

TERMS OF REFERENCE

Support to the Development of the South East Europe 2020 Strategy through the Establishment of a Working Group on Justice Dimension

Purpose

The purpose of the establishment of a Working Group of the high level representatives of ministries of justice (hereinafter referred to as: Working Group) is to assist in the implementation of the SEE 2020 – Jobs and Prosperity in European Perspective (hereinafter referred to as: SEE 2020 or Strategy), particularly in the area of justice under the Governance for Growth Pillar of the Strategy. For this purpose, the Working Group will operate under the auspices of Regional Cooperation Council (RCC) Secretariat with the programming, implementation, reporting and monitoring on the activities within Justice Dimension.

These Terms of Reference describe the main features of the Working Group and outline the main tasks, composition and procedures guiding the WG work.

Background Information

The Regional Cooperation Council (RCC) Secretariat, working upon the request of the countries of the Southeast Europe Cooperation Process (SEECPP) as well as the European Commission (EC), coordinated the development of a regional growth strategy titled “SEE 2020 – Jobs and Prosperity in European Perspective”. The main goal of the Strategy is to help boost competitiveness and job creation, and to underscore the European perspective of the region’s future. The success of the SEE 2020 depends on achieving high and sustained economic growth as well as making progress in catching up with the EU. In this respect, by 2020, the region plans on achieving 11 ambitious headline targets in the 5 main growth pillars of the Strategy – integrated, smart, sustainable and inclusive growth, underpinned by good governance. The target guiding the activities under the Governance for Growth Pillar envisions increasing government effectiveness by 20% by 2020, as measured by the World Bank Institute’s governance indicators.

Following the adoption of the SEE 2020 Strategy by the Governments, the ministers in charge of the economy of Albania, Bosnia and Herzegovina, Croatia, The Former Yugoslav Republic of Macedonia, Kosovo* , Montenegro and Serbia have endorsed the Strategy in Sarajevo in November 2013, entrusting the RCC with a role of coordinating and monitoring its implementation. In this sense, the RCC has initiated activities on the development of regional action plans in all of the policy dimensions of SEE 2020 to convert the recommendations and measures contained therein into actionable items. The policy area dealing with justice is one of the SEE 2020 dimensions where a clear and tangible regional action plan will be required.

Justice is one of the three dimensions of the Governance for Growth Pillar of the SEE 2020 Strategy and it is approached horizontally, as a cross-cutting issue and a prerequisite for

* 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.

achievement of the Strategy objectives and the efficient implementation of policy measures and instruments across all pillars. Good governance and legal certainty are necessary for a stable business environment. It is essential that the institutions that govern economic and social interactions within a country fulfil a number of key criteria such as the absence of corruption, an effective legal environment and an independent and efficient judicial system. Moreover, strengthening institutional and administrative capacity, reducing the administrative burden and improving the quality of legislation underpins structural adjustments and fosters economic growth, as well as employment.

The reform of justice system is one of the highest priorities in the region. It is crucial for the fulfilment of the political accession criteria as well as the adoption of the EU acquis. SEE 2020 addresses the issue of justice reform from a narrower standpoint of enhanced business environment and competitiveness. As companies and investors look for strong institutions, predictable and fair rules and efficient enforcement mechanisms, considerable improvements to the judiciary system will be needed in SEE, also as a way of improving the investment climate.

Almost each of the policy dimensions contained in the SEE 2020 Strategy has a regional dimension coordinator, often a regional organisation, structure or a task force entrusted with coordinating activities within the specific policy areas. The Justice Dimension is an exception. The RCC will establish a Working Group on Justice with a clear mandate to coordinate the work in Justice Dimension of the Strategy. The Working Group will be convened at least once a year at senior expert level and at least once a year at ministerial level.

Tasks

The scope of Working Group will include, but should not be limited to:

- Agreeing on the multiannual regional action plan for implementation of the SEE 2020;
- Mapping the ongoing and planned activities in the area of justice relevant to the SEE 2020 implementation;
- Examining the cross-border judicial cooperation and proposing the actions and measures for enhancing the efficiency, especially in the area of free access to information on legal services; the legal framework for cross-border registration of companies; rights and opportunities for cross-border bankruptcy proceedings; rules on cross-border takeovers and mergers;
- Examining and developing measures and actions to improve the use of mediation, arbitration and other forms of ADR (hereinafter referred to as: mediation) by ‘dispute-wise’ businesses in order to save money and time;
- Agreeing upon key indicators for effective monitoring of the SEE 2020 Justice Dimension implementation;
- Advising on the monitoring and evaluation of actions that contribute to the implementation of the SEE 2020 in the area of justice;
- Agreeing on Justice Dimension input to the Baseline Report and Annual Implementation Report of SEE 2020;

- Discussing other judicial cooperation issues of interest.

Composition and Working Method

- Working group will be composed of the representatives of senior experts from the ministries of justice of the seven economies of the Western Balkans that have endorsed the SEE 2020 and the RCC, supported by the European Commission and other relevant stakeholders, as appropriate;
- Working Group may invite other regional partners, organisations and stakeholders to attend the meetings and participate in the process, as appropriate;
- The members of the Working Group will do their utmost to ensure regular participation in meetings and other activities;
- Once a year, the RCC will call ministers of justice to endorse the conclusions and recommendations prepared by the Working Group;
- The Working Group meetings will be chaired by the RCC as a permanent chair;
- The RCC will convene, conduct and conclude the Working Group meetings and draft pertaining agendas;
- Meetings of the Working Group will be held at the seat of the RCC Secretariat, unless proposed otherwise;
- Draft minutes, developed by the RCC Secretariat, will be circulated for comments within 10 calendar days after each meeting, following which the RCC Secretariat will issue a final version.