The Horizontal Facility for the Western Balkans and Turkey (Horizontal Facility II) 2019-2022 is the second phase which ran from 2016 to 2019 and 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 European Union and the Council of Europe co-operation programme, the Horizontal Facility for the Western Balkans and Turkey (referred to hereafter as the Horizontal Facility II).

WHAT IS THE SCOPE OF THE ECM?

- Geographically the ECM covers Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey.
- Its scope of work includes expert advice on legislative and policy issues, including to assess the alignment of legislation and/or policy documents with Council of Europe standards, in the following areas:
  - ensuring justice;
  - fighting economic crime;
  - 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).
- Requests should preferably include 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 time-line 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.
- Requests can be addressed in writing by letter or fax to the Secretary General of the Council of Europe, Marija Pešinović Burić. Requests involving Venice Commission expertise can also be addressed directly to the President of the Venice Commission, Gianni Buquicchio.

WHO CAN MAKE A REQUEST UNDER THE ECM?

- European Union (EU) and its Member States;
- EU institutions, namely the European Commission, European Parliament, European Court of Justice, European Central Bank, EU agencies and other EU bodies (Commission Staff; Committee of Permanent Representatives of the Governments of the Member States to the EU; Committee of the Regions; Committee of States Parties to the European Convention; Committee of the Regions of Local and Regional Authorities; Committee of the Regions of the Western Balkans); the Council of Europe (Secretary General, Committee of Ministers, Parliamentary Assembly and the Congress of European Local and Regional Authorities); the Venice Commission; the European Parliament; the European Economic and Social Committee; the Committee of the Regions; the Committee of the Regions of Local and Regional Authorities; the Committee of the Regions of the Western Balkans; the European Commission for Democracy through Law (better known as the Venice Commission), its Secretariat and the Venice Commission; the European Union or the Secretary General, Committee of Ministers, Parliamentary Assembly or Congress of Local and Regional Authorities of Turkey.

WHERE TO ADDRESS THE REQUEST?

- Requests can be sent by letter or fax to the Secretary General of the Council of Europe:
  - Marija Pešinović Burić
  - Secretary General of the Council of Europe
  - European Commission for Democracy through Law (better known as the Venice Commission)

- ECM requests involving Venice Commission expertise can also be sent by letter, e-mail or fax to the President of the Venice Commission:
  - Gianni Buquicchio
  - President of the Venice Commission

- Where to address the request?
The “Horizontal Facility for the Western Balkans and Turkey 2019-2022” is a joint initiative of the European Union and the Council of Europe that enables the Beneficiaries to meet their reform agendas in the fields of human rights, rule of law and democracy and to comply with the European standards, including where relevant within the framework of the EU enlargement process. This three-year programme covers actions in Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, Turkey, as well as Kosovo* and it is implemented by the Council of Europe from May 2019.

*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 is composed of 47 member states, individual members of the European Union, All states of Europe, countries that respect human rights, are A strong supporter of human rights, democracy and the rule of law. The Council of Europe is the world’s largest human rights organisation. www.coe.int

Examples of support provided under the ECM (2016-2019)

The Constitutional Court of Albania requested an amicus curiae brief on the Law on Treatment of Property and Finalisation of the Process of Compensation of Property. The brief was adopted by the Venice Commission on 14-15 October 2016, paving the way to the adaption and implementation of this key legislation.

In Bosnia and Herzegovina, legal expertise was provided by the Council of Europe in April 2018 on the Law on the rights of the victims of torture, upon the request of the Ministry of Human Rights and Refugees.

In Montenegro, an opinion was provided on human-rights related provisions of draft Law on Foreigners. The Law, which was adopted in February 2018, ensured a better balance of security provisions with those safeguarding human rights of persons in migration, in line with the European Convention on Human Rights and European Court of Human Rights case law.

The Ministry of Labour and Social Policy of North Macedonia requested support for drafting the Law on the Prevention and Protection against Discrimination. Following an opinion by the Venice commission adopted at its Plenary Session on 16-17 March 2018 (CDL-AD(2018)001), the Law was adopted in March 2019, significantly introducing gender identity as a ground for discrimination.

Support was provided to improve draft amendments to the Constitutional provisions relating to the judiciary in Serbia. An opinion was adopted by the Venice Commission in June 2018 (CDL-AD(2018)011) which raised a number of issues to be addressed. At its October 2018 plenary session, the Venice Commission found that the government of Serbia had followed its recommendations in the revised draft of the Constitution.

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