

## Project: "LEGAL, COMMERCIAL, CONCILIATION AND ARBITRATION SERVICES IN THE ADRIATIC REGION" Law 84/2001 – Clause 5

During the VII event of the Forum, activities commenced with the "**Legal, commercial, conciliation and arbitration services in the Adriatic region**" project, which was proposed and won by the Ancona Chamber of Commerce in accordance with Law 84 of 21<sup>st</sup> March 2001. This law grants funds to Italian initiatives aimed at stabilizing, reconstructing and developing countries in the Balkan area.

Professor Daniele Mantucci, lecturer of Private Law and Domestic and International Legal Arbitration at the Faculty of Economy "Giorgio Fuà" of the Polytechnic University of Le Marche, will collaborate with the project team in organising the project activities. He explained that: *"We started this project by knowing that commercial operations in the Adriatic area are often slowed down by the worry that many operators have in terms of costs, timing, and unforeseen problems. They also have difficulties in identifying the right legal procedures to follow and identify the right judge to appoint to resolve the litigation. Legal instruments are very often not adequate to the business needs as they are very formal and too bound to the reality of the single countries that they represent. Thus, enterprises are forced to carefully plan each risk when it comes to plan and complete their internationalisation path or even when a simple investment has to be made in foreign countries. In contrast, instruments of conciliation and arbitration are better applied at international level due to the flexibility and rapidity of the system. They are preferred to other instruments because they favour homogeneity of procedures and prevent litigation, which may result in having to be judged by an authority representing a system not sufficiently known"*.

The project initiative aims at facilitating economic-commercial relations between the Italian Public Prosecutors and the ones of the East-Adriatic area, especially those of Croatia, Montenegro, Bosnia-Herzegovina and Albania. This can be done by sharing knowledge and promoting the use of services for legal disputes (conciliation, arbitration, contract expertise) via the construction of an operative "network" amongst the Chamber of Commerce members.

In particular, this network will help in organising promotional activities with the objective of increasing the sensitivity of operators about topics such as conciliation, arbitration and high-level training activities in accordance with European training standards. The objectives of the training are:

- ✓ To contribute to the strengthening of political and economic stability in the East-Adriatic area via the activation of a network aimed at training and informing about ADR topics, and favour the process of internationalisation of the Italian legal system in collaboration with Italian and foreign chamber institutions;
- ✓ To retain the value of technical-scientific heritage in terms of existing political/institutional, economic and legal topics and especially with regards to ADR topics by promoting the use of conciliation and arbitration procedures via the creation of an international "assistance network";
- ✓ To offer arbitration and conciliation services to Public Prosecutors of different countries in the East-Adriatic area which will allow a faster and easier solution of disputes and consequently the development of commercial relations by overcoming problems caused by different languages, administrative systems, legal systems and cultural backgrounds;
- ✓ To train chamber employees and sector operators (i.e. professionals and entrepreneurs) on the main aspects of administrative, bureaucratic, and organisational management about conciliation and arbitration procedures;
- ✓ To favour a scientific study of political, economic and legal situations in countries of the Adriatic area with the aim of constructing a document database (library and/or a database made mainly by legal, monographic and collection of documents) with a special focus on A.D.R. topics.

The execution of the project activities, managed in collaboration with the promoting body and Italian and foreign partners, will contribute to the growth of a conciliation and arbitration culture in the Adriatic region, favouring the resolution of disputes about negotiations within the Adriatic macro-region and facilitating the development of economic-commercial relations and exchange amongst entrepreneurs.

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| <b>Promoter</b>                                | Ancona Chamber of Commerce  |
| <b>Countries the intervention is aimed at</b>  | Croatia, Montenegro, Bosnia and Herzegovina, Albania  |
| <b>Italian partners</b>                        | <ul style="list-style-type: none"> <li>✓ Milan Chamber of National and International Arbitration</li> <li>✓ Unioncamere Marche</li> <li>✓ Polytechnic University Le Marche – CIRAB (Inter-departmental Centre of Research for the Adriatic and Balkans)</li> <li>✓ Confindustria Marche</li> </ul>  |
| <b>Foreign partners</b>                        | <ul style="list-style-type: none"> <li>✓ Split Chamber of Economy - Croatia</li> <li>✓ Sarajevo Chamber of Economy – Bosnia and Herzegovina</li> <li>✓ Podgorica Chamber of Economy - Montenegro</li> <li>✓ Valona Chamber of Economy - Albania</li> </ul>  |
| <b>Local beneficiaries of the intervention</b> | <ul style="list-style-type: none"> <li>✓ Local business system in promoter and partners' reference territories</li> <li>✓ Technical-legal operators</li> <li>✓ Chambers Staff of countries in the East-Adriatic region</li> <li>✓ Sector's associations and consumers</li> </ul>  |
| <b>Brief of the activities</b>                 | <p><b>Phase 1 – Service activation preliminary actions</b></p> <p>A study of each one of the countries at which the intervention is aimed will be carried out. It will contain the illustration of their political, institutional and legal (especially regarding arbitration and conciliation normative) situations and data related to domestic and foreign disputes. The data will be analysed and then used to make a comparative analysis by identifying the most significant reasons of conflict in the Adriatic area, the sectors most affected by it, the procedures usually followed to solve the disputes and the degree of satisfaction of the parties involved.</p> <p><b>Phase 2 - Service Predisposition and Activation</b></p> <p>A presentation of the results of Phase 1 will be given to the stakeholders, especially to the Chambers of Commerce and Economy of the East-Adriatic countries, in order to involve them in the sensitisation process currently taking place over ADR topics.</p> <p>The divulging of actions will be organised by partners on their territories and will be done in each country. A trans-national meeting will be organised.</p> <p>At the same time, training courses on conciliation and arbitration procedures aimed at entrepreneurs, professionals, economic operators and chambers' employees will be held in collaboration with the Milan Chamber of Commerce.</p> <p><b>Phase 3 - Service Promotion</b></p> <p>A promotion of the assistance Service will be done. Internal (newsletters, booklets and posters) and external (netmarketing, telemarketing, e-mail and internet search engines) communication will be carried out. In concluding the project, seminars will be organised in each of the countries where the intervention was made.</p> |