ambitious agenda of European reforms (ERA). Nevertheless, the existence of necessary majority has not translated in successful implementation of the legislative agenda, as political polarization has prevailed. This has been worsened by the boycott of Serb MPs as it blocks the approval of vital legislation.⁴

First, the evaluation of the **level of commitment to EU membership obligations** noted a nuanced assessment characterized by varying degrees of progress, regress, and stagnation.

1 This has been noted also on the EPIK Institute report. EU Kosovo` Scoreboard 2023.

2 Ibid Radio Free Europe. March 2021. "Plani i Albin Kurtit" Accessible at: <https://www.evropaelire.org/a/plani-i-albin-kurit-/31103737.html>

3 Radio Free Europe. March 2021. "Plani i Albin Kurtit" Accessible at: <https://www.evropaelire.org/a/plani-i-albin-kurit-/31103737.html>

4 European Commission Kosovo 2023 Report. Page 7. Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%20report_0.pdf

Compared to 2022, in 2023 **Kosovo is assessed to have made progress** -from some or limited progress to good progress- in only three chapters: a) energy; b) enterprise and industrial policy; and c) science and research. While not explicitly using the terms “progress” or “no progress”, the report positively assesses the electoral reform due to the approval of two important laws. The report acknowledges the progress in the agenda of European reforms.

According to the report, **regress is evident in several chapters**, meaning that the assessment has downgraded -from some progress to limited progress; or from limited progress to no progress. The areas whereby regress has been noted include a) public administration reform; b) functioning of judiciary; c) fight against corruption; d) justice freedom and security; e) financial control; f) freedom of movement of workers; g) company law; h) competition law; i) financial services; j) transport policy and k) food safety, veterinary and phytosanitary policy.

Throughout 2021-2023 period, **stagnation has been noted** in various areas, with the same level of assessment maintained consistently. These areas include: a) judiciary and fundamental rights; b) fight against organized crime; c) the capacity to cope with competitive pressure and market forces within the union; d) customer and health protection; e) environment and climate change; f) agriculture and rural development and g) fisheries and aquaculture.

Table 1. Level of preparedness to join the EU

some level and moderate level of preparation	less prepared
Chapter 2.1.2 Public Administration Reform;	Chapter 28. Consumer and health protection
Chapter 2.2.1 Judiciary and Fundamental Rights;	Chapter 19. Social policy and employment
Chapter 2.3.1. The existence of a functioning market economy;	Chapter 25. Science and research
Chapter 2.4. Public Procurement, Statistics, Financial Control;	Chapter 14. Transport policy
Cluster 2. Internal Market excluding Chapter 28. Consumer and health protection;	Chapter 27. Environment and climate change
Cluster 3. Competitiveness and Inclusive Growth excluding 19. Social policy and employment and	Chapter 13. Fisheries and aquaculture
Chapter 15. Energy	Chapter 22. Regional policy and coordination of structural instruments
Chapter 16. Trans-European Networks;	Chapter 30. External relations
Chapter 11. Agriculture and rural development and	
Chapter 12. Food safety, veterinary and phytosanitary policy.	
Chapter 29. Customs Union	

1. The Fundamentals of the Accession Process: Functioning of Democratic Institutions and Public Administration Reform and Democracy

— Elections

In 2021⁵ and 2022⁶ reports, the electoral process is assessed to have long-standing weaknesses throughout the electoral cycle. Hence, Kosovo was recommended to comprehensively and effectively address the recommendations of multiple EU election observation and expert missions given almost all prior EU recommendations remained unaddressed. Specifically, the 2021 report highlighted the necessity to strengthen the legal and institutional framework on campaigns and political party financing.

Different from the two previous reports, the 2023 report positively assesses Kosovo in this section. It **notes important progress** with electoral reform due to the adoption of the Law on Financing of Political Parties and the Law on General Elections.⁷ Moreover, the report notes that “the new legal framework addresses longstanding recommendations of successive EU Election Observation Missions.” Despite the positive assessment, the report underlines that Kosovo needs to adapt the new law on the Independent Media Commission. Also, it specifies the importance of implementing the new legal framework by the Central Election Commission (CEC) well in advance of the next general election. The report underlines that the CEC needs more financial and human resources in order to be able to successfully deliver additional tasks or obligations stemming from new legal framework.

The 2022 report stated that “the new electoral legislation should contain safeguards that limit political interference in the electoral process”. Although the same issue prevails, the 2023 report does not touch upon this issue. Civil society organisations, including GLPS, have assessed that the new Law on General Elections does not address the need for an electoral reform. Moreover, the content of this law, apart from the ‘cosmetic’ part, does not address many of the substantive deficiencies of the system and in some cases, it only deteriorates them.⁸ More precisely, concerns have been raised that the new Law on General Elections can produce situations whereby individuals convicted of criminal offenses with less than one year of imprisonment, probation or fines⁹ can be part of the lists of candidates and can be elected as MPs in the Assembly of Kosovo, municipal assemblies or as mayors. On the other hand, the new law allows for politicization of the position of the Chairman and members of the CEC. This would harm the credibility and image of this independent institution, especially given the members’ dismissal for violation of integrity can only be possible with the approval of 2/3 of Memberships.¹⁰

As per local elections in the northern part of Kosovo, this report and the international community have assessed that elections held on April 23 were organized according to the existing legal framework, and in a democratic manner. Nevertheless, only 3.47% of voters participated in the elections, even with the extension of deadline for the registration of candidatures for the local by-elections.¹¹ The low voter turnout was potentially caused by Kosovo Serb political parties not taking part in elections, and the continuous calls by Belgrade and Srpska Lista to boycott these elections.¹²

5 European Commission Kosovo 2021 report. Accessible at: https://neighbourhood-enlargement.ec.europa.eu/kosovo-report-2021_en

6 European Commission Kosovo 2022 report. Accessible at: https://neighbourhood-enlargement.ec.europa.eu/kosovo-report-2022_en

7 See: Law No. 08/L-228 on General Elections, accessible at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=77074>

8 Kosovapress, May 2023. “Shoqëria civile: Partitë politike, unanime në cenimin e integritetit zgjedhor”. Accessible at: <https://kosovapress.com/shoqeria-civile-partite-politike-unanime-ne-cenimin-e-integritetit-zgjedhor/>.

9 which make up about 80% of cases in recent years alone.

10 Ibid.

11 Radio Free Europe. April 2023. ‘How the elections in the north developed?’ <https://www.evropaelire.org/a/zgjedhjet-ne-veri-te-kosoves/32375593.html>

12 Ibid.

Despite no legal specifications provided by legislation on a turnout threshold, the report highlights that this turnout, in particular among Kosovo Serbs, clearly indicates that the elections do not offer a long-term political solution for these municipalities. Hence, the 2023 report calls for new local elections to be organized as soon as possible in a fully inclusive manner, and with the unconditional participation of Kosovo Serbs. This is also one of the main preconditions for the withdrawal of punitive measures that EU has imposed on Kosovo.¹³ It must be noted, however, that participation and satisfactory turnout of voters does not solely depend on Kosovo. Given the Serbs in the Northern municipalities have been systematically controlled by Belgrade and Srpska Lista,¹⁴ their participation in new eventual elections will again be largely linked to SL's support towards elections. In any case, with the current legislation in place, the Government of Kosovo does not have grounds to withdraw the mayors unless they resign, or the citizens use the right to dismiss the mayors via the option of petition.

— Parliament

Different from 2021 and previous periods, where the report had highlighted political instability as a phenomenon that hampered the work of the parliament, on a positive note, the 2023 underlines political stability as a result of a solid majority that LVV-led Government holds in the Assembly, as well as its efforts to push ahead with its ambitious EU reform agenda. However, the assessment on political polarization prevails. Concretely, the report assesses that the lack of political consensus and disagreements within the majority hampered the legislative processes and reforms. In line with the last two years, the 2023 report repeats the importance of improving the oversight function of the Assembly, in addition to its legislative function, as well as the importance of improving "its internal management, adopt an annual work plan, swiftly move from a show-of-hand system to electronic voting and strengthen its oversight function."¹⁵ On the same note, the 2023 report discusses the use of fast-track or accelerated procedures during adoption of key legislation, similar to previous two reports. The practice of approving important legislation in fast-track procedures are in violation and harmful to the standards of parliamentary life. As a result, the comprehensive and constructive involvement of CSOs and the public is hampered.

Additionally, Srpska Lista members of the Assembly boycotted the Assembly's work. In GLPS's view, this highlighted the failure of the integration process of Kosovo Serbs into Kosovo institutions and the failure of these officials to perform their work independently and impartially. Moreover, even though the resignations were submitted by Kosovo Serb judges and prosecutors, neither the Prosecutorial Council (KPC) nor the Judicial Council (KJC) have taken any decision regarding it. GLPS has called the Councils to proceed and fill the vacant positions. KJC has opened a call during October to fill the positions of Serbian judges who have resigned.

— Governance

The 2022 and 2023 report note progress in implementing EU-related reforms in governance, different from stagnation due to COVID-19 in 2021. The 2023 report positively assesses the approval of the revised 2023-2027 National Programme for EU Integration and ongoing efforts to implement the ERA II Action Plan. Similarly, the recent report takes positive note on the submission of the application for EU membership, filed by the Government back in December 2023.

However, the necessity to ensure political consensus as an important precondition to pursue EU related reforms in a more efficient and sustainable way, prevails across this reporting period. The 2023 report also reiterates the importance of increased coordination across departments, decentralization of decision-making to line ministries to implement policies, as well as the existence of permanent inter-ministerial coordination body at an expert level. Moreover, it raises concerns over an increasingly high number of acting positions in high level in the public sector. According to 2023 report, all these components have negatively affected political ownership of the EU agenda in line ministries and a lack of prioritization and sequencing of reforms.

13 Radio Free Europe. July 2023. 'EU Envoy Says Pristina Must Take Steps To De-Escalate Tensions Before Sanctions Will Be Eased'. Accessible at:

<https://www.rferl.org/a/european-union-kosovo-serbia-tensions-sanctions-kurti/32489938.html>

14 Radio Free Europe. June 2019. 'The North: between integration and the control from Belgrade'. Accessible at:

<https://www.evropaelire.org/a/veriu-kosova-beogradi/29976135.html>; Kosovar Centre for Security Studies.

December 2022. 'Time for Smart Integration in Community Level'. Page 14. Accessible at:

https://qkss.org/images/uploads/files/Time_for_smart_integration_at_community_level_Alb.pdf.

15 European Commission Kosovo 2023 Report. Page 8. Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%20report_0.pdf

Regarding local government, the failure of municipal assemblies to exercise the oversight function over the municipal executive raised in 2022 report prevails in the last report as well.

Contrary to the 2022 report, whereby the representation of women at all levels of participation and decision-making was considered unsatisfactory, the 2023 report notes improvements in this regard. More precisely, it notes the increased representation of women in senior government positions, although this representation is still unequal. Also, the undertaken measures to increase women's participation in the parties (Vetëvendosje, PDK and LDK) is acknowledged. Nonetheless, the report underlines the under-representation of women in local decision-making bodies. Hence it recommends institutions to take affirmative measures to ensure equal representation of women and men in the local executive.

— Civil Society

The assessment of the report regarding civil society has largely remained consistent during 2020-2023 period, however it was slightly more positive in 2023. Throughout this period civil society is considered to have operated in general in an enabling environment. The 2021 and 2022 reports highlighted the need for improvement of cooperation between civil society and the government, to increase transparency and enhance the engagement and the ability of CSOs to contribute meaningfully to policymaking processes. Although the language in 2023 report slightly differs from 2021 and 2022, more or less the requirement remains the same. More precisely, although it notes that "civil society continues to actively participate in public consultations and contributes to policymaking and monitoring processes" the report states that the government should safeguard fulfillment of minimum standards, principles and procedures set by the relevant regulation in every public consultation process.¹⁶ Moreover, CSO's inputs must be constructively received and taken into consideration when relevant. Regarding local level, the report considers that the public consultation mechanisms are insufficiently utilized.

2. Public Administration

The assessment of the public administration reform in Kosovo - one of the key reform processes - the report evaluates for regress in efforts being put forward to meet EU criteria, especially during the last period of 2019-2023. The analysis of the reports in this area presents a change in assessment between the years 2019-2020 and 2021-2022, in terms of 'preparedness to adopt the obligations of EU membership'. In 2019 and 2020, the report assessed Kosovo to have some level of preparation in reforming public administration yet even during 2021-2023 Kosovo remained at some level of preparation, with no further advancement in its level of preparation.

In 2019, the report noted "some progress", indicating an effort and progress in the implementation of reforms. This suggested that despite the challenges, positive steps had been taken towards the improvement of public administration, with particular emphasis on the approval of the PAR-related legal package that was highly appreciated.¹⁷

However, the 2023 report underlined a considerable change in the pace of progress as it noted "no progress". This shows a clear lack of progress especially in the implementation of the recommendations related to the implementation of the legal package and their harmonization with the principles for a modern administration, in particular for the Law on Public Officials (LPO). The change in assessment highlights a need for a review and new interventions in public administration policies and practices to ensure better compliance with EU standards and regain lost momentum in the reform process.

— Legal package for public administration

The assessments of annual reports during 2019 – 2023 period reflects a complicated and difficult journey. Initially, in 2019, the EU positively evaluated the adoption of the legal package for public administration, marking it as an important step towards improving the functioning and organization of public administration, public officials and the salary system. However, subsequent reports indicate a slowdown in the implementation of these reforms, influenced by factors such as political situations, constitutional challenges and a lack of governmental stability.

16 European Commission Kosovo 2023 Report. Page 10. Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%20report_0.pdf

17 Kosovo Country Report 2019. Accessible at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2019-05/20190529-kosovo-report.pdf>

In the following years, despite some definite progress, the EU pointed out significant delays and problems in the implementation of laws and in the organization of the civil service, as well as in establishing a fair and merit-based salary system. Issues such as salary disproportion in the public sector, the lack meritocracy in the recruitment of senior officials, and delays in establishing a centralized recruitment unit were identified as significant obstacles.

In the 2023 report, the EU emphasized that there was no progress in this area. Moreover, when the Government of Kosovo supplemented and amended the Law on Public Officials (LPO), in accordance with the decision of the Constitutional Court, it was observed that these amendments did not fully comply with the EU recommendations for the principles of a modern public administration. This led to a situation where the EU recommended that for future changes, especially those related to the LPO, it is essential that they are carried out in accordance with the principles of a modern public administration.

GLPS's view on the problematic areas within the LPO and LSPS

During public consultation process, GLPS has provided comments regarding the LPO and the Law on Salaries for the Public Sector (LSPS). Unfortunately, none of our comments have been considered. Moreover, some of these recommendations (including but not limited to "suitability criterion", "the termination of the act-appointments with an unlimited term for low positions and middle management"), were assessed as constitutional violations, according to the judgment of the Constitutional Court KO 216/22 and KO 220/22¹⁸. In this sense, while the aim of the law should be to improve public administration, we assert that the new LPO creates a series of problems that promote insecurity and demotivation among public officials, which potentially create preconditions for an ineffective management of human resources and possible political interference.

First, one of our main criticisms is the granting of a special civil servant status to some institutions of the state administration, which are allowed to regulate the employment relationship for civil servants, not according to the LPO, but by separate laws, as is the case with the Ministry of Internal Affairs, which is also responsible for the implementation of the LPO. This division among institutions creates a scenario where some are treated differently than others, without clear justification.

Second, recruitment in the Civil Service is another sensitive area. **Recruitment with an open procedure** for all categories, without creating mechanisms for promotion, harms the career system, the institutional memory and leaves room for political interference each time there is a change of power, at all levels. Moreover, centralized recruitment for middle and low-level management positions stiffens human resource management and limits the autonomy of ministries. This centralization, coupled with limited capacities of MIA to manage a large number of positions, creates a burdensome and inefficient system.

Third, GLPS has pointed out that the law has completely eliminated the mechanism of promotion of civil servants. Performance evaluation of civil servants serves only as a mechanism for demotion and not for promotion. This leads to a system similar to the one before 2010, which has proven to be ineffective and highly susceptible to political influences. Furthermore, the demotion mechanism in the law has become the rule rather than the exception, leaving civil servants in an insecure and demotivated state.

Fourth, **limiting the employment relationship** for the low and middle management level to only four years, can potentially create uncertainty and instability, making the public administration unattractive for young professionals. The arbitrary termination of the employment for current holders of low and middle management positions, as stipulated in the new law, is not only considered a violation of acquired rights, but is also viewed by GLPS as a risk to the overall stability of the civil service. This is particularly concerning as delayed or failed recruitment cases for these roles could result in all these positions being filled by acting officials. This specific concern has been validated by the judgment of the Constitutional Court, which states that the arbitrary termination of the mandate is not in compliance with paragraphs 1 and 2 of Article 46 (Property Protection) of the Constitution in relation to paragraph 1 of Article 1 (Protection of Property) of Protocol no. 1 of the European Convention on Human Rights.¹⁹

Fifth, the rule of acting officers and temporary contracts has been criticized as dangerous, with the possibility of politicizing the state administration. This system creates a fragile legal relationship between the supervisor and the acting officers and risks that vacant positions continue to be filled by acting positions. The possibility of creating a work relationship with three-year contracts for special projects, is a risk for filling regular vacant positions, avoiding regular recruitment procedures.

18 The Constitutional Court decision on the evaluation of the constitutionality of articles 9 (General criteria for the acceptance of public officials), 12 (Government of the Republic of Kosovo), 46 (Appointment and mandate in low and middle management positions) and 99 (Provisions transitory) of Law No. 08/L-197 on Public Officials. Accessible at: <https://gjk-ks.org/decision/vleresim-i-kushtetutshmerise-se-neneve-9-12-46-dhe-99-te-ligjit-nr-08-l-197-per-zyrtaret-publike/>

19 Ibid.

Sixth, **the return of competence from Department for Management of Public Officials (DMPO) to the MIA** is in conflict to the purpose of creating a professional and specialized unit. This change has been assessed as an ad hoc and short-term solution.

Seventh, the creation of a fictitious category such as the “**category of specialists**” for which the law lacks clear criteria for categorization, has been pointed out as problematic for implementation in practice, creating opportunities for misuse due to higher salaries of this category.

Eighth, **unclear criteria for transfer of civil servants** are another major concern. Absolute discretion in the permanent transfer of a civil servant without any criteria and procedures ensures insufficient competition and lack of transparency. This leads to a system where devolution can be misused by politics and groups of interest.

Overall, these concerns raised by GLPS shed light on the major challenges facing the public administration system in Kosovo, emphasizing the need for a deep and well-thought-out reform to guarantee efficiency, transparency and fairness in the management of public officials. Challenges and consequences alerted by GLPS are also clearly expressed in the latest EC Report, with “no progres” marked in this regard. Rightfully, the 2023 recommendations clearly specify that the LPO should be harmonized with the principles of a modern administration.

As far as the Law on Salaries in Public Sector is concerned, first, GLPS criticized the **lack of transparency**, especially regarding the value of the salary coefficient. The law does not provide a clear definition for this, violating the principle of legal certainty and legality. This legal vacuum also creates difficulties in determining the cost of the law, leaving room for different interpretations, which have also occurred by deducting the salaries of a large number of public officials.

Second, GLPS has also raised **inequality** as an issue of concern. The main argument concerns the violation of the “equal pay for equal work” principle, emphasizing that many of the same positions are paid differently in different institutions. This is particularly evident when comparing the salaries of officials in independent constitutional institutions and those in the executive branch. GLPS has assessed as unjust the assignment of different coefficients for the first grade, creating a complex and unfair system. Likewise, the number of inhabitants as a determining criterion for the salary of elected and appointed officials has been assessed as unfair.

Third, **salary allowances** have been criticized as unclear and unjustifiable. This includes the lack of transparency on the number of beneficiaries and the amount of allowances, increasing the inaccuracy of the cost of the law and making it difficult to implement it in practice.

Last, GLPS, through its comments, has expressed concern about the **violation of the principle of legal certainty and predictability**, citing cases of salary reduction despite the implementation of the transitional supplement, as well as the violation of acquired rights which in the case of the judgment on the Law of Public Officials has assessed that it is in compliance with paragraphs 1 and 2 of Article 46 (Property Protection) of the Constitution in relation to paragraph 1 of Article 1 (Property Protection) of Protocol no. 1 of the European Convention on Human Rights.

— Rationalization of Agencies

The assessment of the reports for 2019-2023 period, show that Kosovo has had a promising start in the rationalization of agencies process, but has encountered constant challenges in the implementation of these reforms. Despite initial efforts, the lack of political support and institutional resistance have hindered sustainable and effective progress.

The EU recommendations for 2022 and 2023 focus on the need for increased accountability in the public sector, emphasizing the implementation of the action plan for the rationalization of agencies and the establishment of an accountability system in agencies. However, implementation of these recommendations has encountered challenges, particularly due to institutional resistance and a lack of political leadership. This gap between planning and implementation indicates a need for greater commitment and clearer leadership to achieve effective agency rationalization. This shows the need for stronger commitment, clearer policy support and appropriate strategies to meet the EU's demands for a more efficient and responsive public sector.

— Organization and accountability

The EU country reports for Kosovo for 2021-2023 period highlight a panorama of challenges and developments in the field of organization and accountability in public administration. Assessments show that there has been limited improvement in the organization and accountability in public administration. This

is related to the beginning of the implementation of the Law on the Organization and Functioning of State Administration and Independent Agencies. However, implementation is at low levels since many internal regulations that regulate the organization and operation of institutions continue to not be harmonized with this law. This indicates a slowness in adapting organizational structures and in implementing the reforms needed to achieve a higher standard of accountability and efficiency.

— Law on General Administrative Procedure (LGAP)

The EU assessments in the progress reports for Kosovo regarding the Law on General Administrative Procedure (LGAP) show a continuous and clear challenge in harmonizing the specific laws with this law. From the analysis of the three latest reports, the strengthening the administrative capacities is also evident. Despite some progress made in the harmonization of laws, as well as digitization of public administrative services, the EU recommends a continuous and determined commitment to address these challenges and to achieve a more efficient and transparent governance in Kosovo.

— Administrative Burden Reduction

In general, the three reports address the need to reduce the administrative burden and improve legal certainty for businesses and citizens. This includes the implementation of programs aimed at facilitating administrative processes and increasing access to electronic services. The reports recommend that Kosovo improves legal security and reduce the administrative burden of the public administration on businesses and citizens. This includes the implementation of the Program for Administrative Prevention and Burden Reduction as well as the Law on General Administrative Procedure. This shows a focus on using technology and innovation to make public administration more accessible and efficient.

— Recruitment procedures

Monitoring of the recruitment processes for high level positions within public institutions in the framework of CorrWatch project has shown that the recruitment processes are characterized by serious inefficiencies. Prolonged and repetitive procedures underscore a notable lack of effectiveness, posing significant repercussions for both the state administration and potential candidates. The processes are often marked by interruptions and delays, coupled with frequent repetitions. This can contribute to a diminished interest among high-quality candidates for senior management roles. These challenges not only carry a financial burden for the state but also tarnish the public administration's image, creating a detrimental impact on public trust. In addition, frequent failures of the recruitment procedures in both phases of the procedure due to the own fault of the responsible unit is worrying. Recruitment processes for state administration institutions have shown a low efficiency in filling vacant positions. In addition to the frequent failures of the procedures due to the lack of qualified candidates, there have also been annulments of the procedures under the pretext that can be perceived as unprofessional, as in the case of exceeding the deadlines by the institution that organizes the procedure and then cancellation due to exceeding the deadlines.

3. Public Procurement

Kosovo is considered to have some level of preparation (is moderately prepared) in the area of public procurement across the three reports. While progress was noted in the assessment published in 2021, one year later, the 2022 EC Country Report confirms a backslide, as only limited progress was noted in increasing the transparency of public administration and public procurement. Similarly, limited progress was assessed for Kosovo in 2023 as well. Public procurement is assessed to be prone to irregularities and corruption through procurement processes and contract implementation.

The limited progress in this area highlights the challenges that Kosovo has faced in implementing more transparent and effective practices in public procurement. Although the 2023 report does not offer specific recommendations, some clear conclusions can be drawn from the limited assessment of progress. This suggested that Kosovo should continue to focus on strengthening transparency and improving public procurement practices. This includes the necessity in increasing clarity and accountability in procurement processes, as well as implementing mechanisms that facilitate their monitoring and evaluation. More precisely, there is still a long way to achieve higher levels of transparency and efficiency. The limited progress this year shows the need for continued engagement and sustainable strategies to improve public procurement processes. This is essential to build citizens' trust and ensure that public funds are used in the most efficient and transparent manner.

Public procurement is assessed to be followed with irregularities and exposed to corruption during both the procurement process itself and in the subsequent implementation of the contracts. The 2023 report highlights lack of adoption of the new public procurement law. Hence, 2021 and 2022 recommendations remain valid in 2023 as well.

The 2023 report recommends that in the coming year Kosovo institutions should particularly focus on:

- adopting a new law on public procurement and a new law on concessions in line with the EU acquis; prepare the corresponding implementing legislation and ensure their proper implementation;
- increasing the capacity of – and cooperation between – all public-procurement institutions and contracting authorities;
- ensuring that the Procurement Review Body is fully operational and remains functionally independent; it should also work on strengthening the Body's capacity and ensuring that its review process is timely, effective and transparent.

GLPS's view on Public Procurement main issues

During monitoring of procurement procedures under CorrWatch project, GLPS has identified several problems in this area starting with the technical specifications, criteria, and contract management within the framework of the new Law on Public Procurement, which reveal multifaceted challenges. This said, it recommends that the new Law on Public Procurement is harmonized with the European Union directives. However, noteworthy deficiencies emerge, starting with the definition of grounds for blacklisting an economic operator. Under the current legislation, instances warranting blacklisting lack clarity, particularly concerning an operator's irresponsibility, which should encompass delays and failures in meeting contractual obligations. The need to rectify this omission is urgent, as it directly impacts the efficacy of the blacklisting process. In addition to these crucial amendments, certain proactive measures are needed. Firstly, the design and implementation of an IT solution for the contract management cycle are proposed, considering potential misuse and rectifying consistent issues within this procurement stage. To fortify the procurement process, regular risk assessments are a must to identify vulnerabilities. Simultaneously, stringent conflict of interest guidelines for public officials engaged in procurement processes should be instituted. Mechanisms to identify and manage potential conflicts, including the disclosure of financial interests by officials, are crucial for upholding integrity in public procurement practices.

4. Judiciary and fundamental rights

All EC reports published consequently since 2021 assess Kosovo to be at an **early stage** in or **has some level of preparation** in the area of the judiciary and fundamental rights for applying the EU acquis and the European standards.

In 2021 and 2022 only limited progress has been noted regarding functioning of judiciary and prosecution regarding treatment of some organized crime and high-level corruption cases. The capacity of the prosecution and judiciary handling of cases was considered to be unproductive and weak. **The limited progress prevails also in 2023**, although an increase in the ratio of productive court hearings, increased effectiveness in scheduling court hearings and recruitment of additional judges and prosecutors is noted.

The 2023 report notes some progress in the digitization of justice (however challenges remain), meanwhile the human resources situation and the organization of the administration across the judiciary remains affected by inefficiencies.

On a positive note, the 2023 report highlights the establishment and online accessibility of the National Centralised Criminal Records System that has enabled the public to obtain certificates of criminal records online since December 2022.

On another hand, the 2023 report underlines increased concerns related to independence of the judiciary over the government, referencing the on decision lowering the salaries of judges and prosecutors and the subsequent Law on Salaries. The salary of prosecutors and judges is guaranteed by law and must be equivalent to the dignity of their profession and the burden of responsibility.²⁰ Moreover, the law envisages that their salaries shall not be reduced during their term but in exceptional situations of economic hardship, as it has been evaluated by the Judgment of the Constitutional Court.²¹

Given the joint commitment statement signed by the Minister of Justice (MoJ) and the heads of the main justice system institutions in March 2023, did not produce tangible results in tackling some of the most important reform issues, the 2023 report considers a swift follow-up is needed to achieve tangible results. Further, the 2023 report underlines several steps MoJ has undertaken in efforts to reform the justice system, however, it does not refer to it as a Vetting progress but rather as 'integrity checks of senior positions within the justice system'. This signals that the whole idea of performing a full vetting process, has stood out in being an instrument of integrity check. This is implied by the 2023 report, as it considers crucial that the justice reform centres towards strengthening the existing tools to safeguard the integrity, accountability, independence and efficiency of the justice system, in line with the recommendations of the Venice Commission Opinion and relevant European standards.²²

In this regard, GLPS has continuously advocated that the Vetting Process should include all judges and prosecutors, not only the heads of judicial and prosecutorial institutions. GLPS maintains that only the Vetting through constitutional changes would address the issues that systematically follow the justice system, especially regarding the personal integrity and wealth of judges and prosecutors.

On another note, the 2023 report asserts the necessity for Kosovo to ensure that the Venice Commission's guidance on the amendments to the Law on the KPC is appropriately incorporated into the new legislation.²³ In March 2023, the Constitutional Court deemed unconstitutional the Draft Law on Amendments and Supplements to the Law on the KPC. This law, among other provisions, proposed terminating mandates of certain KPC through a draw, to decrease KPC's composition of the KPC from 13 to 7 members. Following this judgment, the MoJ has presented the new Draft Law for the KPC. However, in GLPS's view, this draft overlooks the Constitutional provisions, especially regarding the role of the Ombudsperson in the proposal of the members of the KPC. While GLPS acknowledges the significance of Prosecutorial Council reform, it emphasizes the importance of conducting this process with due respect for constitutional guarantees, and through inclusive dialogue involving all stakeholders, including the KPC itself.

20 The Basic Court in Pristina - Administrative Department, on October 13, 2023, issued a judgment in which it found that the Government's decision to reduce the salaries of judges and prosecutors was issued in violation of the law and the European Convention on Human Rights. "The disputed decision of the respondent was not issued on the basis of any extraordinary situation or financial difficulties, since the budget itself for 2023 foresees economic growth in the amount of 2.6%, and from this it is considered that the respondent acted in an improper manner right, since the state does not have any extraordinary economic financial crisis.

21 Ibid

22 European Commission Kosovo 2023 Report. Page 15. Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%20report_0.pdf

23 Ibid, page 16.

— Fight against gender-based and domestic violence

Regarding the handling of gender-based violence (GBV) cases by rule of law, the 2023 report suggests enhancing the capacity of judges and prosecutors to manage such cases in accordance with existing legislation. More specifically, the 2023 report advocates for improvements in line with the 2022-2026 strategy against domestic violence and violence against women and the new State Protocol for the treatment of sexual violence cases.

On the same note, the analysis conducted by GLPS under JustReact project, from July 2022 to June 2023 includes several significant findings related to the treatment of domestic violence by relevant institutions in Kosovo. A total of 2,735 cases of domestic violence were reported during this period, while 79% of the victims were women, and most cases violence occurred within spousal relationships. Despite this troubling trend, there was a positive shift in the increased number of arrests for domestic violence compared to the previous monitoring period. However, inconsistencies in how prosecutors qualify and reason domestic violence as a criminal offense were identified, potentially leading to issues in court sentencing. Courts found the accused guilty in over 90% of cases, but conditional sentences were the most common type of sentence imposed, raising questions with about the very low punitive policies implied by courts in these offenses. On a positive note, the analysis also highlighted that domestic violence cases tend to be treated as a priority in JustReact monitored court hearings.

In conclusion, compared to the two previous reports, EC in 2023 made a new recommendation for improving the capacity of judges and prosecutors to handle cases of gender-based violence in accordance with laws, the 2022-2026 strategy against domestic violence and violence against women and the new State Protocol for the treatment of sexual violence cases. **Stepping up efforts to reduce the backlog of cases remains a repeated recommendation in all three reports.** In 2021 and 2022 it has been recommended to continue to effectively implement the rule of law strategy and action plan without delay, by means of a regular and structured process that includes proper inter-institutional coordination however in 2023, this point was not given as a recommendation.

— Fight against corruption

In the 2021 report, most of the recommendations of the 2020 report have remained valid, with the main problem being the lack of implementation of existing legislation. Overall, as per the report, corruption during these three reports is widespread and remains a matter of serious concern. In the reporting period along the 2022, EC found some progress with the adoption of significant anti-corruption legislation,²⁴ nevertheless, the report highlighted the necessity to improve the implementation of the overall legal framework. Fight against corruption even in the 2023 report remains in between an early stage and some level of preparation in fighting against corruption. From the 2023 report a limited progress has been observed but recommendations from last year were only partially met, and therefore remain valid. In the part of the fight against corruption, almost all **the recommendations from EC are repeated across the three reports**, while in the last two reports, it was requested to further investigate high-profile corruption cases.

On a positive note, the report underlines some positive steps that Kosovo has taken in the fight against corruption organized crime, especially in the four northern municipalities (North Mitrovica, Leposaviq, Zubin Potok, Zvečan). In these municipalities, thorough Kosovo Police Actions resulted in arrest and seizure of the property that is suspected to be a derivative of the commission of criminal offenses.

Regarding corruption cases in general, GLPS estimates that there is no significant progress in treating such cases from courts and prosecution. Court cases involving officials and individuals with political influence continue to be neglected by the courts and prosecutors and are characterized by acquittal judgements and statute of limitations for criminal prosecution. High profile corruption cases such as "Hidrocentralet" where former ministers and MPs were involved, the case of the former mayor of Gjilan and that of Kaçanik, the "Stenta 1 and 2" cases, among others, ended without final judgment from the courts. Court monitoring of such cases by GLPS suggest that the punishments are minimal, even in cases where the accused are found guilty. Moreover, only in rare cases the supplementary sentences are applied for the prohibition of exercising the function in an official position, etc.

Kosovo is still characterized by a low level of final confiscation of illegal assets, despite the legal infrastructure that regulates this issue. The report suggested that the Prosecutor's Office and the Court do more for the application of this mechanism as it is very efficient in the economic weakening of individuals and criminal groups and in the signal that state institutions give in the fight against criminality.

24 European Commission Kosovo 2022 Report. Page 24. Available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Kosovo%20Report%202022.pdf>

— Fundamental rights

In the area of fundamental rights throughout the three reports, Kosovo is assessed at almost the same rate (with some limited progress). In the 2021 report, the recommendations of the 2020 report were repeated because Kosovo failed to implement them. Repeated recommendations are noted in the 2022 and 2023 reports, and here it is worth emphasizing the continuous recommendation for the adopt of the Civil Code and strengthening the implementation of the Law on Gender Equality. **A new recommendation** is added in the last report (2023) which relates to the **implementation** of the **decision** by the **Constitutional Court regarding Deqani Monastery**.

The 2023 report also points out the need for Kosovo to persist in its efforts to guarantee equal access for individuals with disabilities to institutions, quality services, employment, and education. Additionally, it calls for increased efforts in implementing the verification process for university diplomas from the University in North Mitrovica. Extending this verification process to high school diplomas is recommended, ensuring language compliance in both official languages, and emphasizing the importance of upholding the representation quota for all non-majority communities in public institutions.²⁵ It is worth noting that such an assessment was not given in the 2021 and 2022 reports.

— Freedom of expression

From the three reports, the 2022 report has mostly covered the recommendations of the EC in the area of freedom expression. The main and recurring concern remains the recommendation to "improve the institutional cooperation and response of key institutions to attacks against journalists and other forms of undue pressure, including by enhancing the prosecutorial, judicial and law enforcement authorities" capacity to handle cases concerning the right to freedom of expression and information" and "review the Law on radio and television to ensure sustainable funding preserving its independence; review the Law on the Independent Media Commission to update its powers, including regarding audiovisual media, in line with the Audiovisual Media Services Directive".²⁶ Despite concerns of this nature, the 2023 report notes as a concern **the decision to withdraw the business license of a major private broadcaster has raised serious concerns**. According to the 2023 report in general, relevant laws are in line with international standards, except for the Law on Protection of Journalists' sources which is yet to be aligned with European standards. The report criticizes the Assembly for failing to provide translation into Serbian during plenary sessions and considered this as a recurring concern.

Regarding online media, the 2023 report found that there is no restrictive legislation on the functioning of the media online or on freedom of expression online, and no restriction was noted during the reporting period. The issue of **discrimination** against **women journalists is a concern raised in every report**. Although with no progress seen in this part over the years, the 2023 report shows new concerns for women journalists in the **private sector**, making it clear that discrimination is not only happening in the **low number of managerial positions**, but also in the discrimination of **maternity leave**.

25 European Commission Kosovo 2023 Report. Page 30. Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%20report_0.pdf

26 European Commission Kosovo 2022 Report. Page 33. Available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Kosovo%20Report%202022.pdf>

5. Normalization of relations between Kosovo and Serbia and the European Agenda

— Kosovo-Serbia Relations

The 2023 report focuses more extensively on the EU facilitated dialogue between Kosovo and Serbia, in contrast to the previous two years. The report notes the Agreement reached in Brussels on 27 February 2023, and the agreement on its Implementation Annex in Ohrid, North Macedonia, on 18 March 2023. In addition, it offers concrete demands for the institutions of Kosovo. On that note, it recalls the necessity for both Kosovo and Serbia to start **implementation of their respective obligations** that derive from the Brussels Agreement as well as it reminds the obligation to fully implement all past Dialogue Agreements.

Different from 2021 and 2022 report, the latest report asks both Kosovo and Serbia to start engaging more constructively and start implementation without further delay or precondition. Specifically, Kosovo is requested to start the process to establish the Association/Community of Serb Majority Municipalities (A/CSM) based on the European proposal presented to the Parties on 21 October 2023. Pertaining to the European proposal, the government has been criticized in the public for lack of transparency about the content of the proposal.²⁷ The Assembly, CSOs, media and the citizens of Kosovo lacked information about the exact content of the proposal and what exactly is being negotiated on behalf of Kosovo.

Serbia on the other hand is demanded to support this process and start delivering on their key obligations from the Agreement in parallel. Moreover, the 2023 report underlines the penalties for both parties in case no progress is noted in the next period. Similar to previous reports, the 2023 report recalls that **the normalization of relations remains the main prerequisite for moving forward on the path of European integration**. Thus, this report specifically notes that in case of lack of progress, both parties may lose many opportunities offered by this process.

Further, the 2023 report notes that a number of negative developments and crises in the north of Kosovo triggered by actions of one or both Parties that have negatively affected the dialogue. Among which, it states that Kosovo has performed several actions in the north, including the increased presence of Kosovo's special police and expropriation of land. These actions were followed by the mass resignation of Kosovo Serbs from Kosovo institutions (police, judiciary and administration) in November 2022, roadblocks and barricades in the North in reaction to arrests of Kosovo Serbs in December 2022, as well as the boycott of early local by-elections in April 2023 by Kosovo Serbs. Moreover, Kosovo is criticized for installing the Albanian mayors, against the clear recommendation of the international community which followed several protests by Kosovo Serbs. This report also notes the violent protests in the north and led to unacceptable and unprovoked attacks against citizens, KFOR soldiers, law enforcement and representatives of media. Further, the 2023 report highlights the fact that Serbia has not yet condemned and acted upon such actions. The report also criticizes the arrests by the Police of Kosovo Serbs allegedly involved in the violence acts for not fully adhere to the legal requirements.

In September 2023, Kosovo also faced a terrorist attack close to the Serbian Orthodox Monastery, which resulted in the tragic death of one Kosovo Albanian police officer, and injuries to several individuals. Regarding this attack, it is worth noting that although the report draws on the Banjska terrorist attack in the Serbian Orthodox Monastery, the language is rather soft compared to the initial language used by EU officials, including Joseph Borell (High Representative of the EUFASP).²⁸ Nevertheless, despite involvement of a high-level official from LS and lack of condemning of the later by the Serbian Government, Serbia did not face any sanctions from the EU, like Kosovo did. This gives the impression that the EU may be disproportionately holding Kosovo responsible for many tensions in the north created during 2023.

In general, the 2023 report requires Kosovo and Serbia to pursue sustained de-escalation efforts, as well as ensure the holding of new elections in the north of Kosovo as soon as possible, with the active participation of Kosovo Serbs, otherwise parties are warned to face consequences. Both countries are asked to find a way out of the cycle of crises, the Parties are expected to meet the requests of EU related to de-escalation on the

27 Koha.net. December 2023. 'The Presidency and the Government are criticized for not being transparent about the Association'. Accessible at: <https://www.koha.net/arberi/401779/presidenca-e-qeveria-kritikohen-per-mostransparence-rreth-diskutimeve-per-asociacionin/>

28 Koha.net. "Borrell: The attackers to surrender immediately". Published on: 24.09.2023. Accessible at: <https://www.koha.net/en/arboretum/393085/borrell-the-attackers-to-surrender-immediately/>

situation on the ground, enabling new early elections with unconditional participation of Kosovo Serbs and return to the Dialogue and implementation of all Agreements. EU claims that a failure to do so, will result in consequences to both parties.

GLPS's view on the Kosovo-Serbia relations during 2023

GLPS asserts that, during 2023 the Kurti Government has been proactive in topics and proposals offered at the dialogue table, and constructive in terms of readiness for discussions with the other party and the EU mediator. Since starting the second mandate, the approach of the Kurti II Government, the dialogue with Serbia was declared to be based on the principle of reciprocity or equality between states. This has resulted in some cases being successful as it is the case with the establishment of the regime of license plate stickers and movement with identity cards. However, both these cases were met with resistance from Serbia, but also sometimes in that of EU and other allies.

Kurti accepted the Brussels Agreement and the Implementation Annex which among others included the establishment of ASM, expressing a willingness to sign it, contrary to Vucic. However, the EU Special Representative has stated that both countries have accepted the agreement even without signature. Nevertheless, neither the dialogue, nor this agreement, has not yet materialized what the Kurti Government has constantly trumpeted, the mutual recognition.

The Kurti Government's disagreements with international partners, including the US and the EU, on matters related to the Dialogue have somewhat weakened Kosovo's position in this process. GLPS holds that the contradictions should be better managed by the Government, since the coordination of objectives with partners remains essential for this process. Actions taken in relation to the elections in the northern municipalities, such as the placement of Albanian mayors in the municipalities, and the resulting tension in the border have led to punitive measures by the EU to Kosovo. The conditions for lifting these measures have been linked to progress within the broader dialogue process.

— European Integration Process

The process of European integration still remains limited within the mechanisms of the Stabilization Association Agreement and the European ERA Reform Agenda. As of 2023, the priorities deriving from SAA and ERA II are included in the Plan for European Integration (PEI).

The Kurti II government has to some extent strengthened its capacity to coordinate the implementation of commitments and obligations arising from the Stabilization and Association Agreement (SAA) and ERA II, and has improved reporting mechanisms. Based on GLPS' research and monitoring data, the implementation of National Plan for Implementation of SAA (NPISAA) in 2022 results in the implementation of over 57% of the objectives from 42% in 2021. Although there is improvement in the implementation of NPISAA, sustained efforts to transform this process are missing in this process.

The slow trend and efficiency of the implementation of NPISAA has influenced the parties to continue with ERA II, which was approved by the Assembly of the Republic of Kosovo in October 2021, the fulfillment of which is at the level of 58.4%, while it is predicted to be fully fulfilled by the end of 2023. In monitoring implementation of PEI for the first two quarters of 2023. GLPS monitoring data show that in terms of legislative measures, only 39.4% have been fulfilled while a better performance is noted for implementing measures as 83.3% have been fulfilled.

During this period, the Kurti Government has applied for membership in the European Union on December 18, 2022. This is a promise kept, however there is no progress and the application has not yet been handled by the EU.

A very negative aspect in relation to the process of Kosovo's integration into the EU are the measures imposed by the EU against Kosovo. As of July 1, 2023, the integration process is practically suspended, since the EU measures include the temporary suspension of the work of the bodies created on the basis of the Stabilization and Association Agreement, the non-invitation of Kosovo to high-level meetings and the suspension of bilateral visits, except for those that focus on addressing the crisis in the north of Kosovo within the framework of dialogue facilitated by the EU. Other measures include the suspension of the programming of funds for Kosovo from IPA 2024.

GLPS views this suspension with concern, especially because it asserts that the elections in the northern Serb-majority municipalities should not represent a big setback on the EU integration process. because it is initially unfair since the EU has linked a technical process such as the elections in the north with the EU integration process. At the same time the EU did not sanction Serbia, as the influencer of violent protests, even after did not condemn the Banjska terrorist attack. Otherwise, with Kosovo being the only one sanctioned, GLPS views that the EU is highly disproportionately blaming Kosovo for the tensions in that part of Kosovo.

— Conclusions

On a positive note, the report confirms the entry into force of visa liberalization from January 1, 2024 and also underlines that Kosovo continues to fulfill all commitments while progress has also noted in the European reform agenda. During 2023 Kosovo has been characterized by political stability and having the necessary majority of LVV in the parliament has been assessed to have enabled Kosovo to have an ambitious agenda of European reforms (ERA). Nevertheless, the existence of necessary majority has not been translated in successful implementation of legislative agenda as political polarization has prevailed. This has been worsened by the boycott of Serb MPs as it blocks the approval of vital legislation.

Compared to 2022, in 2023 **Kosovo is assessed to have achieved progress** - from some or limited progress to good progress – only in three chapters: a) energy; b) enterprise and industrial policy and c) science and research. Although not in a language of progress or no progress, the report assesses positively the electoral reform due to approval of two important laws. The report also notes that progress has also been achieved in the agenda of European reforms. According to the report, **regress has been evident in 11 chapters**, meaning that the assessment has been downgraded from some progress to limited progress or from limited progress to no progress. Whereas **stagnation has been noted** across 2021-2023 period in the 7 chapters as the same level of assessment has been maintained throughout this period.

The analysis of the reports in the field of public administration suggests that a change in assessment is evident between the years 2019-2020 and 2021-2022, in terms of 'preparedness to adopt the obligations of EU membership'. In 2019 and 2020, the report assessed Kosovo to have some level of preparation in reforming public administration yet even during 2021-2023 Kosovo remained at some level of preparation, with no further advancement in its level of preparation.

The assessment of public administration reform in Kosovo, based on annual reports from 2019 to 2023, reflects a complicated and difficult journey. Initially, in 2019, the EU positively evaluated the adoption of the legal package for public administration, marking it as an important step towards improving the functioning and organization of public administration, public officials and the salary system. However, subsequent reports indicate a slowdown in the implementation of these reforms, influenced by factors such as political situations, constitutional challenges and a lack of governmental stability.

In the following years, despite some definite progress, the EU noted significant delays and problems in the implementation of laws and in the organization of the civil service, as well as in establishing a fair and merit-based salary system. Issues such as pay inequality in the public sector, the lack of a meritocracy approach to the recruitment of senior officials, and delays in establishing a centralized recruitment unit were identified as significant obstacles.

In the 2023 report, in particular, the EU emphasized that there was no progress in this area. Moreover, when the Government of Kosovo supplemented and amended the Law on Public Officials, in accordance with the decision of the Constitutional Court, it was observed that these amendments did not fully comply with the EU recommendations for the principles of a modern public administration.

Even though there was an assessment for an improvement of the organization and accountability for the public administration, the main remarks are in relation to the implementation of the law, where the non-harmonization of the internal regulations with the law on operation and organization has led to the malfunctioning of the ministries which are merged.

The last three EC reports (2021-2022-2023), assess Kosovo to be at an **early stage in/has some level of preparation** in the area of the judiciary and fundamental rights for applying the EU acquis and the European standards.

During 2021-2023 only limited progress has been noted regarding functioning of judiciary and prosecution regarding treatment of some organized crime and high-level corruption cases. The capacity of the prosecution and judiciary handling of cases is considered to be unproductive and weak nevertheless, the 2023 report an increase in the ratio of productive court hearings, increased effectiveness in scheduling court hearings and recruitment of additional judges and prosecutors is noted. The Commission's recommendations from last year were only partially met and therefore remain valid.

Similar to previous two years, **fight against corruption in 2023** is assessed to be between an early stage and some level of preparation in fighting against corruption. From 2023 EC report a limited progress has been observed but recommendations from last year were only partially met, and therefore remain valid. Almost all **the recommendations from EC are repeated across the three reports**, while in the last two reports, the reports underlined the importance of further investigation of high-profile corruption cases. On that note, GLPS estimates that there is no significant progress in treating high profile corruption cases from courts and prosecution. Court cases involving officials and those with political influence continue to

be neglected by the courts and prosecutors and are characterized by acquittal judgements and statute of limitations for criminal prosecution.

Throughout this period, Kosovo is assessed to be at an early stage in the fight against organised crime and only limited progress is noted regarding investigation and prosecution of organised crime cases. On a positive note, the report underlines some positive steps that Kosovo has taken in the fight against corruption organized crime, especially in the four northern municipalities (North Mitrovica, Leposavic, Zubin Potok, Zvečan), through police actions resulting in arrest and seizure of the suspected property that is suspected to be a derivative of the commission of criminal offenses.

The report for the year 2023 focuses more extensively on the EU facilitated dialogue between Kosovo and Serbia, in contrast to the previous two years. The report notes the Agreement reached in Brussels on 27 February 2023, and agreed on its Implementation Annex in Ohrid, North Macedonia, on 18 March 2023. In addition, it offers concrete demands for the institutions of Kosovo. On that note, it recalls the necessity for both Kosovo and Serbia to start implementation of their respective obligations that derive from the Brussels Agreement as well as it reminds the obligation to fully implement all past Dialogue Agreements.

Different from 2021 and 2022 report, the latest report asks both Kosovo and Serbia to start engaging more constructively and start implementation without further delay or precondition.



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