

Open Regional Fund for South-East Europe – Legal Reform

The challenge

As the countries of South-East Europe are looking to join the European Union (EU) and gain membership in international organisations, they face the task of harmonising their existing legal systems with EU law.

In response to demand from partner countries, the Open Regional Fund (ORF) – Legal Reform project has been supporting the process of rapprochement with the EU since 2007, focusing in particular on civil and commercial law and on modernising the way in which justice is administered. The project works with partner countries to align legal conditions with the *acquis communautaire* (accumulated body of European Union law and obligations). This comprises all binding rights and obligations for all EU member states. Reform work focuses on the issues of justice and fundamental rights as well as justice, freedom and security. Rule of law is also essential for the countries' sustainable economic growth. The Western Balkan states have set themselves the goal of developing a regional economic area. This requires an effective implementation of legal frameworks.

The ORF – Legal Reform project concentrates its work on fostering regional cooperation and sharing expertise. Against the backdrop of existing ethnic conflicts in the Western Balkans, this cooperation can help to overcome political tensions.

Goal

The preconditions for implementing the *acquis communautaire* (EU *acquis*) in the course of EU rapprochement are improved. The countries of South-East Europe work together to fulfil the legal frameworks and achieve their national goals of legal reform.

Project name	Open Regional Fund for South East Europe – Legal Reform (ORF LR)
Commissioned by	German Federal Ministry for Economic Cooperation and Development (BMZ)
Countries	EU Accession countries in South-East Europe
Lead executing agency	Regional Cooperation Council (RCC)
Duration	2007 – 2021
Project value	19.85 million Euros

Our approach

All the partner countries supported by the ORF – Legal Reform project face similar challenges, which can be solved more successfully by working together. Regional exchange is therefore the essential element in successful rapprochement with the European Union. To achieve this goal the Regional Fund supports state institutions and civil society in these partner countries in working together within certain areas to adapt their systems of law and justice to the requirements of the EU's *acquis*, in particular with the aim of sustainable economic development. With these objectives in sight, the ORF – Legal Reform project promotes:

- the development and support of regional platforms and networks;
- the exchange of experts among the partner countries;
- harmonisation of laws in the region;
- networking between partner institutions and international sectoral organisations.



Left to right :

Reforms of law and justice put major challenges before the countries of the region on their way to EU accession.

Regional cooperation and exchange are essential elements for EU rapprochement.

The project involves all of the cooperation countries in South-East Europe in achieving progress in the following main measures:

- **Harmonisation of the Legal Framework for Investment Protection:** Part of this measure are to enable a regional exchange related to UNCITRAL meetings, the identification of the relevant structures for Investor-State Dispute Settlements and the support of Regional Moot competitions. Moreover, reform proposals for a legal framework will be created.
- **Strengthening the Economic Empowerment of Women:** The sub-project supports in particular notary chambers and registration offices to implement the existing legal framework. As part of this measure a legal analysis has been conducted with FAO to track the progress and prepare the countries for reporting on SDG indicator 5.a.2. of the 2030 Agenda. The measure also focuses on cross-border transactions affecting women's property rights.
- **Cooperation of the Western Balkans Judicial Training Institutions:** The sub-project supports institutional capacity development and strengthening networking and exchange between judicial training institutions in the region through an established regional cooperation format. In the focus of the measure are the use of digital tools, promoting gender aspects in judicial training.
- **Cross-border enforcement of judgements:** This measure aims to intensify international cooperation with the Hague Conference on Private International Law and the International Union of Judicial Officers and to improve the professional standards for bailiffs to advance the conditions for cross-border enforcement of judgments.

Results

- The project supported the establishment of the South East European Law School Network (SEELS), which comprises 13 law faculties. Not only has this enhanced quality standards for education and professional training in law, it has also led to the establishment of regional teaching and research programmes.
- With the support of the project, the countries regularly attend meetings of the United Nations Commission on International Trade Law (UNCITRAL). Through their participation in the international discussions, the partner countries are better informed about investor-state arbitration and the current developments in this area.
- The Belgrade Open Pre-Moot was founded. Moots are a kind of legal competition. University teams compete against one another in simulated court proceedings and represent clients in fictional disputes. The Belgrade Open Pre-Moot has now become one of the world's top ten pre-moots.
- Together with the Regional Cooperation Council (RCC), the project supported the network of law academies in the region, organised training courses for judges and created a regional database of legal experts. As a result of this, more than 300 judges and employees of partner institutions from the region attended training courses in the previous project phase (2016 to 2018) in fields including EU law and women's and land rights.
- The project has promoted the issue of gender justice across all of its measures. For example, access to land rights for women has been improved, partly through guidelines for notaries regarding gender-sensitive work.

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The United Nations Sustainable Development Goals (SDGs) that the Project focuses on in its implementation are:



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