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Subject: Council conclusions on Special Report n°18/2012 of the Court of Auditors on
"European Union Assistance to Kosovo related to the rule of law" of
30 October 2012

Delegations will find in Annex the Council conclusions on Special Report n°18/2012 of the Court of Auditors on "European Union Assistance to Kosovo related to the rule of law" of 30 October 2012, as adopted by the Council (Foreign Affairs) on 18 February 2013.

Council Conclusions on Special Report n°18/2012 of the Court of Auditors "European Union Assistance to Kosovo related to the rule of law" of 30 October 2012.

1. The Council welcomes the publication of the European Court of Auditors (ECA) Special Report n°18/2012: *European Union Assistance to Kosovo¹ related to the rule of law* on 30 October 2012, focusing on the period 2007 to 2011, as well as the efforts, for the first time, to audit EU assistance in a complex post-conflict environment. The constructive participation of the European Commission and EEAS throughout the process is likewise noted and appreciated.
2. The Council shares the Court's appreciation that rule of law is a key feature of the EU Western Balkans Agenda and recalls that the focus on reinforcing the rule of law will be further strengthened, as the region continues to move forward toward the EU. Assisting and promoting the rule of law in Kosovo is a joint effort of the local authorities, the European Union and EU Member States following a comprehensive approach that respects the combined need for political engagement, technical expertise, and long-term capacity-building in Kosovo and the wider region. Major efforts are needed by all actors, in particular the Kosovo authorities, to consolidate rule of law.
3. In considering the Court's observations, the Council notes the importance of acknowledging the complex political and institutional context in which the EU's assistance has been delivered, especially regarding the north of Kosovo. The effectiveness of EU actions cannot be measured only by quantitative means as it reflects the local and regional political environment and comes in combination with the local authorities' responsibilities in this field. In this regard, the Council commends the EU's efforts, in particular the personal engagement of HR/VP Catherine Ashton, to facilitating a high-level political dialogue between Belgrade and Pristina.

¹ This designation is without prejudice to positions on status, and is in line with UNCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

4. The Council notes that the Court's report contains valuable recommendations to enhance the efficiency of EU assistance in Kosovo, including the need for better integration of internal and external EU security priorities, the need for closer EU coordination to ensure that projects and investments are complementary and effective, and the need for EU procedures on procurement to be fit for purpose for CSDP missions. The issues related to force generation and legal framework of CSDP missions need to be further explored by the competent Council bodies.

 5. The Council acknowledges that several of these recommendations have already been acted upon since the Report's reporting period, most notably in regard to integration of EU processes and closer coordination. The successful restructuring and reconfiguring of EULEX in Summer 2012 (occurring after the reporting period of the Court) addressed many of the report's observations regarding closer coordination and the comprehensive approach. To this effect, the Council encourages the EEAS and the Commission to further enhance their efforts to ensure full coordination on rule of law activities. Both the EEAS and the Commission have integrated a stronger focus on benchmarking into their activities and reporting procedures, also in order to facilitate allocation of resources. The Council welcomes this and underlines the importance of systematic examination of the impact of EU assistance to Kosovo.
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