

HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TÜRKİYE

*THE EXPERTISE
CO-ORDINATION MECHANISM*



Strengthening justice

Fighting corruption, economic crime and money laundering

Promoting anti-discrimination and protection
of the rights of vulnerable groups

Promoting and protecting freedom of expression and media

Expertise co-ordination mechanism

Co-funded
by the European Union



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Co-funded and implemented
by the Council of Europe

The Horizontal Facility is a co-operation initiative of the European Union and the Council of Europe aiming to assist Beneficiaries in the Western Balkans and Türkiye to meet their reform agendas and comply with the European standards in the fields of human rights, rule of law and democracy. This is also a priority for the EU enlargement process.

The programme, which has been running since 2016, builds on the already achieved results, in key areas: strengthening justice; fighting corruption, economic crime and money laundering; promoting anti-discrimination and protection of the rights of vulnerable groups (including LGBTI, minorities and Roma), promoting and protecting freedom of expression and media.

The Horizontal Facility supports its Beneficiaries through a complementary two-fold approach:

- ▶ Technical co-operation tailored to increase compliance with European standards, and
- ▶ *Ad-hoc* advice and expertise in response to requests for legislative analysis and related assistance through the **Expertise Co-ordination Mechanism (ECM)**.



WHAT IS THE EXPERTISE CO-ORDINATION MECHANISM?

■ The Expertise Co-ordination Mechanism (ECM) is a tool for provision of legislative expertise and policy advice by the Council of Europe in response to specific requests. It is part of the Horizontal Facility for the Western Balkans and Türkiye (Horizontal Facility).

WHAT IS THE SCOPE OF THE ECM?

■ Its scope of work includes expert advice on legislative and policy issues, including to assess the alignment of legislation and policy documents with Council of Europe standards, in the following areas:

- ▶ strengthening justice;
- ▶ fighting corruption, economic crime and money laundering;
- ▶ anti-discrimination and the protection of the rights of vulnerable groups;
- ▶ freedom of expression and the media;
- ▶ constitutional issues, falling within the area of competence of the European Commission for Democracy through Law (better known as the Venice Commission).

WHO CAN MAKE A REQUEST UNDER THE ECM?

Members of the government, speakers of the parliament, heads of parliamentary committees, Ombudsperson institutions or independent state institutions of the Beneficiary concerned can make a request for an expert opinion under the ECM.

Furthermore, specifically for issues which fall within the area of competence of the Venice Commission, the European Union as well as Council of Europe organs (i.e. the Secretary General, Committee of Ministers, Parliamentary Assembly and the Congress of Local and Regional Authorities) can also submit requests for ECM assistance. In addition, requests for *amicus curiae* briefs by the Venice Commission can also be made by constitutional courts of the respective Beneficiaries.

HOW TO FORMULATE A REQUEST AND HOW IS IT PROCESSED?

Requests for expertise can be addressed in writing, by letter, e-mail or fax to the Secretary General of the Council of Europe. Requests involving Venice Commission expertise can also be addressed directly to the President of the Venice Commission.

Requests should comprise as many details as possible, including the name and type of legislation or policy document on which expertise is being sought, the reasons for seeking expertise or for amending legislation or policies and the envisaged timeline for adoption of the new legislation or policy documents (or amendments to existing legislation and policy documents), following the provision of the requested expertise.

Once received, the requests will be processed by the relevant Council of Europe entities. While the Council of Europe aims to deliver requested expertise as soon as possible, the precise timeframe is defined in consultation with the requesting authorities.





WHAT ARE THE CRITERIA FOR GRANTING A REQUEST?

- An ECM request must meet all the following criteria:
 - ▶ it must be made by the institutions listed in the previous section;
 - ▶ it must fall within an area of expertise of the Council of Europe;
 - ▶ it must fall within the following thematic areas: strengthening justice; fighting economic crime; anti-discrimination and the protection of the rights of vulnerable groups; freedom of expression and freedom of the media. The request can also fall within the scope of competence of the Venice Commission;
 - ▶ it cannot be provided within one of the ongoing actions of the Horizontal Facility programme.

WHERE TO ADDRESS THE REQUEST?

- ECM requests can be sent by letter, email, or fax to the Secretary General of the Council of Europe:
 - ▶ Secretary General of the Council of Europe
Council of Europe
F-67075 Strasbourg Cedex, France – Fax: + 33 3 88 41 27 99
Website: www.coe.int/en/web/secretary-general/private-office
- ECM requests involving Venice Commission expertise can also be sent by letter, e-mail or fax to the President of the Venice Commission:
 - ▶ President of the Venice Commission
Council of Europe
67075 Strasbourg Cedex, France – Fax: +33 3 88 41 37 38
e-mail: venice@coe.int

Examples of support provided under the ECM and results achieved

- ▶ Compliant with the Venice Commission [Opinion](#) on the draft Law on the finalisation of the transitional processes of the property and with the requirements of the Article 1 Protocol 1 of the European Convention on Human Rights, the **Albanian** Parliament adopted the law in April 2020, effectively addressing a remaining set of problems related to property rights on agricultural land and registration issues.
- ▶ In an [Opinion](#) regarding the draft Law on the amendments to the Law on the High Judicial and Prosecutorial Council in **Bosnia and Herzegovina**, the Venice Commission made several recommendations to the authorities concerning the new provisions and urged them to make the provisions of the Draft Law more precise.
- ▶ The Minister of Justice requested an [Opinion](#) on the draft revised amendments to the Law on the **Kosovo** Prosecutorial Council. The follow-up decision of the Venice Commission highlighted that the revised amendments represent a clear and significant progress compared to the original draft amendments. As a result, the Law no.08/L-136 on amending and supplementing Law no. 06/L-056 on Kosovo Prosecutorial Council was adopted on 14 April 2022.
- ▶ Pursuing the recommendations stemming from the Venice Commission Urgent [Opinion](#) on the draft amendments to the Law on the Judicial Council and Judges, the Minister of Justice of **Montenegro** requested a follow-up [Opinion](#) on the revised draft amendments to the Law on the Judicial Council and Judges. The follow-up expertise confirmed the overall positive assessment of the draft law and welcomed the newly introduced amendments.
- ▶ In **North Macedonia**, the Venice Commission provided an [Opinion](#) on the Draft Law on State of Emergency highlighting that the draft law meets most of the central requirements set out by the Venice Commission in its previous opinions and reports. The Opinion also welcomed the draft, which proposed a reasonable balance of powers in the case of the state of emergency and provided for safeguards limiting the Government's exceptional powers, thus filling the gaps left unregulated in the Constitution.
- ▶ [Legal expertise](#) on the draft Law on Gender Equality of **Serbia** has been provided by the Gender Equality Division of the Council of Europe. Subsequent to the revision of the draft Law, follow-up legal expertise was provided assessing the extent to which previous recommendations were taken into account in the revised draft, but also analysing the new provisions based on Council of Europe gender equality standards and model legislations. The Law on Gender Equality of Serbia, which is the first law tackling gender equality in Serbia in a systematic way, entered into force on 1 June 2021, incorporating part of the recommendations provided by the Council of Europe.

MORE INFORMATION

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The joint European Union and Council of Europe programme “Horizontal Facility for the Western Balkans and Türkiye” (Horizontal Facility III) is a co-operation initiative, running from 2023 until 2026.

The programme covers actions in Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia and Türkiye. It enables the Beneficiaries to meet their reform agendas in the fields of human rights, rule of law and democracy and to comply with European standards, which is also a priority for the EU enlargement process.

**This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*

The Member States of the European Union have decided to link together their know-how, resources and destinies. Together, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders.

www.europa.eu

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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