



TERMS OF REFERENCE

FOR

TWO NATIONAL LEGAL EXPERTS

Job Title: TWO NATIONAL LEGAL EXPERTS for Preparation of two policy documents “Guidelines for litigation before the CJEU for the new member states in Rights of the EU” and “Challenges for new application of the Charter of Fundamental Rights of the EU”

Institution: Civic Alliance, Montenegro;

Project title: „Strengthening Regional Judicial Cooperation in the Western Balkans for Effective Litigation before the CJEU and Implementation of the EU Charter of Fundamental Rights“

Location: Podgorica, Montenegro;

1. Background and project goal

The continuous legal education of the judiciary is pivotal in enhancing the skills of judges, prosecutors, and legal practitioners, fostering a shift in mentality, and equipping them with the requisite knowledge of jurisprudence from the Court of Justice of the European Union (CJEU) and practical implementation of the Charter of Fundamental Rights of the European Union within national legal frameworks.

Aligned with the European judicial training strategy for 2021-2024, the initiative emphasizes the participation of justice professionals from the Western Balkans region in cross-border judicial training, recognizing their pivotal role in upholding the rule of law and the importance of staying abreast of the EU acquis and the evolving case-law of the CJEU, with dedicated training on the application of the Charter of Fundamental Rights of the European Union.

The project goal is: Improving the skills and capacities of judges, public prosecutors and legal practitioners to litigate substantive EU law before the European Court of Justice after becoming member states and to effectively implement the Charter of Fundamental Rights of the European Union.



2. Scope of engagement

Preparation of 2 policy documents *“Guidelines for litigation before the CJEU for the new EU member states”* and *“Challenges for new member states in application of the Charter of Fundamental Rights of the EU”*

The two national experts (hereinafter, experts) in coordination with the appointed project coordinator, will analyze legal frameworks, case law, and academic literature concerning law, fundamental rights, and judicial procedures of the European Union. The experts will engage with relevant reports, literature and experience of the legal practitioners, judges, public prosecutors, academics, and representatives from relevant organizations to gather insights on challenges and best practices of taking cases in front of the CJEU and implementation of the EU Charter of Fundamental Rights. Their expertise will ensure the policy documents align with CJEU practice and documents related to the EU Charter of Fundamental Rights. The national experts together with the appointed project coordinator will advocate for country-specific examples to enhance practical utility and collaborate on preparing the documents for publication and dissemination.

3. Number of experts engaged and experts responsibilities

The Project is planning to engage **two national legal experts** who will jointly work on the following specific tasks:

- **Preparation of a policy document titled *„Guidelines for litigation before CJEU for the new EU member states”***
 - Review existing case law and precedents of the CJEU related to new EU member states.
 - Analyze the challenges and unique legal concerns specific to the country of the National Experts.
 - Analyze current guidelines, procedures, and best practices for litigation before the CJEU.
 - Investigate the legal systems and judicial procedures of the new member states to identify areas of alignment and differences with CJEU processes.
 - Identify specific issues to be addressed.
 - Suggest improvements to court procedures and administrative practices for better litigation before CJEU.
 - Share the draft with legal experts, practitioners, and relevant stakeholders from new EU member states for their feedback, if needed.

- **Preparation of a policy documents titled *„Challenges for new member states in application of the Charter of Fundamental Rights of the EU”***
 - Review challenges new member states face in applying the Charter.
 - Analyze relevant case law and reports.
 - Identifying key challenges and objectives of the document focusing on legal, procedural, and political barriers.



- o Propose changes to existing laws, legal acts, and court rules to better align with the CFREU.
- o Share the policy document with EU institutions, NGOs, academic bodies, and relevant stakeholders for further discussion and implementation, if needed.

4. Qualifications and Experience for the National Legal Expert

The Expert will have the following qualifications and experience:

Qualifications:

- **Degree in Law:** A law degree, with a specialization in human rights law, constitutional law, or international law. A master's degree (LL.M.) is highly preferred.
- **Relevant experience as legal professional (e.g., judge, public prosecutor, attorney or professor) is required:** Expertise in fields such as European law, human rights, constitutional law and jurisprudence.
- **Familiarity with Domestic Legislation:** A thorough understanding of the country's constitutional, legal, and regulatory frameworks, including laws and procedures concerning public access to court information, judicial transparency, and the freedom of information.
- **In-depth knowledge of EU Law and Charter of Fundamental Rights of the EU and practice of CJEU:** Preferred in-depth knowledge and understanding of EU Law, with familiarity with the Charter of Fundamental Rights (CFREU).

Experience:

- **Minimum 10 Years of Professional Experience:** At least ten years of legal practice including experience of at least 5 years in international law, particularly with a focus on EU Law, Charter of Fundamental Rights of the EU, EHCR and domestic legislative framework.
- **Experience with Case Law:** Proven experience in reviewing, interpreting, and applying international courts and judgments.
- **Familiarity with Judicial Procedures:** Demonstrated experience working with or advising on national legal frameworks, court rules, and administrative procedures in relation to transparency, public access to legal documents, and the right to a fair trial.
- **Strong Research and Analytical Skills:** Exceptional legal research and analytical skills, with the ability to critically evaluate both national and international legal provisions and court practice, identify legal gaps, and develop tailored approaches for judges and public prosecutors.

5. Reporting relationships

The experts will report directly to the Project Manager.

6. Expected deliverables

The experts is expected to achieve the following key deliverables at the minimum:



on	Key Deliverable
10 working days per Expert in the period of January 2025 – April 2025	<ul style="list-style-type: none"> ● Preparation of two policy documents. <ul style="list-style-type: none"> o <i>Preferred maximum number of pages per policy document: 30 max</i> o <i>Times New Roman 12</i> o <i>Chicago style referencing</i>

7. Terms of Execution

Upon notification of the contract, the expert will review the terms of her/his work and report all points requiring additional information or clarification. He/she will contact the Project Manager to collect all the information, instructions, and guidelines governing the conduct of the assignment.

8. Remuneration

Each national legal expert will be remunerated 1500 € for the assigned task (the personal income tax is included in this sum). The payment will be done upon finalization and approval of the deliverables as described in this ToR. The Project will not be responsible for paying any additional taxes or other expenses done by the expert under this mission.