Policy Briefing





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EXECUTIVE SUMMARY

On the first anniversary of the Stabilisation and Association Agreement, Kosovo and the EU launch another dialogue, on 11 November 2016, the European Reform Agenda (ERA). The document contains 22 priorities and 130 actions, in the areas of governance, rule of law, economic growth, competitiveness, and education and job creation. Opportunities are enormous; if implemented fully, these actions will support SAA implementation, improve governance and the business environment, and consolidate the state. If the EU wants, the reforms will also move Kosovo to the next accession stage, securing the status of candidate country, something on which government officials insist. Yet there are numerous obstacles. The action plan does not correspond with other on-going reform programs, the government work plan or the budget. Another key challenge derives from the divergent starting positions of the government and EU. The former seek to have the reward of implementation spelled out at the beginning. The latter, unable to make that promise, insist that it will use Kosovo's commitment to these actions to advocate in favour of candidate status when the time comes.

The European Reform Agenda is a high-level dialogue between Kosovo and the EU. Formally is called a High Level Dialogue for European Integration. It is not meant to replace the formal Stabilisation and Association dialogue, the main track between Kosovo and EU. It will, however, target priority areas under the SAA and speed implementation, streamline government priorities, channel EU and other international financial institution (IFI) funding for structural reforms, improve governance, and boost Kosovo's image. Practically, ERA targets the areas in which the Kosovo government needs to make major improvements. Implementation requires commitment, interinstitutional coordination and political consensus. The document needs to be approved by the Government and the Assembly, and will eventually guide the work of the National Council for European Integration.

The Reform Agenda is also perceived as a platform to move Kosovo to the next phase in the accession process, namely the application for EU membership. Similar high-level dialogues were launched with other Western Balkans countries after they obtained the status of candidate country. Ideally, this is what should happen; the EU should initiate a strategic discussion on how to facilitate Kosovo's progress towards EU accession. Yet the reality is quite different. The EU cannot make that commitment. It cannot even discuss Kosovo obtaining that status as enlargement has been indefinitely paused and Kosovo is not yet recognised by five EU Member States. The hope is, however, that the implementation of the Reform Agenda will facilitate and ease discussions in Brussels and among member states about Kosovo's accession.

ERA should not be just another dialogue. Local actors, civil society and many European diplomats fear ERA could be destined to fail as the Structured Dialogue on Rule of Law, launched in 2012, did. A clear agenda is needed this time. Entry into force of the SAA may help, but this requires the government and EU to firmly commit to this exercise and the content. The first setback occurred during the negotiations of the Action plan; disagreement came as early as on the content of the first page. The context is not very favourable: Kosovo continues to face severe and long-standing

crises that kept institutions dysfunctional for a year and half. Calls for early elections have become more apparent, the dialogue between Kosovo and Serbia has not yet led to more recognition from the EU, and the EU is not willing to offer anything symbolising enlargement.

Kosovo and the EU, however, had a very successful dialogue on visa liberalisation, which proved that good coordination, genuine efforts, and incentives can produce positive results. Yet, failure to conclude a demarcation agreement with Montenegro will leave Kosovo citizens without visa free travel. In this case, bureaucrats' and citizens' trust in the government institutions, politicians and EU will be greatly harmed.

ERA will succeed only if it includes other important actors, including the opposition, leaders and parliamentarians, the business community, civil society. Success also depends on being fully transparent with the Media. Consultations that the government and the EU offered were a promising start. ERA requires much broader political consensus; the opposition should be given an enhanced role, both at the political level and in the Assembly. Reform of the Rules of Procedure and other legislation is essential to ensure that the opposition participates, plays an active role in the EU agenda, and scrutinises the government.

The government and EU should involve the civil society, who should actively engage, to foster implementation of ERA. Specialised actors should offer policy advice and support, and advocate for tangible results. They should scrutinise the implementation and report on deliverables including the promises of both the government and the EU.

Statements of good will alone will be unconvincing. Both Kosovars and the EU need to firmly commit to implementation of the reforms, improving the functioning of institutions and advancing Kosovo's path toward EU membership.

RECOMMENDATIONS

- 1. The Government, the Assembly and political parties should welcome the Reform Agenda, take ownership and make it the centre of policy-making in Kosovo. Develop consensus to start from Pillar One; Good Governance and Rule of Law. Implementation will accelerate the broader reform agenda, strengthen rule of law and bolster the socioeconomic development of the country.
- 2. Political entities should support all actions to improve the transparency and accountability of their activities and funding. Support enforcement and better laws on financing of political parties, change bad practice of interference on appointment of independent agencies and support their reform.
- 3. The government should take the lead and ensure it allocates all resources needed for the implementation of ERA. Highlight the priorities in the government plan for 2017, allocate the budget and harmonise the reforms with the Medium Term Expenditure Framework (MTEF). The prime minister should lead the implementation and involve senior

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officials, the minister of EU integration and other key portfolios.

- 4. The Kosovo Government and European Commission (EC) should further enhance the consultation process and adopt an inclusive approach with civil society and the business community. Consider establishing a monitoring /oversight body for implementation of ERA priorities, composed of government institutions, members of the Assembly, civil society and business community. Local dialogue and oversight should mirror the high-level dialogue and offer common understanding and satisfactory consensus at each phase of ERA implementation.
- 5. The Kosovo Government and EC should ensure close coordination with IFIs to back up the implementation of reforms. The EU, IFIs and donors should support ERA measures (law, policy, capacity development and actions).
- 6. Civil Society should support ERA and mobilise to monitor, advise and advocate for meaning full implementation.
- The ERA implementation plan needs a more realistic timetable for 2017-2018. Measurable indicators to reflect the short-term nature of ERA need to be enforced. In case of delays, maintain the focus on Pillar ONE.
- 8. The Reform Agenda should not replace or duplicate the institutional mechanisms established by the SAA; the high-level dialogue should strictly focus on ERA only and promote the progress.
- Structures for the implementation of ERA should not weaken, but rather, foster links between the Economic Reform Programme, National Development Strategy and other strategic and socio-economic frameworks.
- 10. ERA high-level dialogue should have a similar mandate as with Bosnia, Albania and Macedonia, ensuring no precedent is created for Kosovo and the accession process follows the regional good practice. Successful implementation should guarantee a positive result in terms of EU accession process.

1. INTRODUCTION

The entry into force of the Stabilisation and Association Agreement (SAA) between the European Union and Kosovo, on 1 April 2016, marked a turning point in EU - Kosovo relations.¹ It is only the first step toward the country's accession to the EU, but initial positive effects are already coming to light. The SAA content is primarily focused on economic relations between Kosovo and the EU. This accession instrument helped Kosovo to establish the first formal contractual relations with the EU, and has helped Kosovo formally become part of the European Union accession process.

The first meeting of the Council for the Stabilisation and Association (SAC) is scheduled to take place in late November 2016.² The Government has approved a policy framework for the implementation of the SAA; the National Programme for Implementation of the Stabilisation and Association Agreement (NPISSA) has set out a comprehensive political and policy agenda for a mid-term timeframe (2016-2020) covering all Acquis chapters, and other political and economic criteria. The programme prioritises actions falling under areas of internal market and trade-related chapters.³ It will remain the same in terms of the structure until the next formal phase, namely that of accession negotiations, and will be reviewed annually to keep up with the priorities under the SAA implementation process, including the joint Kosovo–EU stabilisation and association structures, the SAC, and the Committee and Subcommittees and Special Groups.

Some reforms relevant to the Acquis (chapters 23 and 24) were implemented through the framework for the visa liberalisation dialogue (2012-2015) between Kosovo and the EU. The reform package contained 96 criteria that Kosovo needed to fulfil in order for the EU to take the Schengen visa waiver decision. Like with other Western Balkans Countries, visa liberalisation dialogue was an important incentive that helped Kosovo undertake important reforms. Yet, the process remains incomplete and risks adversely affecting the implementation of the SAA and other reforms that aim at consolidation of the Kosovo state and society.⁴

This year, Kosovo expects to conclude the Framework Agreement with the European Commission on Access to EU Programmes. There are a total of 17 programmes for Kosovo to take part. Those instruments enable cooperation and exchange between current EU and aspiring Member States. There are multiple programmes in numerous sectors, i.e., environmental protection, research and innovation, energy and transport, education, sports, the development of entrepreneurship and competitiveness, etc. Each programme targets different beneficiaries, depending on the scope.

existing documents, streamlined in one set of actions. EU officials, Prishtina, November 2016

ERA is not a new

document; it is a list

of top priorities of the

Stabilization and Association Agreement is grat for Kosovo, but it came too late.

Government official, Pristina, June 2016

SAA National
Programme for
Implementation of
the Stabilization
and Association
Agreement has
hundreds of actions;
ERA will prioritise
dozens of them.
EU officials, Prishtina,
November 2016

¹ Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part, Official Journal of the European Union (EURLex).

² Initially scheduled for early October 2016, but was cancelled with the request of the government of Kosovo. The government could not prepare, and key European integration portfolio remains vacant.

³ Civil Society expert suggested that NPISSA actions are 70 per cent about legislation. Very limited practical measures and actions are planned. Remarks made in the ERA consultations with Civil Society, Pristina, July 2016.

⁴ The agreement on Demarcation with Montenegro coupled with the agreement on the Association of Serbmunicipalities, both signed in August 2015, caused an unprecedented crisis in Kosovo. The agreement provoked the reaction of the opposition, which led to the use of tear gas in the assembly, violent protests and deep citizen's dissatisfaction with the government. Unwilling to review and consider opposition demands, the government failed to consult with the opposition or secure votes for ratification. Many members of the parliament, of LDK and PDK refuse to vote the demarcation agreement. In Spring 2016, EU asked Kosovo to fulfill two other criteria to qualify for visa liberalization; ratification of the agreement on demarcation with Montenegro and improved truck-record on the fight against corruption and organized crime.

No point in having another dialogue without visa liberalization for Kosovo.

Government official, Pristina, July 2016

ERA is a high-Level
Dialogue for European
Integration
EU official, Prishtina,
November 2016

We have too many dialogues with the EU. One after another dialogue, losing the path of integration. It should have been technical, not political dialogue ... Leading civil society activist, Pristina, November 2016

In May 2016, the EC encouraged the Government of Kosovo to prioritise key reforms that would lead to concrete and tangible results in terms of implementation of the SAA components. In response, the government EU integration portfolio requested that the EU commission make the first draft of priority reforms.⁵ The agenda is not a new list; priorities were picked from other existing documents, including the SAA, Economic Reform Program, and National Development Strategy, and put together into one document with a corresponding timeframe.⁶ It is called the European Reform Agenda.

ERA has three priority areas; Good governance and the Rule of Law; Competitiveness and Investment Climate; and Employment and Education. The agenda was drafted through consultations between the government, the EU and partly with the business community and civil society. The final draft contains 22 priorities and 130 actions to be implemented within the framework one year and half.

This policy brief provides analysis of ERA, its implications, and opportunities and challenges for successful implementation. The analysis argues that all stakeholders on both sides (Kosovo and the EU) should give the European Reform Agenda a new dynamic. Kosovo institutions should maintain the focus on a number of key reforms in the short- to medium-term calendar, especially towards fulfilment of the SAA obligations. Successful implementation of key domestic reforms is not only the best policy to improve democratic functioning of the institutions and improve the economic outlook, but also to help create a more positive context for Kosovo within the European Union.

 $^{5\}quad \text{Balkans Group interviews with EU and government officials, Pristina, May-July 2016}$

⁶ Ibic

2. WHAT IS ERA?

The European Reform Agenda (ERA) was launched on 17 May 2016, by the Prime Minister, Isa Mustafa, and the Commissioner for Neighbourhood Policy and Enlargement Negotiations (NEAR), Johannes Hahn. It is called High Level dialogue for meant to prioritise key reforms arising from the SAA. Focused and coordinated reform efforts conceptually provided in ERA through high-level political dialogue can add value to the implementation process of the SAA. The European Commission with other Western Balkans countries applied similar approaches and instruments, though at later stages of the accession process (Annex 2). In other cases such dialogue was referred to as High Level Dialogue on Key Priorities.

The government expects ERA to help Kosovo's accession process. Along with the Stabilisation Association dialogue with Brussels-based institutions and Member States, ERA is expected to speed up Kosovo's EU accession in a number of other ways. The hope is that a positive track record on priority reforms will promote and advance Kosovo to the next accession stage. In other words, it will constantly feed into the implementation of SAA and reflect on the formal, joint decision-making structures. This will take place at the political level through the Stabilisation and Association Council (SAC), and the Stabilisation and Association Parliamentary Committee (SAPC) and specific policy areas (through the Stabilisation and Association Committee, the seven subcommittees and the two special groups).

ERA will bring about a more focused approach to the scope of the reforms; it will target priority areas under the SAA.⁷ It offers a more in-depth approach to reforms in specific priority policy areas and serves as a better-targeted guide for EU institutions, IPA funds, other donors and international financial institutions (IFIs).⁸

The involvement, though partial so far, of civil society organisations and the business community offers some promise at this stage. Civil society remains largely sceptical of the project and blames both the government and the EU for failure of early programs. In their view, the government itself should have carried out these reforms. ERA does not convince the civil society, either. For them, this "EU offer" is to buy time and serve to divert the mainstream process of accession. Many agree with the government, however, that ERA should lead toward a clear EU path in the end, i.e., status of candidate country. Involvement of civil society will add value and ensure local buy-in and ownership. Their role should become systematic, and include monitoring, evaluation and the ability to advise and regularly review the progress. This should result in a good practice of engaging civil society in the accession process, and develop more sustainable participatory governance domestically. Civil society should earn a seat in any Kosovo-EU negotiation, dialogue or reform agenda.

ERA is a concrete set of reforms that could change and maintain the momentum on our relations with the EU. Senior government official, Pristina, July 2016

European integration, SAA, ERA should help resolve political crisis, reach broader consensus and reform our policy-making. Assembly member, Pristina, October 2016

EU may mislead us with ERA ... It is to fill the absence of real accession dialogue Civil society activists, Pristina, July 2016

⁷ SAA, Art. 126 – 132.

⁸ Donors and IFIs were consulted during the drafting process and have expressed their readiness to support the implementation. Balkans Group interviews, Pristina, July-September 2016

⁹ Balkans Group interviews with civil society organizations, Pristina July-September 2016

¹⁰ Ibid

¹¹ Two representatives of the civil society participate in the National EU integration Council, chaired by the president. In Montenegro, civil society participates in the negotiation of the accession chapters.

One important aspect is that implementation of ERA will be evaluated and reviewed in the same fashion it was developed, jointly by the government and the EU. Within the stabilisation and association structures, ERA specific high-level political dialogue will take place at least twice a year to oversee and follow-up on the implementation, to revise and update priorities and actions. It can serve to help parties keep the reform agenda on track.

2.1. ERA PRIORITIES AND THE SAA

ERA has three pillars:

I. Good Governance and the Rule of Law contains nine (9) priorities and 25 actions. Priorities include amending legislation on conflicts of interest, ensuring transparent funding for political parties, reviewing and making more accountable the independent bodies, passing legislation regulating civil service, ensuring merit-based and non-political appointments, procurement, etc. Implementation will help the government to fulfil the SAA obligations, political criteria and Acquis chapters 5 (Public Procurement), 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security). Particular attention is given to the reform of the public administration and laws on civil service, salaries and the Law on Organisation of Public Administration. 13

II. Competitiveness and Investment Climate is the largest component in terms of the policy scope covered by the SAA, NPISAA and Economic Reform Program (ERP) and touches upon the highest number of Acquis chapters. Seven (7) priorities are to be implemented through 75 actions. Reform efforts aim to improve business and investment climate, help develop small and medium-sized enterprises (SMEs), develop statistics, infrastructure and energy and improve the fight against the informal economy. The last includes risk assessment, capacity building of and cooperation between institutions, improving policy planning, increasing tax compliance and fighting against money laundering. In the areas of energy and infrastructure, improving interconnectivity infrastructure with other regional countries is the priority, which also derives from the Berlin process. On statistics, actions are planned to strengthen capacities, as well as improve production of systematic statistics in the sectors of energy, GDP and national accounts, industry and labour.¹⁴

III. Employment and education with seven (7) priorities aims to improve employment and social policy, addressing youth unemployment and participation of women in the job market. On education the action plan envisages policy reforms, improvement of curricula, higher education and fostering links between education and the job market. This pillar is not as Acquisheavy as others, and the priorities set are more difficult to implement given the nature of the areas concerned, the complex structural nature of reforms required, the capacities of institutions and the market to absorb those changes. Prioritising education marks a shift in EU policy, which invested limited resources in this area so far.

ERA should start with the first pillar. Reform of governance, rule of law and the transformation of our political parties will open the door for other reforms. Government official, ministry of EU integration, Pristina, July 2016

The government is weak, too many crises, too many issues. The workload worries us. We have developed new patterns of action; we either delay obligations or ignore the agenda. We did it once with the SAA Council.

Government official, Pristina, October 2016

¹² The SAA, Article 79 (Public Procurement) and Title VII (on Freedom, Security and Justice)

¹³ New Balkans Group in-depth analyses on the functioning of the institutions and the Public administration will be published in the coming weeks.

¹⁴ SAA Titles IV, V, VI and VIII.

Pillar one is a KEY priority. Weak governance, absence of the rule of law and corruption are the root causes for Kosovo's democratic and economic stagnation and lack of foreign investments. Full implementation of pillar one will significantly improve the image of Kosovo as a functional and democratic state, impact other pillars and hopefully pave the way for more recognition, at least by some of the non-recognising EU member states.¹⁵

¹⁵ Worth noting that same approach was taken when EU launched the dialogue on normalization of relation between Kosovo and Serbia. Kosovo government officials expected that at least three non-recognizers, Slovakia, Rumania and Greece would recognize Kosovo following the Brussels agreement of 19 April 2013. Balkans Group interviews, Pristina, June 2013.

In spite of the differences, political parties should agree on a strategic approach on Euro-Atlantic integration. Workload on EU integration should be shared between the government and the

Western diplomat, Pristina,

opposition.

September 2016

We want both, reforms and EU integration ... We will ask both the government and EU to deliver

Civil society activist, Prishtina, October 2016

Failure to gain visa liberalization will undermine any dialogue with the EU. Nobody trusts the government and the EU.

Civil society activist, Pristina, November 2016

We cannot talk about the status of candidate country for Kosovo, but we can use ERA to show Kosovo's progress to the EU EU official, Brussels, August 2016

3. OPPORTUNITIES AND CHALLENGES

ERA is about reforming governance and the socio-economic context in Kosovo. It will help Kosovo implement the SAA in many priority areas, secure direct budgetary support and promote EU values. It is an opportunity the government needs to utilise to transform governance, policy-making, education and the business climate. Yet there are numerous challenges: lack of will, continued political turbulences, and weak capacities may delay those reforms. The timeframe for ERA is also very short; it envisages implementation of 130 actions during the year 2017, yet has not been included in the budget, MTEF or the Government's working plan for the upcoming year.

ERA-type high-level dialogue is part of the Enlargement Strategy of the European Union, using conditionality to encourage aspiring countries to undertake necessary reforms. It transformed former Soviet and communist countries into consolidated democracies and EU member states. As a "lesson learned", which in itself is an EU enlargement policy, it was applied—more rigorously—with Western Balkan countries. Judicial reform, public administration reform and economic governance are the common denominators of reforms for all Western Balkan countries. Implementing the Reform Agenda will help Kosovo join its neighbors on the EU agenda.

ERA is likely to bring a number of advantages, but in terms of prioritising and accelerating key reforms, it does not state the aim it wants to achieve, the end result for Kosovo's EU integration path. It offers no guarantee for any step further in terms of advancing in the EU integration process, including no mention of granting candidate status. The government wants ERA to lead toward Kosovo's application for the status of a candidate country by 2018.¹⁷ ERA itself is made to be completed in one year and has no actions planned for 2018.

The EU has no answer to this. It offers no concrete outcomes, which frustrates many local officials. Nonetheless, EU officials continue to insist on the start of ERA, with a view to consider what can be done regarding Kosovo's status at a later date. For the EC to be able to argue in favour of Kosovo if and when ERA is implemented, those reforms must be observed by Brussels and the Member States.¹⁸

For these and other reasons the EU's image amongst Kosovars has suffered. The demarcation agreement with Montenegro showed how particular requirements/criteria in the visa liberalization process were able to jeopardize the entire process. The government could not resolve the issue and the topic caused an unprecedented crisis in Kosovo.

ERA implementation may also be jeopardized by domestic developments, i.e., snap elections. As a high-level dialogue, with key reforms planned to

¹⁶ Cooperation with ICTY was other important conditions for Croatia and Serbia. Nowadays Dialogue on normalisation of relations with Kosovo remains among other key conditions for Serbia.

¹⁷ A EU official complained that Kosovo asked for the status of a candidate country before it began implementing the SAA. Balkans Group interviews, government and EU officials, Pristina, Brussels, July-October 2016.

¹⁸ Balkans Group interviews, Brussels, August 2016

tackle the functioning of political parties and institutions, EU may lose the local partner. Any election process and subsequent delayed formation of the government, seen after the 2014 elections, will create a vacuum in the institutions, during which the public administration will work reluctantly.

In addition, the confusion created about the coordination role in the EU integration process following the departure of the Minister for European Integration and calls for the suspension and merging of the ministry undermined motivation in the portfolio, which led to the departure of several staff. Although the worst passed and the ministry remains, the delayed appointment of the new minister already created a vacuum and may affect effective implementation of ERA.¹⁹

The Government is not prepared to implement ERA, which is not included in the government work plan. Many see it as another reform document in addition to the SAA, Economic Reform Program, National Development Strategy and many other coordination bodies and agencies. The EU supports all those reform programs, and government officials and bureaucrats argue against new reform platforms, complaining of duplications.²⁰ Budgetary implications of ERA are not planned in the budget for 2017 or the MTEF (2017-2019). The EU and other donors may have to support all components of ERA.²¹

CONCLUSIONS

ERA has the potential to be a concrete plan of actions that would help bring about change in Kosovo. The plan is ambitious, considering the context, but achievable if there is sufficient will. The timeframe of ERA is an obstacle. To complete the reforms, all institutions need to coordinate and dialogue with the opposition parties and civil society must take place. Civil society needs to broadly engage and keep the focus on the agenda in order for this endeavour to succeed. Kosovo's severe institutional and political crisis has previously shifted the focus elsewhere and leaders and party members have shown little will to undertake reforms or cooperate.

ERA's devised actions can improve the performance of institutions and the socio-economic climate. It can help keep the reforms focused and prioritise the changes needed most. The Government and Assembly should prioritise pillar ONE. In order to gain support, institutions and political parties should start with internal reform first. Transparency and accountability of funding for the political parties should be a top priority. Clear requirements for independent audits, financial reporting and conflicts of interest should be perused. Ensuring merit-based and free political appointments, increasing the accountability of independent agencies, and re-hiring board members may help secure buy-in of this important process by citizens and civil society. Some donors, like Great Britain, have put in concrete support as a specialised partner to support recruitment of professionals in the independent

Civil society activists, Pristina, November 2016

ERA will not be implemented without all institutions being involved, parliament and political parties should fully support it. Government official, Pristina, October 2016

Institutions are subject to the political parties. Reforms should start from the latter.

Government bureaucrat, Pristina, July 2016

Why do we need ERA, our government should implement all reforms without the EU.

¹⁹ Balkans Group advocated intensively against the transformation and integration of the Ministry for European Integration into other portfolios, by talking to the leaders, partners and Brussels. EU integration is not a task of one government.

²⁰ Why EU is creating another reform package. All those are spelled out in SAA, ERP, NDS, argued a government official. Balkans Group interview, Prishtina, September 2016.

²¹ Ibid

Our political parties do not want to be audited. Certainly not before the next elections. Many do not trust even the auditing reports.

Member of the Assembly, Pristina, October 2016

Do not talk about laws. Our parties know how to pass laws but do not how to implement them.

Government official, Pristina, October 2016 boards and agencies.

From its side, the EU should offer direct budgetary support for the reform processes and closely monitor implementation in practice, particularly of the pillar one, in addition to supporting civil society's activities on the monitoring of ERA. The EU should use the SAA, ERA and other programmes to foster EU perspective, and develop a path for achieving the status of a candidate country for Kosovo.

ANNEX I EUROPEAN REFORM AGENDA

Action Plan for the implementation of the Key Priorities

No	Priorities	EUROPEAN REFORM AGENDA Action Plan for the implementation of the Key Priorities			
I. Go	I. Good Governance and the Rule of Law				
1.1	Reviewing and adopting legislation making mandatory the suspension and / or removal of public officials respectively indicted and convicted for corruption.	Concept document on amendment of the applicable legislation to ensure mandatory suspension and/or removal of public officials respectively indicted and convicted for corruption Adoption of the legislation to ensure mandatory suspension and/or removal of public officials respectively indicted and convicted for corruption			
1.2	Amending the law on conflict of interest and related regulations bringing them in line with European standards and indicating the exact circumstances in which public officials may take on additional employment and appointments	 The Law on Prevention of Conflict of Interest in Discharge of Public Functions, to be amended, in line with EU recommendations: The categories of public officials need to be clearly defined; There should be a clear indication as to which activities officials are permitted and not permitted to do while in office; There should be a clear indication as to which activities officials are banned from performing after they have left the office; There should be clear indication as to the obligations of officials and their superiors in the situation of the conflict of interest; There should be clear indication of the procedures that should be set in motion once the conflict of interest arises. 			
1.3	Ensuring the transparency and accountability of funding for political parties: a. Carry out independent audits of political parties finances for 2013-2015 b. Ensure the publication of financial reports of political parties as foreseen in the law	 Publish financial reports of political parties and take effective enforcement action against those that do not; Provide adequate funding for procuring auditing services for political party financial reports; Select independent auditors through an open call; Amend the Law on Financing of Political Parties to ensure transparency, accountability and effective enforcement and sanctions, on the basis of wide public consultations. 			
1.4	Carrying out an independent review of the accountability mechanisms of all independent institutions, agencies and regulatory bodies, following up on its recommendations, and adopting legislative measures that clearly define the roles, responsibilities and lines of accountability of these institutions	 Conduct a qualitative analysis review of independent agencies and independent regulatory agencies (analysis on regulation of employment relationship, salaries, establishment and organization of agencies); Commit to implementing the recommendations of that qualitative analysis; Develop a concept document for the draft-law on the organization of public administration; civil service and salaries Adoption of the legislative package on: civil service; salaries and organization of public administration. 			

- Ensure that the planned legislative package covering civil service, salaries and organisation of state administration is prepared in a coordinated way in an inclusive and evidencebased process on the basis of concept notes agreed at the government level 1.6 Ensuring transparent, merit-based and nonpolitical selection law for all independent
- 1. Develop concept documents for the draft-laws on: civil service, salaries and the organization of public administration; and,
- 2. Adoption of the legislative package on: civil service; salaries and organization of public administration.
- 1.6 Ensuring transparent, merit-based and non-political selection processes in line with the law for all independent institutions, agencies and regulatory bodies as well as in public companies, full implementation the recommendations by the Kosovo Anti-Corruption Agency (AKK-DLK-3113/15).
- a. Amendment of the applicable legislation for the selection of independent institutions in order to ensure robust and transparent and merit-based candidate selection procedures:
- Publication of CVs of short-listed candidates
- Inclusion of civil society in the selection committees, on the basis of a transparent and open selection of civil society representatives;
- Strengthening and clarifying minimum requirements for candidates, by including criteria analogous to Art.17 paragraph 2 of the Law on POEs, for instance, in the amendments to the Law on Conflict of Interest, thereby making them applicable to all independent agencies and regulatory bodies.
- Government commits to act on the recommendations issued by ACA of 15.02.2016 (AKK-DLK-3113/15) concerning appointments to 9 boards of POEs:
- The sworn affidavit form/declaration to be amended to reflect the law for all future appointments
- OPM to take action under Art 17.5 of the law (i.e. 17.5 Each person holding or applying for a director position shall execute a sworn affidavit truthfully attesting that he meets the eligibility, independence and professional suitability requirements of paragraphs 1-3 of this Article. Any material misrepresentation whether intentional or the result of negligence or any material change in the information set forth in such affidavit shall result in the immediate disqualification and, if applicable, termination of such person.)
- OPM to take actions against officials which drafted this form/declaration which is not in accordance with the law.
- Ensure the implementation of the MoU signed between the Assembly the Government on the one hand and the UK Embassy in Prishtina on the other, for the appointments of board members of independent institutions and agencies.
- 1.7 Implementing the government decision of March 2016 on introducing mandatory electronic procurement, along with the indicated timelines
- The beginning of the second phase of the pilot project of e-procurement
- 2. Implementation of changes amended Procurement Law in the electronic platform
- 3. Training of public officials at local level
- 4. Certification of public officers at Central level
- 5. Certification of public officers at Local level
- 6. Test on electronic procurement modules
- Development of operational guidelines on e-procurement. The Government should provide standard machine readable data in real time of procurement contracts to the public.

1.8 Reinforce the capacity of the Economic Department of the First Instance Court in Pristina particularly in the areas of tax and customs, with a view to reduce the backlog of cases

The KJC will carry out a needs assessment for the increase of the number of judges in the Economic Basic Courts. The assessment will determine what are the budget costs as well as human capacities needed for reducing the backlog of cases in the economic basic courts.

- 1.9 Continue to strengthen the track record on the fight against corruption and organised crime, including through reinforcing the capacity of the Special Prosecution Office investigating and prosecuting high-level cases.
- 1. Increase the number of prosecutors in the Special Prosecution Office investigating and prosecuting high-level corruption cases.
- 2. Provide training to strengthen the capacity of the Special Prosecution Office to conduct financial investigation and confiscate assets.

II. Competitiveness and Investment Climate

- 2.1 Promoting foreign direct investments
 - a) Significantly strengthen the capacity and enhance the internal portfolio organisation of the Kosovo Investment Agency to allow it to improve its performance for promotion and support to investment, private sector and SME development
 - b) Create an investor servicing and aftercare program for potential investors and an investors' grievance mechanism having sufficient competences to provide such services

- a.1. Deep review of KIESA scope of responsibilities, its activities and job descriptions;
- a.2. Restructuring of KIESA to enable it to efficiently carry out its responsibilities and implement priorities, allocation of an adequate resources and recruitment of qualified employees;
- a.3. Develop capacities of KIESA staff to design and implement services and programs;
- a.4. Establish an Advisory Board within KIESA with participation of business community and strong involvement of PM Office;
- b.1. Prepare and start implementing the services and aftercare programs for investors;

- 2.2 Improving the business environment
 - a. Focus on improving the World Bank 'Doing Business' indicators
 - b. Align rules with international accounting, auditing and financial reporting standards
 - c. Reduce the regulatory burden to firms, in particular by making transparent the fees and procedures required to get permits and licences
 - d. Introduce legislative changes to improve the management, coordination and enforcement of market surveillance
 - e. Align legislation, enhance capacity of Competition and State Aid bodies and ensure they start implementing their mandates

- a.1. National Economic Development Council facilitates the Doing Business reform by focusing on deliverables and achievements on its regular meetings;
- a.2. Improve rankings for resolving insolvency by effectively implementing the legal framework for bankruptcy;
- a.3. Cut procedures, time and cost for obtaining construction permits including by amending the Administrative Instruction No.10/2013 on Setting Procedures for Submission and Review of Applications for Terms of Construction and Construction Permits in Q2 2017;
- a.4. The online business registration is made available;
- a.5. The business number is unified;
- b.1. Law on Accounting, Financial Reporting and Audit drafted;
- b.2. Public consultations with Civil Society and development partners held;
- b.3. Law adopted by the Assembly;
- c.1. New law on business organizations is consulted with civil society and relevant stakeholders and adopted;
- c.2. Secondary legislation of the law on business organizations adopted;
- c.3. The online Central Register for Licences and Permits is further updated including the fees and procedures required to get permits and uploading of application forms to the database;
- d.1. Law on General Inspections drafted to reform key procedural, institutional and functional aspects
- d.2 Public consultations with Civil Society and other relevant stakeholders held;
- d.3. Law on General Inspections adopted;
- e.1. Strengthen internal procedures and capacity in the Kosovo Competition Authority to conduct investigations
- e.2. Competition Authority to research and prepare a report on the state of play of monopolies in the market in Kosovo with appropriate recommendations
- e.3. Align and amend the Law on State Aid and align the secondary legislation
- e.4. Ensure the operational independence of and sufficient capacity for the State Aid Commission to improve the effectiveness of its control on State
- 2.3 Systematically implement the adopted strategy and action plan to fight informal economy
- Conduct independent sectoral risk assessment focusing on most vulnerable sectors to informal economy, financial crimes, money laundering, terrorism financing (covering the gender aspect)
- 2. Revise the Action Plan taking into account the risk assessment findings
- Further improve tax compliance and enforcement in order to protect fiscal interest of the state, to ensure employees' rights and to ensure fair competition in the business area.
- Strengthen the multi-agency approach and mechanisms in the field of anti-money laundering, financial crime, terrorism financing and corruption, including prevention, investigations, assessments and operations (IPA 2015 project to assist)
- Regular quarterly reports prepared, consulted and published**

- 2.4 Supporting SMEs development
 - a. Follow up on the 'Small Business Act' assessment recommendations
 - b. adopt concrete measures to improve quality infrastructure and standards
 - c. Introduce export programmes and instruments to help SMEs integrate into global value chains in order to support their internationalisation
 - d. adopt measures to deepen and widen financial intermediation to increase the access to finance for SMEs

- a.1. The structure for SBA coordination is established, including point of contacts for each Ministry;
- a.2. KIESA to strengthen the Government wide coordination efforts for implementing the Small Business Act assessment recommendations including through the regular coordination meetings
- b.1. Upgrade and regularly update the website to serve as an online information platform for businesses including on quality infrastructure
- b.2. 10 workshops organized with the purpose of informing businesses about quality infrastructure and obligations from specific vertical legislation including the promotion of website as an information platform
- b.3. Further develop human capacities in the area of quality infrastructure including through the training of staff (30 modules of trainings to be organised) and conformity assessment bodies
- b.4. 1,500 new standards adopted with focus in harmonised area
- b.5. The existing metrological laboratories supplied with equipment;
- b.6. Law on services drafted and consulted with civil society and other relevant stakeholders
- b.7. Law on services adopted (partial transposition of the services directive 123/EC);b.8. Point of Single Contact for Services established and operational
- c.1. Businesses supported to enhance their product conformity (product certification) and their internationalisation
- c.2. Kosovo joins the Enterprise Europe Network
- c.3. Kosovo participates in the COSME programme to support SMEs in facilitating access to finance, improving access to markets and enhancing competitiveness and entrepreneurial culture
- d.1. Adoption of Law Banks, Microfinance Institutions and Non-bank Financial Institutions
- d.2. Make operational the Kosovo Credit Guarantee Fund (KCGF)
- 2.5 Further develop a number of sectorial statistics key to policy making in the area of national accounts, business statistics, energy and social statistics
- Publication delays shortened for relevant annual and quarterly GDP and government account statistics including the timely publication of government finance statistics with the ESA 2010 methodology;
- 2. Production and publication of short term business statistics improved (industrial production volume and price indices);
- Results from the Labour Force Survey statistics disseminated on a quarterly basis and their quality improved;
- 4. Income and living conditions Survey conducted;
- Publication of energy statistics shortened and annual energy efficiency statistics produced in line with international standards;

- 2.6 Enhancing the regional connectivity
 - a. Implement the prioritized individual public investment projects, in particular by adopting the revised Report on the implementation for the investment clause, on the basis of the 'Single Project Pipeline'
 - b. Implement all outstanding connectivity 'soft measures' and relevant policy reforms on transport and energy

- a.1. Government adopts revised Report on the implementation for the investment clause;
- a.2. The number of financial agreements ratified in Parliament in relation to projects within the Investment Clause approved by the NIC and the Government;

Energy

- 6.b.i. Secondary legislation deriving from primary legislation, adopted;
- 6.b.ii Energy prices deregulated:
- Rule on Distribution System Operator Pricing (DSO Pricing Rule), amended and adopted;
- 2. Rule on Public Electricity Supplier Pricing (PES Pricing Rule), adopted;
- Rule on Transmission System Operator and Market Operator Pricing (TSO/MO Pricing Rule), adopted;
- 6.b.iii. Joint energy market with Albania, established;
- 6.b iv. Energy stock market with Albania KOSTT (Day ahead and Intraday) established;
- 6.b.v. New energy electricity suppliers, in place;
- 6.b.vi. Agreement between KOSTT-EMS, implemented;
- 6.b.vii. KOSTT Grid code with the ENTSO-E, harmonised

Transport

- 6.b.1. Opening of the transport market;
- 6.b.1.1. Implementation of rail reform strategy;
- 6.b.2. Establishment of competitive, reliable and safe transport system;
- 6.b.2.1 Improvement of road safety. Targeting the reduction of facilities by 20% compared to reference year 2014;
- 6.b.2.2. Trade and Transport Facilitation;
- 6.b.2.3. Intelligent Transport System (ITS) deployment on the Core Network;
- 6.b.2.4. Establishment of functioning maintenance system ensuring no section in poor /very poor condition;
- 6.b.3 Increasing effectiveness of Border Crossing Procedures;
- 6.b.3.1. Effective Border Crossing Agreements;
- 6.b.3.2. Implementation of Integrated Border Management (IBM) strategy;

- 2.7 2.7. Enhancing energy security and adopting a comprehensive energy strategy for the period 2017-2026
 - a. Decide on the ownership modalities for Kosovo B and on the new investments in power generation, and decommissioning of Kosovo A
 - b. Adopt an updated Action Plan on renewables
 - c. Assessment of the best modalities for the establishment of the mechanism for the financing of energy efficiency and environmental measures in the public and residential sectors and promote the full use of the existing initiatives like the Regional Efficiency Programme

- 7. Adopt a comprehensive energy strategy for the period 2016-2025 which is in line with EU environmental and social standards
- 7.a. i. Decision on the ownership modalities of Kosovo B, taken;
- 7.a.ii. New Investments in Power generation (all sources):
- 7.a.iii. Deadline for the decommissioning of Kosovo A to be fixed;
- Second report on the progress of implementation of National Action Plan for RES, prepared;
- Adoption of the updated plan on renewable, including appropriate measures to ensure Kosovo is reaching the 25% renewable energy targets in 2020;
- 7.c.i. TAIEX mission to assess modalities of a financing mechanism for energy efficiency and environment measures carried out;
- Assessment and decision taken on the modalities of a financing mechanism to support investments in energy efficiency and environment;
- 7. c.iii. Adoption of the action plan on energy efficiency 2016-2018;
- 7.c.iv. Adoption of the law on Energy Performance of Buildings;
- 7.c.v. Adoption of the secondary legislation transposing the Directive 2010/31/EU through a) Regulation on setting the minimum energy performance in new residential buildings, buildings under renovation and other types of housing buildings, b) Regulation on the energy performance certificate for new buildings and other buildings, and c) Regulation on inspection of heating system and air conditioning equipment;

III. Employment and Education

- 3.1 Adopt and implement the Sectorial Strategy for Employment and Social Policy 2015- 2020 and adopt the 2017- 2018 Action Plan for the implementation of the strategy
- Sectorial Strategy is drafted and consulted with relevant stakeholders including the donor community;
- Sectorial Strategy and its Action Plan adopted. Budget for the implementation of the strategy allocated.
- a) Set up an action plan for tackling youth unemployment based on an assessment of the challenges and focussing on improving education outcomes and supporting school-towork transitions
 - b) Take measures to increase labour market participation of women.

- a.1 Action Plan with clear indicators for tackling youth unemployment is drafted
- a.2 Draft Action Plan is consulted with relevant stakeholders including the donor community
- a.3 Action Plan with clear indicators for tackling youth unemployment is adopted
- b.1 Increase the assistance received by women by the Employment service
- b.2 Draft analysis of the obstacles to female employment done in consultations with relevant stakeholders
- b.3 Use the analysis to develop accurate measures for improving women unemployment

law on for Em particu operat Agenc and all necess ensure roll out market	the nentation of the the Agency ployment, in alar by fully ionalising the y for Employment ocating the ary budget to that it is able to that it is able to the active labour measures with le results.	 Develop a Labour Market needs assessment (including on VET) Selection completed of the Director of Employment Agency and the Advisory Board and work regulations adopted for Employment Agency; Active labour market measures implemented by Employment Agency (calls for applications launched, financial support delivered according to the outcomes of the calls);
legisla basis fo	outstanding tion providing the or policy reforms education sector	 Revised Draft law on Higher Education in Kosovo is adopted; Draft Law on regulated Professions in Kosovo is adopted; Kosovo Education Strategic Plan 2017-2021 is adopted by the Government and necessary budget is allocated to ensure its implementation;
educat a. Increatend educat b. Con assessi externi and ac implen curricu new te univers c. Esta mecha and en and intraining d. Imp quality Educat e. Fost links be educat market and inc the set industi Univers HEls of of stuc identif gradua in train (visitor and of and pr	ducting ment/ al evaluation celerate mentation of new la including with xtbooks in pre- sity education blishing nisms to evaluate hance initial service teacher g programmes. roving the overall of Higher	 a.1 Number of public childcare facilities for children 0-5 years is increased b.1. Core curriculum for preschool education developed and its piloting phase started b.2 Core Curriculum Framework for Pre-University (of 2011 and 2012) reviewed and approved and learning outcomes for subject and grades developed in piloted schools; b.3 Core Curriculum Framework for Pre-University and syllabus for grades and subjects reviewed and approved with subsequent implementation in all schools starting from 2017/2018 school years; c.1. Quality assurance mechanisms developed by appointing quality coordinators in schools and establishing efficient school performance assessment system; c.2. Agency for Curriculum, Standards and Assessment is established and fully operationalized; c.3. Revised Draft Law on Education Inspectorate in Kosovo is adopted by the Assembly and inspectors start its activities, with inspectors and sufficient capacities d.1. Set up and operationalize Industrial Councils d.2. Review study programmes and enrolment policies e.1 Draft proposal on setting up of industrial boards at Universities that advise HEIs is presented e.2 Proposal on setting up of industrial boards at Universities that advise HEIs is put in public consultations e.3 Proposal on setting up of industrial boards at Universities that advise HEIs is adopted and implementation starts

3.6	Improve the quality of Vocational Educational Training (VET) and school to work transitions	a.2 a.3 a.4	Use the Labour Market Needs Assessment (done at point 3.3) as a basis. Improving the quality of Vocational and Training system by aligning VET to Labour Market needs by reviewing the profiles provided in VET schools and aligning it with labour market needs assessment Compiling core curricula for VET and starting its piloting phase Ensure proper funding for VET centres Improving education outcomes and supporting school to work transitions by ensuring internships
			with employers are expanded and included in studies programme

ANNEX II EU ACCESSION PROCESS FOR WESTERN BALKANS ²²

Albania

- June 2006 Signature of the Stabilisation and Association Agreement (SAA) at the General Affairs and External Relations Council in Luxembourg;
- April 2009 Entry into force of SAA;
- April 2009 Albania submits its application for EU membership;
- November 2009 Council approves Albania's application for EU membership and invites the European Commission to submit an opinion on the application.
- November 2010 The Commission issues its Opinion on Albania's membership request;
- June 2011 Adoption of the Action Plan addressing the 12 key priorities of the Commission Opinion on Albania's application for membership to the European Union;
- October 2012 European Commission recommended that Albania be granted EU candidate status, subject to the completion of key measures in certain areas;
- November 2013 The EU and Albania hold the first meeting of the High Level Dialogue on Key Priorities;
- June 2014 Albania receives EU Candidate status.

Bosnia and Herzegovina

- November 2005 Stabilisation and Association Agreement (SAA) negotiations officially opened in Sarajevo;
- June 2008 SAA is signed;
- June 2012 The EU and Bosnia and Herzegovina launch the High Level Dialogue on the Accession Process;
- June 2015 The SAA with Bosnia and Herzegovina enters into force;
- July 2015 The Council of Ministers of Bosnia and Herzegovina adopt the EU reform agenda 2015-2018 focusing on: Public Finance, Taxation and Fiscal Sustainability, Business Climate and Competitiveness, Labour Market, Social Welfare and Pension Reform, Rule of Law and Good Governance and Public Administration Reform;
- February 2016 Bosnia and Herzegovina submits its application to join the EU.

Kosovo

- February 2008 Council acknowledges Kosovo's declaration of independence, underlines EU conviction that Kosovo is a sui generis case;
- October 2009 Commission issues communication 'Kosovo-Fulfilling its European Perspective;
- October 2012 Commission issues its feasibility study for a Stabilisation and Association Agreement (SAA) between the EU and Kosovo;
- October 2015 SAA signed;
- April 2016 SAA between the EU and Kosovo enters into force;
- May 2016 Commission proposes the European Reform Agenda (ERA).

Macedonia

- April 2001 Stabilisation and Association Agreement (SAA) is signed;
- March 2004 Application for EU membership;
- April 2004 SAA enters into force;
- March 2004 Council asks Commission to give opinion on application;
- February 2005 Macedonia replies to EU questionnaire;
- November 2005 -The European Commission issues opinion on the application of the Former Yugoslav Republic of Macedonia for membership in the European Union. The opinion recommends granting candidate status for membership in the EU;
- December 2005 The European Council decides to recognize the country as a candidate for EU membership;
- October 2009 EC recommends opening negotiations for country's accession to the European Union;
- March 2012 EC launches a High Level Accession Dialogue with Skopje.

Montenegro

- October 2007 Stabilisation and Association Agreement (SAA) signed in Luxembourg;
- December 2008 Montenegro applies for EU membership;
- May 2010 SAA enters into force;
- November 2010 the Commission issues a favourable opinion on Montenegro's application, identifying 7 key priorities that would need to be addressed for negotiations to begin, and the Council granted it candidate status;
- December 2010 Council confirms Montenegro as candidate country;
- December 2011 Council launches accession process with Montenegro in a view to open negotiations in June 2012;
- June 2012 The European Council endorses the Commission's assessment that Montenegro complies with the membership criteria and can start accession negotiations on 29 June 2012; Montenegro has opened twenty-four Chapters to date.

Serbia

- October 2005 Negotiations launched for Stabilisation and Association Agreement (SAA);
- May 2006 SAA negotiations called off, because Serbia's co-operation with the International Criminal Tribunal for the former Yugoslavia has not improved;
- April 2008 Stabilisation and Association Agreement (SAA) is signed in Luxembourg;
- December 2009 Serbia applies for EU membership;
- October 2011 European Commission delivers its Opinion on Serbia's EU membership application, granting candidate status based on one key priority;
- March 2012 European Council confirms Serbia as a candidate country;
- June 2013 European Council endorsed the Commission's recommendation to open negotiations with Serbia;
- September 2013 Entry into force of the EU-Serbia Stabilisation and Association Agreement;
- December 2015 Opening of Chapters 32 "financial control" and 35 "other issues -Item 1: Normalisation of relations between Serbia and Kosovo";
- July 2016 Opening of Chapter 23 and 24 on Judiciary and Fundamental Rights and Justice, Freedom and Security.

ANNEX III ACRONYMS

EC	European Commission
ERA	European Reform Agenda
ERP	Economic Reform Program
EU	European Union
GDP	Gross Domestic Product
IFI	International Financial Institution
IPA	Instrument for Pre-Accession Assistance
MTEF	Medium Term Expenditure Framework
EU NEAR	European Commission for Neighbourhood Policy and Enlargement Negotiations
NPISAA	National Programme for Implementation of the Stabilisation and Association Agreement
SAA	Stabilisation and Association Agreement
SAC	Stabilisation and Association Council
SAPC	Stabilisation and Association Parliamentary Committee
SME	Small and medium-sized enterprises



The Balkans Policy Research Group is an independent, regional think tank based in Pristina, Kosovo. We provide timely analysis and policy development on a wide array of state building issues; institutional and democratic consolidation; minority integration and neighborly relations; and European integration and policy change. We have decades of experience in policy reporting and development, strategic thinking and advocacy with governmental, international and non-governmental organizations.

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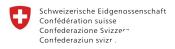
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