(Acts adopted pursuant to Title VI of the Treaty on European Union)

JOINT ACTION

of 28 October 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on a programme of incentives and exchanges for legal practitioners ('Grotius')

(96/636/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles K.3 (2) (b) and K.8 (2) thereof,

Whereas the Member States consider the strengthening of judicial cooperation to be a matter of common interest;

Whereas setting up a framework for projects of training, information, studies and exchanges for legal practitioners will contribute to improving the mutual understanding of legal and judicial systems of the Member States, to highlighting their points of convergence and to lowering the barriers to judicial cooperation between Member States;

Whereas these objectives can be more effectively realized at European Union level than at the level of each Member State, because of the expected economies of scale and the cumulative effects of the projects envisaged;

Whereas this joint action is without prejudice to the Community's powers in the field of vocational training and does not therefore adversely affect the Community measures taken to implement its policy in that field, and, in particular, the Leonardo da Vinci Programme;

Whereas this joint action does not affect the existing rules of procedure in the field of judicial cooperation,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

Article 1

1. A programme for legal practitioners, to be known as 'Grotius', is hereby established for the period 1996—2000, in order to foster mutual knowledge of legal and judicial systems and to facilitate judicial cooperation between Member States.

2. For the purposes of this joint action, 'legal practitioners' means judges (including examining magistrates), prosecutors, advocates, solicitors, academic and scientific personnel, ministry officials, criminal investigation officers, court officers, bailiffs, court interpreters and other professionals associated with the judiciary.

3. The programme shall comprise the following:

— training,

— exchange and work-experience programmes,

— organization of meetings,

— studies and research,

— distribution of information.

Article 2

The financial reference amount for the implementation of this programme for the period from 1996 to 2000 shall be ECU 8,8 million.

The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

Article 3

Projects with the following objectives may be considered under 'training':

— fostering of foreign language knowledge, in particular a working knowledge of legal language,

— knowledge of the legal institutions and procedures of the other Member States, and how they function,

— exchange of experience between those responsible for the training of legal practitioners, and between institutions responsible for basic training and those responsible for continuing training,

— preparation of teaching modules for training projects, of exchanges and internships, the conferences, or of seminars organized as part of the implementation of the programme.

Article 4

Projects with the following objectives may be considered under 'exchange and placement programmes for training purposes':

— organization of work experience of limited duration in the legal institutions or with legal practitioners in Member States other than that of origin, in the Court of Justice of the European Communities, or in the Court of First Instance as well as in the European Court of Human Rights,

— organization of visits to legal institutions or to legal practitioners in a number of other Member States on specific themes or in the Court of Justice of the European Communities, in the Court of First Instance as well as in the European Court of Human Rights.

Article 5

Projects with the following objectives may be considered under 'organization of meetings':

— organization of bilateral or European conferences on legal topics of general interest,

— organization of multidisciplinary conferences on topical or new legal subjects relating to judicial cooperation,

— organization of seminars based around case studies on sentencing, in the course of which judges from different Member States deliver a verdict on the same court case.

Article 6

Projects with the following objectives may be considered under 'studies and research':

— preparatory analysis of subjects chosen for projects to be implemented within the framework of the programme,

— analysis of reports on work experience or meetings organized within the framework of the programme,

— coordination of research on topics relating to judicial cooperation.

Article 7

Projects with the following objectives may be considered under 'distribution of information':

— hard-copy or on-line distribution of information on legislative amendments or draft reforms, in the original or in translation,

— dissemination of information on projects under Articles 3, 4 and 5, the results of meetings under Article 5 or the findings of research carried out under Article 6 and the application of this research,

— creation of databases and/or documentation networks including lists of articles, publications, studies and legislation in fields relating to judicial cooperation.

Article 8

1. Projects financed by the Community must be of demonstrable European interest and involve more than one Member State.

2. Projects may be managed by national and non-governmental organizations, and in particular legal and judicial training establishments and research centres.

3. The selection process projects for which finance is requested shall have regard, *inter alia*, to:

— the extent to which the subjects covered conform with work that is already in progress or planned for the future under the Council's action programmes in fields relating to judicial cooperation,

— the contribution to the elaboration or implementation of instruments provided for under Title VI of the Treaty,

— the extent to which the different projects complement each other,

— the range of professions to which they are addressed,

— the quality of the institution responsible,

— the operational and practical nature of the projects,

— the degree of preparation of the participants,

— the possibility of using the results of the project to make further progress in judicial cooperation

4. These projects may associate practitioners from the States which have applied for membership where this would contribute to their preparation for accession or other non-member countries where this would be useful.

Article 9

The financing decisions and the contracts arising from them shall provide for monitoring and financial control by the Commission and audits by the Court of Auditors.

Article 10

1. All types of expenditure which are directly chargeable to the implementation of the project and which have been committed within a contractually agreed period shall be eligible.

2. The proportion of financial support from the Community budget shall not exceed 80 % of the cost of the project.

3. Translation and interpreting costs, computing costs, and expenditure on durables or consumables shall not be taken into consideration unless they are essential for the realization of the project, and shall only be financed up to a limit of 50 % of the grant or 80 % in cases where the nature of the project makes them indispensable.

4. Expenditure relating to premises, collective facilities, and the salaries of officials of the State and public bodies shall be eligible only if it corresponds to postings and tasks which have no national purpose or function but are specifically connected with the implementation of the project.

Article 11

1. The Commission shall be responsible for carrying out the measures provided for in this joint action and shall adopt detailed rules for its implementation, including the criteria for the eligibility of costs.

2. It shall draw up each year, with the assistance of experts from the relevant professional circles, the draft annual programme implementing this joint action in terms of the thematic priorities and the distribution of available appropriations between fields of activity.

3. It shall undertake each year an assessment of the measures implementing the programme for the previous year.

Article 12

1. The Commission shall be assisted by a Committee consisting of one representative from each Member State and chaired by the Commission.

2. The Commission shall submit to the Committee the draft annual programme, including a proposal for the distribution of available appropriations between the fields of activity and proposals for implementing rules, and for project assessment. The opinion shall be delivered by the Committee acting unanimously within a period of two months. This period may be reduced by the Chairman for reasons of urgency. The Chairman shall not vote.

If a favourable opinion is not delivered within the time limit, the Commission shall either withdraw its proposal or submit a proposal to the Council which shall take a decision unanimously within two months.

Article 13

1. From the second financial year onwards, projects for which financing is requested shall be submitted to the Commission for scrutiny before 31 March of the financial year to which they are to be charged.

2. The Commission shall examine the projects that are submitted to it with the assistance of the experts referred to in Article 11 (2).

3. Where the financing requested is less than ECU 50 000, the representative of the Commission shall submit a draft to the Committee referred to in Article 12 (1). The Committee, acting by the majority provided for in the second subparagraph of Article K.4 (3) of the Treaty, shall deliver its opinion on this draft within a time limit which the Chairman may lay down according to the urgency of the matter. The Chairman shall not vote.

The opinion shall be recorded in the minutes; furthermore, each Member State shall have the right to ask that its position be recorded in the minutes.

The Commission shall take full account of the opinion delivered by the Committee. It shall inform the Committee of how it has done so.

4. Where the financing requested exceeds ECU 50 000, the Commission shall submit to the Committee referred to in Article 12 (1) a list of the projects submitted to it under the annual programme. The Commission shall indicate the projects it selects and shall give reasons for its selection. The Committee, acting by the majority provided for in the second subparagraph of Article K.4 (3) of the Treaty, shall deliver its opinion on the various projects within a period of two months. The Chairman shall not vote. If a favourable opinion is not delivered within the time limit, the Commission shall either withdraw the project(s) concerned or submit it (them), with any opinion from the Committee, to the Council which, acting by the majority provided for in the second subparagraph of Article K.4 (3) of the Treaty, shall take a decision within two months.

Article 14

1. Measures incorporated in the programme and financed by the general budget of the European Communities shall be managed by the Commission in conformity with the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities [1].

2. When presenting the financing proposals referred to in Article 13 and the assessments provided for by Article 11, the Commission shall take account of the principles of sound financial management and in particular of economy and cost-effectiveness as required by Article 2 of the Financial Regulation.

Article 15

Each year the Commission shall report to the European Parliament and the Council on the implementation of the programme. The first report shall be presented at the end of the 1996 budgetary year.

Article 16

This Joint Action shall enter into force on the day of its adoption.

It shall be applicable for a period of five years, at the end of which it may be extended.

It shall be published in the Official Journal.

Done at Luxembourg, 28 October 1996.

For the Council

The President

D. SPRING

[1] OJ No L 356, 31. 12. 1977, p. 1. Regulation as last amended by Regulation (EC, Euratom, ECSC) No 2335/95 (OJ No L 240, 7. 10. 1995, p. 12).