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**COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

establishing for the period 2007-2013 a framework programme on Fundamental Rights and Justice

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**establishing for the period 2007-2013 the specific programme "Fight against violence (Daphne) and drugs prevention and information"
as part of the
General programme "Fundamental Rights and Justice"**

Proposal for a

COUNCIL DECISION

**establishing for the period 2007-2013 the specific programme "Fundamental rights and citizenship" as part of the
General programme "Fundamental Rights and Justice"**

Proposal for a

COUNCIL DECISION

**establishing for the period 2007-2013 the specific programme "Criminal justice"
as part of the
General programme "Fundamental Rights and Justice"**

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**establishing for the period 2007-2013 the specific programme “Civil justice”
as part of the
General programme “Fundamental Rights and Justice”**

(presented by the Commission)

{SEC(2005) 434}

COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

establishing for the period 2007-2013 a framework programme on Fundamental Rights and Justice

The Communication establishing a Framework programme on "Fundamental Rights and Justice" is part of a coherent set of proposals aiming at providing an adequate support to an area of freedom, security and justice under the financial perspectives 2007. Indeed, the three key objectives of freedom, security and justice are to be developed in parallel and with the same degree of intensity, thus allowing for a balanced approach, based on the principles of democracy, respect for fundamental rights and freedoms, and the rule of law. Each of these objectives is subject to a Framework programme, providing for the necessary coherence between the interventions in each policy area, and clearly linking political objectives and the resources available to support them. Furthermore, this structure represents a major simplification and rationalisation of existing financial support in the area of freedom, justice and security, thus allowing for greater flexibility in the allocation of priorities and increasing overall transparency.

1. INTRODUCTION

European integration has moved forward primarily in the economic sphere, with the setting-up of a Single Market and a single currency. The establishment of an integrated, frontier-free economic area was, as foreseen by the Amsterdam Treaty, complemented by the creation of an area of freedom, security and justice. This area now needs to be further developed and strengthened.

In the Communication "Building our common Future: Policy challenges and budgetary means of the Enlarged Union 2007-2013"[1] the Commission stated *"Freedom, Security and Justice are core values which constitute key components of the European model of society. (...) In this context, developing this dimension of the European Union is the new frontier for integration: a true area of Freedom, Security and Justice is an indispensable building block of the European Union, at the heart of the political project for an enlarged Union"*[2].

The various aspects of the area of freedom, security and justice form a balance between guaranteeing the core rights of the individual as well as delivering the core responsibilities expected of the Union[3].

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1 COM(2004) 101.

2 "Building our common Future: Policy challenges and Budgetary means of the Enlarged Union 2007-2013" - COM(2004) 101, 10.2.2004.

3 "*Freedom is the unifying principle, the linchpin of the European project. But without security, without a system of law and justice recognised by the people, the exercise of freedom and respect for democratic values could not be guaranteed. The European area of freedom, security and justice thus provides a guarantee for the principles of democracy and respect for human rights. As an essential element of European citizenship, the common recognition of these principles, which are now embodied in the Charter of Fundamental Rights, is the cornerstone of integration for everyone living in the Union.",* "A project for the European Union" - COM(2002) 247.

The development of an area of freedom, security and justice responds to a central concern of the peoples of the States brought together within the Union. For that reason the European Council adopted The Hague Programme in November 2004, as a follow up to the programme adopted by the Tampere European Council in 1999. Building upon the results of the Tampere programme, The Hague Programme presents a new agenda to enable the Union to further develop what has already been achieved and to meet new challenges. It also emphasizes that the creation of a Europe for citizens requires not only the full respect of Fundamental Rights, but in addition the active promotion of those rights.

By integrating the Charter of Fundamental Rights, the Constitutional Treaty acknowledges the Union's values and objectives. Furthermore, accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) will strengthen the European commitment to protecting human rights by introducing external judicial review of the European Union's respect for fundamental rights[4]. Increased protection and promotion of fundamental rights also implies that more concerted action should be taken against racism, xenophobia and anti-semitism phenomena by giving greater support to interfaith and multicultural dialogue, with a view to foster understanding and mutual knowledge.

These developments imply a significant reinforcement of the fundamental values which are at the heart of the European project. The Union will be legally obliged not only to respect these rights and values, but also to ensure that they are effectively promoted in all policy areas (both internal and external) for which the European Union is competent. Furthermore, monitoring activities will have to increase rapidly to ensure that the Member States adopt the same approach in their areas of competence, particularly in the context of a growing and ever more diverse Union and the challenges that this will bring. The promotion of European Union citizenship should develop a feeling of belonging to a union that shares the same fundamental rights and values, while preserving and respecting the diversity of the cultures and traditions of the peoples of Europe.

The fight against violence clearly forms part of the protection of fundamental rights as set out in the Charter of Fundamental Rights, in particular the right to physical integrity. The links between violence and several other fundamental rights (liberty, security, health, employment, etc.) are so strong that the general implementation of these rights, as they relate to the physical integrity of the person, should be supported. The same applies to the fight against drug use and trafficking, an area where at European level a comprehensive, multidisciplinary and integrated strategy has been followed since 1990, but without any clearly identifiable financial support. This strategy is based on five main elements: reducing demand, reducing supply and combating illicit trafficking, international co-operation and co-ordination at national and European level, and information, research and evaluation.

The creation of a Europe for citizens also implies the establishment of a European Area of Justice, based on the principle of mutual recognition and confidence-building: borders between countries should no longer constitute an obstacle to the settlement of civil and commercial law matters or to the bringing of court proceedings and the enforcement of decisions. Whilst the principle of free movement allows individuals and businesses to pursue their civil and commercial interests in other Member States, it also requires measures in the

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[4] Article I-9 (2) of the Treaty establishing a Constitution for Europe stipulates that the Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Constitution.

criminal law field to ensure that there are no safe havens for crime and criminals. Indeed, individuals and businesses should not be prevented or discouraged from exercising their rights because of the incompatibility or complexity of legal and administrative systems in the Member States.

Achieving these common goals will require a stable financial framework. The preparation of the next financial perspectives 2007-2013 offers an important opportunity to take into account the developments described above and hence to shape the political project for the enlarged Union.

2. THE PROPOSED INTERVENTION - FRAMEWORK PROGRAMME ON FUNDAMENTAL RIGHTS AND JUSTICE

2.1. Objectives and structure of the programme

To respond to the challenges outlined above, it is proposed to establish a framework programme on "Fundamental Rights and Justice", with four specific objectives:

(1) To promote the development of a European society based on the European Union citizenship and respectful of the fundamental rights provided for in the Charter of Fundamental Rights; to fight anti-semitism, racism and xenophobia and to strengthen civil society in the field of fundamental rights.

(2) To contribute to the setting-up of an area of freedom, security and justice by combating violence and by providing information on and preventing the use of drugs.

(3) To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil and commercial matters.

(4) To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters.

These objectives have a different legal basis in the Treaties. The framework programme will therefore be composed of four separate legislative instruments. Nevertheless, political coherence will be ensured, as each specific programme will reflect the objectives of a policy which will, in association with the three others, allow for the development of a European citizenship and a genuine area of Justice. Furthermore, the grouping together of these complementary policy areas under the same framework programme will not only enhance their overall coherence but also ensure a better response to the needs of the citizens. It will enable new, unexpected problems to be tackled with increased flexibility.

In the field of fundamental rights and citizenship, the ultimate objective is to create a real fundamental rights culture among all the peoples of Europe. Thus, a significant effort to disseminate information on fundamental rights, both through general information campaigns and in response to individual requests, is of the utmost importance. This cannot be separated from the need to increase activities, including legislative action, to promote the application of certain rights, e.g. the right to personal physical integrity and the rights associated with Union citizenship, and to provide support and incentive measures to help Member States to comply with their obligations in their areas of competence.

The fight against violence in all its forms (sexual, psychological and physical), occurring in the public or the private domain will include: support for victims and groups at risk (children, young people and women); assisting and encouraging NGOs and other organisations active in this field; dissemination of the results obtained under the two Daphne programmes including their adaptation, transfer and use by other beneficiaries or in other geographical areas; and identification of actions contributing to the positive treatment of people at risk of violence.

With respect to the fight against the use of drugs, the main challenges will be the dissemination of information as well as further research resulting into education, prevention and harm-reduction programmes. Not only the reduction of drug demand, but also the reduction of drug supply will be important issues. This is an area in which measures need to be taken in order to stop drug-trafficking and drug-related criminality, in particular when new synthetic drugs or their chemical precursors are involved, and to fight the money-laundering.

Judicial cooperation concerns the increased efforts to monitor the application by the Member States of the existing acquis in both civil and criminal areas and to bring together national legislations. The programme will support various actions, namely to improve the access to and efficiency of justice, to address mutual recognition in a wider sense, including recognition of decisions and documents other than those issued by judicial authorities, to strengthen the mechanisms for providing information to the public and to promote the training of and exchanges between practitioners on the implications of the instruments for cooperation in this area. It will encourage the implementation of legislative measures to put in place and develop common tools for cooperation, and equivalent standards for certain procedures such as rules on evidence collection. In addition, rules on the protection of individuals involved in criminal proceedings, whether they are the accused, witnesses or victims will also be promoted.

Overall coherence is ensured across the four objectives through common implementation and management rules, in accordance with the same strategic calendar, and coordinated evaluation and review processes (see point 3.2). The programme will hence ensure rationalisation and simplification, increasing transparency and the effectiveness of Community funds. Ensuring active participation from relevant stakeholders and greater responsiveness to demands emerging from the civil society will also be a horizontal priority common to the four policy areas.

2.2. European added-value

This programme will add value to existing national interventions in this field by acting as a catalyst: EU funded cooperation raises awareness of shared issues and values between Member States, thus facilitating the emergence of common approaches, including legislation in these fields. This will be achieved by implementing agreed EU policy objectives and promoting their application in national policies, supporting the transposition of European Union legislation and its uniform application throughout Europe, promoting the co-operation and co-ordination mechanisms between Member States, and cooperating with civil society organisations at European level.

A set of common evaluation criteria will be used across all specific programmes to evaluate the European added value in relation to the type of effect described above. Examples of these criteria are:

– To support only those activities needed at European level to sustain European Union objectives, European Union laws and European Union implementation mechanisms;

– To support activities which will be complementary with those financed at national level;

– To reinforce national exchanges at European Union level, generating synergy effects and economies of scale;

– To actively involve Member States representatives and other relevant stakeholders in the implementation of the programme in order to maximise complementarities with existing activities.

2.3. Complementarity with other instruments and policy measures

The programme will look for synergies with the work of the Fundamental Rights Agency built upon the existing European Monitoring Centre on Racism and Xenophobia, a Vienna-based agency, established by Council Regulation (EC) No 1035/97 of 2 June 1997[5]. Through a Communication[6], the Commission launched a wide-ranging public consultation on the future agency's field of action and its tasks. The consultation targeted civil society such as NGOs involved with the protection of human rights, the national institutions for the promotion and protection of human rights, the Member States, the EU institutions, the EUMC and the Council of Europe. The results of this consultation will be taken into account when defining the exact tasks of the Agency. However, its prime objective will be data collection and analysis with a view to defining Union policy in the field of Fundamental Rights.

Concerning judicial cooperation in civil matters, the actions under the programme will be coordinated with these of the European Judicial Network in civil and commercial matters, established by Council Decision 2001/470/EC of 28 May 2001[7] to improve, simplify and expedite effective judicial cooperation between the Member States in civil and commercial matters. Within the specific Criminal Justice Programme, particular attention will be paid to Eurojust, which was set up by Council Decision 2002/187/JHA of 28 February 2002[8]. Eurojust is a European Union body established to enhance the effectiveness of the competent authorities within Member States when they are dealing with the investigation and prosecution of serious cross-border and organised crime, including terrorism, by stimulating and improving cooperation between those authorities. Eurojust places an emphasis on ensuring full cooperation between the competent national authorities and is therefore an essential complement to the Fundamental Rights and Justice framework programme.

Regarding the objective included in the present programme of providing information and preventing the use of drugs, enhanced cooperation with third countries is necessary, as well as close coordination with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). This Lisbon-based agency was established by Council Regulation (EEC) No 302/93 of 8 February 1993[9] amended by Council Regulation (EC) No 3294/94 of 22 December 1994[10]. Its mission is to collect and disseminate objective, reliable and comparable information on drugs and drug addiction in Europe. In order to do so, it works in partnership

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5 OJ L 151, 10.6.1997, p. 1. Regulation as last amended by Regulation (EC) No 1652/2003 (OJ L 245, 29.9.2003, p. 33).

6 COM(2004) 693, 25.10.2004.

7 JO L 174, 27.6.2001, p. 25.

8 JO L 63, 6.3.2002, p. 1. Decision as amended by Decision 2003/659/JHA (OJ L 245, 29.9.2003, p. 44).

9 OJ L 36, 12.2.1993, p. 1. Regulation as last amended by Regulation (EC) No 1651/2003 (OJ L 245, 29.9.2003, p. 30).

10 OJ L 341, 30.12.1994, p. 7.

with non-EU countries as well as international organisations dealing with this issue, notably: the United Nations International Drug Control Programme (UNDCP), the World Health Organisation (WHO), the Council of Europe's Pompidou Group, the World Customs Organisation (WCO), the International Criminal Police Organisation (Interpol) and the European Police Office (Europol).

3. RATIONALISATION AND SIMPLIFICATION

3.1. Transition from existing instruments

The evaluation of the actions that the European Union has been supporting over the years in these areas fully recognises the need to continue as they tackle specific and real problems, and contribute to dealing with them in a positive way, complementary to national actions being developed in the same areas. However, it also identified several weaknesses that need to be faced so that European actions can achieve even better results. Indeed, the current situation, with a multitude of small scale budget lines or ad-hoc funding, with limited duration and no overall coherence, prevents Union activities from becoming efficient enough to achieve the objectives and to maximise the use of existing human and financial resources. Separate implementation of these programmes means that they do not maximise real synergies and may even create unnecessary overlaps. Finally, to achieve the best possible results there is a real need to reassess the objectives, the type of interventions and the scale of each programme.

The proposed programme builds on the lessons learnt from existing actions in these fields. Indeed, it will largely develop the two existing preparatory actions on the protection and promotion of fundamental rights and on the support to civil society in the ten new Member States that will be extended to all Member States. Finally, special focus will be put on the fundamental rights stemming from the citizenship of the Union to encourage democratic participation.

Further to the objective of promoting judicial cooperation, the programme will group together measures supporting cooperation in civil and criminal law to ensure a better coordination between these two areas of law in view of the entry into force of the Constitutional Treaty which will abolish the pillar structure. Civil judicial cooperation has been previously supported through a separate programme, and judicial cooperation in criminal matters was part of the AGIS programme. The current proposal aims at an improved response to the political expectations of strengthening justice, as requested by The Hague Programme, and to demands from judicial authorities, legal practitioners and civil society in general. Training of the judiciary will be reinforced, and the programme will also have the necessary flexibility to allow for the implementation of new measures, such as the computerised system of exchange of information on criminal records.

As regards combating violence, the programme will build on the existing Daphne II programme, with adjustments to improve the response to the demands from civil society, including the possibility of implementing new forms of action. Action on drugs prevention and information aims at consolidating ongoing actions under different programmes thus increasing transparency among citizens and all the actors involved. It will support the monitoring and evaluation of actions regarding the implementation of specific actions under the EU Action Plans, and seek a greater involvement of civil society.

3.2. Common management arrangements

A key objective of the Fundamental Rights and Justice framework programme is to simplify and rationalise instruments both in legal and management terms, to streamline the budget structure, to increase coherence and consistency between programmes and to avoid duplication of instruments. The present programme represents an important step in what concerns both simplification and flexibility. Indeed, the number of budgetary lines and legal instruments has been reduced. This concentration of Union resources offers a higher financial transparency and the possibility to better assess the added value of the Union actions. It maximises the performance by increased consistency between the objectives of the different specific programmes and by strengthened cooperation and partnership with all actors involved.

The proposed simplification and rationalisation will benefit the end users as it will increase the visibility, clarity and coherence of the instruments. Potential beneficiaries will find it easier to apply for funding under the different fields thanks to a more standardised approach and implementing provisions.

The programme will be managed directly by the Commission. Alternative delivery mechanisms (externalisation or shared management) have been examined in detail but were not considered to be cost-effective at this stage given the relatively small amounts involved. If necessary to achieve the objectives put forward under the framework programme, the setup of different ways of management or /and different structures might be envisaged.

The level of human resources required for the management of the programme is necessarily relatively high. However, the harmonisation of the procedures obtained by the integration of the specific programmes into a single structure will allow for a rationalisation from this point of view, due to economies of scale. For example, the rationalisation of the monitoring and evaluation procedures will allow for better outcomes and will facilitate transfer of good practices. Having a single Committee across the four specific programmes will also greatly facilitate the day-to-day management of the framework programme.

Further rationalisation is possible after the entry into force of the Constitutional Treaty. The framework programme was drafted according to the provisions of the present Treaties but a smooth transition to the new structure foreseen by the Constitution has been built into the structure of the programme, with further harmonisation possible between the specific Civil and Criminal Justice Programmes.

4. FINANCIAL RESOURCES

The overall amount foreseen for the Fundamental Rights and Justice framework programme is EUR 543 million for the period 2007-2013 (current prices). Within this budget, EUR 93.8 million are foreseen for the Fundamental Rights and Citizenship programme, EUR 106.5 million for the Civil Justice programme, EUR 196.2 million for the Criminal Justice programme, and EUR 135.4 million for the programme Fight against Violence (Daphne) and Drugs Prevention and Information. Within the reference amount, EUR 11.1 million are added for administrative expenditure.

In addition, covering the same period, an amount of EUR 164.9 million is foreseen for the Fundamental Rights Agency, an amount of EUR 110.6 million is foreseen for the European

Monitoring Centre for Drugs and Drugs Addiction, while the amount foreseen for Eurojust is EUR 133.4 million.

These amounts have been estimated on the basis of the needs identified and described above. Relevant experience drawn from existing actions and programmes related to fundamental rights and justice issues has been taken into account.

5. CONCLUSIONS

The new financial perspectives provide not only the opportunity for a better match between objectives and resources but also for simplifying and rationalising the instruments to ensure the optimal use of European Union funds.

The Fundamental Rights and Justice framework programme brings together specific programmes that are closely linked with each other. Concerted actions within these specific programmes will enable a more efficient response to the ultimate objective, which is the establishment of an area of freedom, security and justice.

ANNEX

Establishing a framework programme on Fundamental Rights and Justice for the period 2007-2013

Complementarity with agencies and other instruments in the area of Freedom, Security and Justice

Several complementary instruments are forecast under the Financial Perspectives to contribute to the achievement of the policy objectives set in the area of Justice, Freedom and Security:

– The framework programmes that will replace the multitude of budget lines that the Commission currently manages in this field ;

– Community financing of agencies and Community or Union bodies ;

– Development and management of related large scale information systems.

The following agencies or bodies related to the area of the above framework programme are to be covered under the new financial perspectives:

- **European Monitoring Centre for Drugs and Drug Addiction** (EMCDDA), established by the Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction (OJ L 36, 12.2.1993, p. 1), last amended by Regulation (EC) No 1651/2003 (OJ L 245, 29.9.2003, p. 30) and for which a draft amending proposal is tabled (Proposal for a Council regulation, submitted by the Commission on 19 December 2003, on the European Monitoring Centre for Drugs and Drug Addiction (COM(2003) 808).

- **Observatory on Racism and Xenophobia**, which is to become a fully fledged **Agency on Fundamental Rights** (Commission proposal planned for May 2005), and which is currently established by Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia (OJ L 151, 10.6.1997, p. 1).

- **Eurojust,** established by Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious organised crime (OJ L 63, 6.3.2002, p. 1), as last amended by Decision 2003/659/JHA (OJ L 245, 29.9.2003, p. 44).

On the basis of the elements above, the budgetary resources for the above community agencies, are not included in the framework programmes.

They must, however, be included as part of the expenditure dedicated to JLS policy in the Heading 3 of the future Community financial framework.

EXPLANATORY MEMORANDUM

1. CONTEXT

The preparation of the financial perspectives for 2007-2013 has been guided from the outset by a policy-led approach, in order to ensure consistency between political objectives and the amounts allocated to pursue them. In this context, the establishment of an area of freedom, security and justice is considered to be one of the main priorities of the European Union for the years to come, to be supported through substantially increased financial means. In its Communications « *Building our common Future - Policy challenges and Budgetary means of the Enlarged Union 2007-2013*»[11] and « *Financial Perspectives 2007 – 2013* »[12], the Commission also underlined the importance of using the revision of the legal instruments for the next financial perspectives to create a significant movement towards greater simplicity. Structuring its proposals around three general and policy-led programmes ("Solidarity and management of migration flows", "Fundamental Rights and Justice", "Security and safeguarding freedoms"), the Commission sets out a clear framework for the development of financial interventions of the Community in support of the three objectives of Justice, Freedom and Security.

2. Justification of the action

2.1. Analysis of the problem

The fight against violence clearly forms part of the protection of fundamental rights as set out in the Charter, in particular the right to physical integrity. The links between violence and several other fundamental rights (liberty, security, health, employment, etc.) are so strong that the implementation of these rights in general as they concern the physical integrity of individuals should be supported. Specific forms of violence – such as racially-motivated violence and violence related to gender or sexual preference – require specific responses which would benefit from European-level exchange of information and development of best practice. The need for a more global and pertinent solution to problems of violence has to be taken into account when designing a response under the new financial perspectives, starting from existing intervention.

The establishment of an area of freedom, security and justice should also tackle drug use and trafficking, one of the main issues facing European societies. A comprehensive, multidisciplinary and integrated strategy has been put forward since 1990 at European level, but without a clearly identified means of financial support. This strategy is based on five main elements: (i) reducing demand, (ii) reducing supply and combating illicit trafficking, (iii) international co-operation, (iv) co-ordination at national and EU level and (v) information research and evaluation.

2.2. The way forward

The main challenges facing the Union in relation to tackling drugs over the period of the next financial perspectives can be defined as follows:

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[11] COM(2004) 101, 10.2.2004

[12] COM(2004) 487, 14.7.2004

– information and research, including the continuation of the work of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA);

– drug demand reduction since demand feeds the growth of the drugs phenomenon: education, prevention and harm-reduction programmes;

– drug supply reduction, to stop trafficking and drug-related criminality, in particular as regards new synthetic drugs and their chemical precursors, as well as combating money-laundering;

– enhanced cooperation with third countries concerning drug supply and drug demand reduction;

– further legislative activity will be needed in line with new and developing forms of drugs, for example to bring new forms of drugs under established control mechanisms.

2.3. Objectives of the programme and related indicators

- Definition of general, specific and operational objectives

To contribute to the setting up of an area of freedom, security and justice by combating violence and by informing on and preventing drug use.	To protect citizens against violence and to attain a high level of health protection, well being and social cohesion.	To prevent and combat all forms of violence occurring in the public or the private domain, against children, young people and women To provide support for victims and groups at risk. To assist and encourage NGO and other organisations active in this field. To disseminate the results obtained under the two Daphne programmes including their adaptation, transfer and use by other beneficiaries or in other geographical areas. To identify and enhance actions contributing to the positive treatment of people at risk of violence.

	To prevent and reduce drug use, dependence and drug related harms.	To involve civil society in the implementation and development of the European Union's Drugs Strategy and Action plans. To monitor, implement and evaluate the implementation of specific actions under the Drugs Action Plans 2005 – 2008 and 2009 – 2012.
	To promote transnational and awareness-raising actions in the areas identified above.	To set up multidisciplinary networks; to ensure the expansion of the knowledge base, the exchange of information and the identification and dissemination of good practice, including through training, study visits and staff exchange. To develop and implement awareness-raising actions targeted at specific audiences to promote the adoption of zero tolerance towards violence and to encourage support for victims and the reporting of violence. To raise awareness of the health and social problems caused by drug use and to encourage an open dialogue with a view to promoting a better understanding of the drug phenomenon.

All the objectives are consistent with the overall aim of the general programme "Fundamental Rights and Justice" to support the development of an area of freedom, security and justice.

- Complementarity/coherence with other instruments

When preparing the programme, particular attention was given to ensure coherence with other programmes financing activities in the same policy areas and to looking for complementarity and synergy with these.

This programme is complemented by the other specific programmes under the general programme "Fundamental Rights and Justice" in particular the specific programme "Fundamental Rights and Citizenship" that seeks to promote the European Union fundamental

rights and values while preserving and respecting the diversity of the culture and traditions of the peoples of Europe.

Complementarity will also be sought with the European Monitoring Centre for Drugs and Drug Addiction that has as main mission to collect and disseminate objective, reliable and comparable information on the phenomenon of drugs and drug addiction in Europe. In order to do so, the Centre works in partnership with non-EU countries as well as with international organisations concerned with this issue.

The general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows" will be given special attention as they complement the present programme and synergy with the two will certainly be achieved in particular in the area of fighting against crime be it violence such as racially-motivated violence and violence related to gender or sexual preference or drugs related crimes.

Other programmes may also complement the present programme such "Safer Internet Plus", "Health programme", "Injury Protection Programme" the 7th Research & Development Framework Programme and the "Youth" programme.

3. EVALUATION

3.1. Lessons drawn from intermediate / final evaluations

The Daphne programme was assessed twice by the Commission. A mid term report was presented in 2002[13] and a final report in 2004[14].

Both the mid term and final reports on the Daphne programme (2000–2003) show that organisations have gained from their participation in European partnership, enabling associations to work together resulted in more effective programming and better use of resources. The final report indicated that there was some room for improvement such as the creation of a helpdesk and putting increased emphasis on dissemination, and the Daphne II programme was adapted in line with the findings of this report. As these changes to the structure of the programme are quite recent, no significant changes need to be introduced.

The Action Plan on Drugs (2000–2004) was evaluated by the Commission on two occasions: at mi-term[15] and at the end of the programme[16]. The new Action Plan (2005-2008) targets in particular those areas that the evaluation highlighted as needing to be progressed further.

According to these evaluations some improvements need to be made in order better to achieve the objectives. In particular, it was emphasised that civil society should be further involved in the preparation and development of EU policies in this area. Better coordination of national actions, including in the international arena is also required. Networking and exchange of best practices should be encouraged and further developed.

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13 COM(2002) 169, 27.3.2002
14 COM(2004) 824, 14.12.2004
15 COM(2002) 599, 4.11.2002
16 COM(2004) 707, 22.10.2004

3.2. Ex ante evaluation

The working paper of the Commission presenting the ex ante evaluation of the general programme "Fundamental Rights and Justice" shows the appropriateness of the policy option chosen to achieve the goals envisaged.

4. LEGAL BASIS AND RATIONALE OF THE POLICY INSTRUMENT

4.1. Legal Basis

This specific programme of the general programme "Fundamental Rights and Justice" is based in Article 152 of the Treaty establishing the European Community.

Article 152 TEC, which relates to public health, clearly states that the definition and implementation of all Community policies and activities shall ensure a high level of protection of human health. It adds that the Community shall complement the Member States' action in reducing drugs-related health damage, including through information and prevention.

Ensuring a high level of human health by protecting people against violence and developing informative and preventive action in respect of drugs is the main objectives of this programme. The legal basis proposed is therefore adequate.

4.2. Actions defined within the programme

Different types of actions are envisaged such as:

- Specific actions taken by the Commission, such as, studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities;

- Actions providing financial support for specific projects of Community interest under the conditions set out in the annual work programmes;

- Actions providing financial support for the activities of non-governmental organisations or other entities under the conditions set our in the annual work programmes;

- An operating grant to the European Federation for Missing and Sexually Exploited Children which pursues an aim of general European interest in the field of children's rights and protection.

4.3. Subsidiarity and Proportionality

The current proposal has been designed to respect the principles of subsidiarity and proportionality set out in Article 5 of the EC Treaty and its accompanying Protocol. So far as subsidiarity is concerned, this programme does not attempt to intervene in the areas that are cover by national programmes developed by national authorities in each Member State but to focus on areas where European added-value can be engendered. To this extent, the great

majority of the activities supported by the programme can be viewed as complementary to national actions and as attempting to exploit as far as possible the synergy from actions implemented at international and regional level.

As far as proportionality is concerned, the new programme proposal has been designed to incorporate the maximum possible simplification in terms not only of the form of the action – the definitions of actions in the legislative text are kept as generic as possible – but also in terms of the administrative and financial requirements that will apply to their implementation. The Commission has sought to find the right balance between flexibility and ease of use on the one hand, and clarity of purpose and appropriate financial and procedural safeguards, on the other.

Following the guidelines indicated in the protocol on the application of both principles, it is clear that the problems that this programme sought to tackle have transnational aspects and therefore that action at Community level will yield benefits over and above action at Member State level.

4.4. Simplification and rationalisation

The proposed approach will contribute to the key objective of simplifying instruments both in legal and management terms and of streamlining of the structure of the budget. It will also increase coherence and consistency between instruments and avoid duplication between these. Whilst additional human resources will be necessary to cope with future enlargements, a better allocation of human resources will be achieved by discontinuing smaller budget lines (which absorb disproportionate resources) and by regrouping existing programmes into a single, coherent and streamlined programme. This will result in more proportionality between the amount of expenditure and the administrative cost of managing it.

The proposed rationalisation will also benefit the end-user as it increases the visibility, clarity and coherence of the instruments. Potential beneficiaries will find it easier to apply for funding thanks to the standardised approach and the harmonisation of provisions for implementation.

The Commission may decide to entrust part of the budget implementation to agencies governed by Community law, referred to in Article 54(2)(a) of the Financial Regulation. These agencies shall be designated by the Commission in conformity with the provisions of Articles 55 and 56 of Council Regulation (EC, Euratom) No 1605/2002 and of Article 37 of Commission Regulation (EC, Euratom) No 2342/2002. The Commission shall analyse the compliance with the principles of economy, effectiveness and efficiency. Before proceeding to implement the delegation, the Commission shall ensure, by mean of a prior assessment that the creation of agencies is in compliance with sound financial management.

The proposed new instrument follows the path that was determined by the Commission in what concerns the political and financial challenges as from 2007 on. The intention is to complement, simplify and rationalise the existing instruments and to ensure the necessary flexibility to face new objectives and to respond in a smooth way to the new legal framework, which will be established once the Constitutional Treaty enters into force.

5. BUDGETARY IMPLICATIONS

The cost of the general programme "Fundamental Rights and Justice" for the period 2007–2013 is EUR 543 million; the present specific programme will be allocated EUR 138.2 million.

2005/0037 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

Establishing for the period 2007-2013 the specific programme "Fight against violence (Daphne) and drugs prevention and information" as part of the General programme "Fundamental Rights and Justice"

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152 thereof,

Having regard to the proposal from the Commission[17],

Having regard to the opinion of the European Economic and Social Committee[18],

Having regard to the opinion of the Committee of the Regions[19],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[20],

Whereas:

(1) The Treaty establishing the European Community establishes that in the definition and implementation of all Community policies and activities a high level of human health has to be ensured; Article 3(1)(p) of the Treaty requires Community action to include a contribution to the attainment of a high level of health protection.

(2) Community action should complement national policies directed towards improving public health, obviating sources of danger to human health and reducing health-related harm associated with drug dependence.

(3) Physical, sexual and psychological violence against children, young people and women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life, constitute a breach of their right to life, safety, freedom, dignity and physical and emotional integrity and a serious threat to the physical and mental health of the victims of such violence. The effects of such violence, being so widespread throughout the Community, constitute a genuine health scourge and an obstacle to the enjoyment of safe, free and just citizenship.

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17 OJ C , , p. .
18 OJ C , , p. .
19 OJ C , , p. .
20 OJ C , , p. .

(4) The World Health Organisation defines health as a state of complete physical, mental and social well being and not merely the absence of disease or infirmity. According to a 1996 World Health Assembly resolution violence is a leading worldwide public health problem. In its report on violence and health of 3 October 2002 the organisation recommends promoting primary prevention responses, strengthening responses for victims of violence and increasing collaboration and exchange of information on violence prevention.

(5) These principles are recognised in numerous conventions, declarations and protocols of the main international organisations and institutions such as the United Nations, the International Labour Organisation, the World Conference on Women and the World Congress against Commercial Sexual Exploitation of Children.

(6) The Charter of Fundamental Rights of the European Union[21] reaffirms, inter alia, the rights to dignity, equality and solidarity. It includes a number of specific provisions to protect and promote physical and mental integrity, equal treatment for men and women, the rights of the child and non-discrimination, as well as to prohibit inhuman or degrading treatment, slavery and forced labour, and child labour. It reaffirms that a high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities.

(7) The Commission has been called upon by the European Parliament to draw up and implement action programmes to combat such violence, inter alia, in its Resolutions of 19 May 2000 on the communication from the Commission to the Council and the European Parliament. 'For further actions in the fight against trafficking in women'[22], and of 20 September 2001 on female genital mutilation[23].

(8) The action programme set up by Decision No 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young people and women[24] has helped increase awareness within the European Union and increase and consolidate cooperation between organisations in the Member States active in combating violence.

(9) The action programme set up by Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme)[25] further developed the results already achieved by the Daphne programme; according to Article 8(2) thereof the Commission shall take the necessary steps to ensure the consistency of the annual appropriations with the new financial perspectives.

(10) It is desirable to ensure continuity for the projects supported by the Daphne and the Daphne II programmes.

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21 OJ C 364, 18.12.2000, p. 1.
22 OJ C 59, 23.2.2001, p. 307.
23 OJ C 77 E, 28.3.2002, p. 126.
24 OJ L 34, 9.2.2000, p. 1.
25 OJ L 143, 30.4.2004, p. 1.

(11) Given that, according to research, the morbidity and the mortality associated with drug dependence affects a sizeable number of European citizens, the health-related harm associated with drug dependence constitutes a major problem for public health.

(12) The Communication from the Commission to the Council and the European Parliament on the results of the final evaluation of the EU Drugs Strategy and Action Plan on Drugs (2000-2004)[26] pointed out the need to regularly involve civil society in the formulation of the EU's policies on drugs.

(13) The Decision of the European Parliament and of the Council adopting a programme of action in the field of public health (2003–2008) includes the development of strategies and measures on drug dependence, as one of the important lifestyle-related health determinants.

(14) In its Recommendation of 18 June 2003 on the prevention and reduction of health-related harm associated with drug dependence[27], the Council recommended that Member States set as a public health objective the prevention of drug dependence and the reduction of related risks, and that they develop and implement comprehensive strategies accordingly.

(15) In December 2004 the European Council endorsed the European Union Drugs Strategy 2005–2012 that covers all European Union drug-related activities and sets main targets. These targets include the attainment of a high level of health protection, well-being and social cohesion by preventing and reducing drug use, dependence and drug-related harms to health and society.

(16) The Commission adopted its Action Plan on Drugs 2005–2008[28] as a crucial instrument for transposing the European Union Drugs Strategy 2005–2012 into concrete actions. The ultimate aim of the Action Plan is to significantly reduce the prevalence of drug use among the population and to reduce the social harm and health damage caused by the use of and trade in illicit drugs.

(17) It is important and necessary to recognise the serious immediate and long-term implications of violence and drugs for health, psychological and social development, and for the equal opportunities of those concerned, for individuals, families and communities, and the high social and economic costs to society as a whole.

(18) The European Union can bring added value to the actions to be undertaken by Member States in the field of drugs information and prevention by complementing those actions and by promoting synergies.

(19) Concerning the prevention of violence, including abuse and sexual exploitation perpetrated against children, young people and women and the protection of victims and groups at risk, the European Union can bring added value to the actions predominantly to be undertaken by Member States by the following means: the dissemination and exchange of information, experience and good practices; the promotion of an innovative approach; the joint establishment of priorities; the

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26 COM(2004) 707.
27 OJ L 165, 3.7.2003, p. 31.
28 COM(2005) 45, 14.2.2005.

development of networking as appropriate; the selection of Community-wide projects; and the motivation and mobilisation of all parties concerned. These actions should also encompass children and women brought to the Member States through human trafficking.

(20) The European Federation for Missing and Sexually Exploited Children groups together at European level different NGOs dealing with the problem of the disappearance and sexual exploitation of children. The Federation raises awareness and fights against the phenomena of missing and sexually exploited children by facilitating communication between European organisations towards a more efficient approach, stimulating the creation of a European study centre to centralise and analyse data concerning these phenomena and promoting and conducting activities to improve the situation of minors, victims of disappearance and/or sexual abuse, and to change the legal norms, the mentality and behaviour in Europe.

(21) The objectives of the proposed action, namely to prevent and combat all forms of violence against children, young people and women and drugs prevention and information cannot be sufficiently achieved by the Member States because of the need for an exchange of information at EU level and for the Community-wide dissemination of good practices. This can be better achieved at Community level. Due to the need for a coordinated and multidisciplinary approach and by reason of the scale or impact of the initiative, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.

(22) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used.

(23) This Decision establishes a financial framework for the entire duration of the programme, which is to be the principal point of reference for the budgetary authority within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure[29].

(24) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities[30], hereinafter "the Financial Regulation", and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002[31], which safeguard the Community's financial interests, have to be applied, taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.

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29 OJ C 172, 18.6.1999, p. 1.
30 OJ L 248, 16.9.2002, p. 1.
31 OJ L 357, 31.12.2002, p. 1.

(25) The Financial Regulation requires a basic act to be provided to cover operating grants.

(26) In accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[32] measures for the implementation of this Decision should be adopted by use of the advisory procedure provided for in Article 3 of that Decision. This is appropriate since the programme does not have a significant impact on the Community budget.

HAVE DECIDED AS FOLLOWS:

Article 1
Creation of the programme

1. This Decision establishes the programme "Fight against violence (Daphne) and drugs prevention and information", hereinafter referred to as "the programme", as part of the general programme "Fundamental Rights and Justice", in order to contribute to the strengthening of the area of Freedom, Security and Justice.

2. The programme shall cover the period from 1 January 2007 to 31 December 2013.

Article 2
General objectives

1. This programme shall have the following general objectives:

   (a) To contribute to the setting up of an area of freedom, security and justice by combating violence and by informing on and preventing drugs use.

   (b) To protect citizens against violence and to attain a high level of health protection, well being and social cohesion.

   (c) To prevent and reduce drug use, dependence and drug related harms.

2. Without prejudice to the objectives and powers of the European Community, the general objectives of the programme shall contribute to the development of the community policies and more specifically, to those related to the protection of public health, gender equality, protection of children's rights, and fight against trafficking of human beings and sexual exploitation.

Article 3
Specific objectives

The programme shall have the following specific objectives:

   (a) To prevent and combat all forms of violence occurring in the public or the private domain against children, young people and women by taking

[32] OJ L 184, 17.7.1999, p.23.

preventive measures and by providing support for victims and groups at risk by the following means:

- To assist and encourage NGOs and other organisations active in protecting against and preventing violence, and assisting victims;

- To develop and implement awareness-raising actions targeting specific audiences, to design materials to supplement those already available, or to adapt and use the existing materials in other geographical areas or for other target groups;

- To disseminate the results obtained under the two Daphne programmes including their adaptation, transfer and use by other beneficiaries or in other geographical areas;

- To identify and enhance actions contributing to positive treatment of people at risk of violence, namely to follow an approach that encourages respect for them and promotes their well-being and self-fulfilment.

(b) To promote transnational actions to

- set up multidisciplinary networks;

- ensure the expansion of the knowledge base, the exchange of information and the identification and dissemination of good practice, including through training, study visits and staff exchange;

- raise awareness of violence among targeted audiences such as specific professions to improve understanding thereof, to promote the adoption of zero tolerance towards violence and to encouraging support for victims and the reporting of violence to the competent authorities;

- study phenomena related to violence, to explore and address the root causes of violence at all levels of society;

- raise awareness of the health and social problems caused by the drug use and to encourage an open dialogue with a view to promoting a better understanding of the drug phenomenon.

(c) To involve civil society in the implementation and development of the European Union's Drugs Strategy and Action plans.

(d) To monitor, implement and evaluate the implementation of specific actions under the Drugs Action Plans 2005–2008 and 2009–2012.

Article 4
Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, this programme will support the following types of actions:

(a) specific actions taken by the Commission, such as studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and experts meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information materials, support to and animation of networks of national experts, analytical, monitoring and evaluation activities; or

(b) specific transnational projects of Community interest presented by at least three Member Sates under the conditions set out in the annual work programmes; or

(c) support to the activities of non-governmental organisations or other entities pursuing an aim of general European interest regarding the general objectives of the programme under the conditions set out in the annual work programmes.

(d) an operating grant to co-finance expenditure associated with the permanent work programme of the European Federation for Missing and Sexually Exploited Children which pursues an aim of general European interest in the field of children's rights and protection.

Article 5
Participation

The following countries, hereinafter referred to as « participating countries » may participate in the actions of the programme:

(a) the EFTA States that are party to the EEA Agreement, in accordance with the provisions of that Agreement;

(b) the candidate countries associated to the EU, as well as the western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or their additional protocols relating to participation in Community programmes concluded or to be concluded with those countries;

(c) projects may associate candidate countries not participating in this programme where this would contribute to their preparation for accession, or other third countries not participating in this programme where this serves the aim of the projects.

Article 6
Target Groups

1. The programme is destined for all groups that directly or indirectly deal with violence and the drugs phenomena.

2. With regard to the fight against violence, the main target groups are the victims of violence and groups at risk of violence. Other target groups are, inter alia, teachers and educational staff, police and social workers, local and national authorities, medical and paramedical staff, judicial staff, NGO, trade unions and religious communities. It is also relevant to think about treatment programmes for victims on the one hand and for perpetrators on the other, with the aim of preventing violence.

3. With regard to drugs, youth, vulnerable groups and problematic neighbourhoods are groups at risk and should be identified as target groups. Other target groups are, inter alia, teachers and educational staff, social workers, local and national authorities, medical and paramedical staff, judicial staff, NGO, trade unions and religious communities.

Article 7
Access to the programme

Access to this programme shall be open to public or private organisations and institutions (local authorities at the competent level, university departments and research centres) working to prevent and combat violence against children, young people and women or to protect against such violence or to provide support for victims or to implement targeted actions to promote rejection of such violence or to encourage attitude and behaviour change towards vulnerable groups and victims of violence. The programme shall also be open to public or private organisations and institutions (local authorities at the competent level, university departments and research centres) working to inform and prevent drugs use.

Article 8
Types of intervention

1. Community funding may take the following legal forms:

   – grants,

   – public procurement contracts.

2. Community grants shall be awarded further to calls for proposals, save in duly substantiated exceptional cases of urgency or where the characteristics of the beneficiary leave no other choice for a given action, and shall be provided through operating grants and grants to actions. The maximum rate of co-financing will be specified in the annual work programmes.

3. Furthermore, expenditure is foreseen for accompanying measures, through public procurement contracts, in which case Community funds will cover the purchase of services and goods. This will cover, inter alia, expenditure on information and

communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 9
Implementing measures

1. The Commission shall implement the Community Assistance in accordance with the Council Financial Regulation (Council Regulation (EC/Euratom) No 1605/2002 of 25 June 2002) applicable to the general budget of the European Communities.

2. To implement the programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt an annual work programme specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in Article 8 and if necessary a list of other actions.

3. The annual work programme will be adopted in accordance with the procedure set out in Article 10(2).

4. The evaluation and award procedures relating to grants to actions shall take into account, inter alia, the following criteria:

   (a) conformity with the annual work programme, the general objectives as specified in Article 2 and measures taken in the different domains as specified in Articles 3 and 4;

   (b) quality of the proposed action regarding its conception, organisation, presentation and expected results;

   (c) amount requested for community financing and its appropriateness as to expected results;

   (d) impact of the expected results on the general objectives defined in Article 2 and on measures taken in the different domains as specified in Articles 3 and 4.

5. The applications for operating grants, referred to in Article 4(3) and (4), shall be assessed in the light of:

   – consistency with the programme objectives;

   – quality of the planned activities;

   – likely multiplier effect on the public of these activities;

   – geographic impact of the activities carried out;

   – citizen involvement in the organisation of the bodies concerned;

   – cost/benefit ratio of the activity proposed.

6. Pursuant to Article 113(2) of the Financial Regulation, the principle of gradual reduction shall not apply to the operating grant given to the European Federation for

Missing and Sexually Exploited Children which pursues an aim of general European interest in the field of children's rights and protection.

Article 10
Committee

1. The Commission shall be assisted by a committee, composed of representatives of the Member States and chaired by the representative of the Commission, hereinafter referred to as the "Committee".

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. The committee shall adopt its Rules of Procedure.

Article 11
Complementarity

1. Synergies and complementarity with other Community instruments will be sought, particularly the general programmes "Security and Safeguards Liberties" and "Solidarity and Management of Migration Flows", the 7th Research & Development Framework Programme as well as the programmes on health protection and "Safer Internet Plus". Complementarity with the European Monitoring Centre for Drugs and Drug Addiction will be actively pursued. The statistical element of information on violence and drugs will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.

2. The programme may share resources with other Community instruments, in particular the general programmes "Security and Safeguards Liberties", "Solidarity and Management of Migration Flows" and the 7th Research & Development Framework Programme in order to implement actions meeting the objectives of all the programmes.

3. Operations financed under this Decision shall not receive assistance for the same purpose from other Community financial instruments. The beneficiaries of this Decision shall provide the Commission with information about funding received from the Community budget and from other sources, as well as information about ongoing applications for funding.

Article 12
Budgetary Resources

1. The budget for the implementation of this instrument is set at EUR 138.2 million for the period set out in Article1.

2. The budgetary resources allocated to the actions provided for in this programme shall be entered in the annual appropriations of the general budget of the European Union.

The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Article 13
Monitoring

1. For any action financed by the programme, the beneficiary shall submit, technical and financial reports on the progress of work. A final report shall also be submitted within three months of the completion of the action. The Commission shall determine the form and content of the reports.

2. Without prejudice to the audits carried out by the Court of Auditors in liaison with the competent national audit bodies or departments pursuant to Article 248 of the Treaty, or any inspection carried out pursuant to Article 279(c) of the Treaty, officials and other staff of the Commission may carry out on-the-spot checks, including sample checks, on actions financed under the programme.

3. Contracts and agreements resulting from this Decision shall provide in particular for supervision and financial control by the Commission (or any representative authorized by it), if necessary on-the-spot, and audits by the Court of Auditors.

4. For a period of five years following the last payment in respect of any action, the beneficiary of financial assistance shall keep available for the Commission all the supporting documents regarding expenditure on the action.

5. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall, if necessary, adjust the scale or the conditions of allocation of the financial assistance originally approved and also the timetable for payments.

6. The Commission shall take every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation.

Article 14
Protection of Community financial interests

1. The Commission shall ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.

2. For the Community actions financed under this programme, Regulation (EC, Euratom) No 2988/95 and Regulation (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the programme, resulting from an act

or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Communities or budgets managed by them, by an unjustified item of expenditure.

3. The Commission shall reduce, suspend or recover the amount of financial assistance granted for an action if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having being sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall request the beneficiary to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission may cancel the remaining financial assistance and demand repayment of sums already paid.

5. Any undue payment shall be repaid to the Commission. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

Article 15
Evaluation

1. The programme will be monitored regularly in order to follow the implementation of activities carried out there under.

2. The Commission shall ensure the regular, independent, external evaluation of the programme

3. The Commission shall submit to the European Parliament and the Council:

   (a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme no later than 31 March 2011;

   (b) a Communication on the continuation of this programme no later than 30 August 2012;

   (c) an ex post evaluation report no later than 31 December 2014.

Article 16
Transitory measures

Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004–2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) is repealed.

Actions started before 31 December 2006 pursuant to that Decision continue to be governed, until their completion, by it. The committee provided for in Article 7 thereof shall be replaced by the one provided for in Article 10 of the present Decision.

Article 17
Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.* It shall apply from 1 January 2007.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

EXPLANATORY MEMORANDUM

1. CONTEXT

The preparation of the financial perspectives for 2007-2013 has been guided from the outset by a policy-led approach, in order to ensure consistency between political objectives and the amounts allocated to pursue them. In this context, the establishment of an area of freedom, security and justice is considered to be one of the main priorities of the European Union for the years to come, to be supported through substantially increased financial means. In its Communications « *Building our common Future - Policy challenges and Budgetary means of the Enlarged Union 2007-2013*»[33] and « *Financial Perspectives 2007 – 2013* »[34], the Commission also underlined the importance of using the revision of the legal instruments for the next financial perspectives to create a significant movement towards greater simplicity. Structuring its proposals around three general and policy-led programmes ("Solidarity and management of migration flows", "Fundamental Rights and Justice", "Security and safeguarding freedoms"), the Commission sets out a clear framework for the development of financial interventions of the Community in support of the three objectives of Justice, Freedom and Security.

2. JUSTIFICATION OF THE ACTION

2.1. Analysis of the problem

The promotion of European Union citizenship should develop a feeling of belonging to a union that shares fundamental rights and values while preserving and respecting the diversity of the culture and traditions of the peoples of Europe. The Treaty establishing the European Community establishes European citizenship and the rights and duties of EU citizens; and the Treaty on European Union, together with the Charter of Fundamental Rights, is the basis for the EU policy in respect of fundamental rights.

The main challenges facing the Union in relation to this policy area over the period of the next financial perspectives can be defined as follows:

1. The incorporation of the Charter of Fundamental Rights of the European Union into the Constitutional Treaty, the opening of the way for the Union to accede to the European Convention on Human Rights, and the Article 7 TEU monitoring mechanisms already put in place under the Nice Treaty together imply a significant reinforcement and operationalisation of the fundamental values which are at the heart of the European project.

2. Following the incorporation of the Charter into the Constitutional Treaty, the Union will be legally obliged not only to respect these rights, but, subject to respect of the principle of subsidiarity, also to ensure that they are effectively promoted in all policy areas (both internal and external) for which the Union is competent.

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33 COM(2004) 101, 10.2.2004.
34 COM(2004) 487, 14.7.2004.

3. Monitoring activities to ensure that the Member States adopt the same approach in their areas of competence will increase dramatically, particularly in the context of a growing and ever more diverse Union and the new challenges that this will bring.

4. NGOs and other civil society actors play an important role in promoting and protecting fundamental rights throughout the European Union and in helping people to get to know their rights and to exercise them fully. It is therefore essential to ensure that the level of action and commitment from those entities is equivalent in all Member States. Supporting civil society and promoting networking is therefore essential.

5. Promoting of an interfaith and multi-cultural dialogue that can be seen as an important means for fighting against discrimination and promoting fundamental rights, mutual understanding and peace.

2.2. The way forward

The aim of this specific programme of the general programme "Fundamental Rights and Justice" is to develop significantly the two existing preparatory actions (promotion of fundamental rights and support of civil society) introducing new objectives such as the fight against racism, xenophobia and anti-semitism namely through the promotion of an inter-faith and a multicultural dialogue at EU level.

The support of civil society in respect of fundamental rights will be enlarged to cover all Member States while the present preparatory action only covers the ten new Member States.

A special focus will be put on the rights deriving from citizenship of the Union, recognised as fundamental rights by the Charter, namely to encourage democratic participation.

A significant increase in the financial envelope is planned to reflect the increasing importance of these issues and to respond positively to civil society actors.

2.3. Objectives of the programme and related indicators

- Definition of general, specific and operational objectives

To promote the development of a European society based on European Union citizenship and respectful of fundamental rights as	To promote the Charter of Fundamental Rights and to inform citizens of their rights as Union citizens and to encourage them to participate actively in the democratic life of the Union.	To support awareness-raising actions.

enshrined in the Charter of Fundamental Rights.	To assess regularly the situation of fundamental rights in the European Union and its Member States, within the scope of Community law, using the Charter of Fundamental Rights as the guiding document and to obtain opinions on specific questions related to fundamental rights when necessary.	To prepare regular reports or opinions on the situation of fundamental rights in the EU.
	To explain the consequences of the insertion of the Charter of Fundamental Rights into the Constitution and of the European Union's accession to the European Convention of Human Rights.	To support information campaigns in these fields.
To fight against anti-semitism, racism and xenophobia and to strengthen civil society in the field of fundamental rights	To support NGO and other bodies from civil society to enhance their capability to participate actively in the promotion of fundamental rights. To fight against anti-semitism, racism and xenophobia by promoting a better understanding and improved tolerance throughout the European Union. To promote peace and fundamental rights namely through an interfaith and multicultural dialogue at EU level.	To have open, transparent and regular dialogue with civil society in respect of fundamental rights. To support awareness-raising actions. To provide financial support for the activities of non-governmental organisations or other entities pursuing the general European interest. To undertake studies and analyses in these areas.

All the objectives are consistent with the overall aim of the general programme "Fundamental Rights and Justice" to support the development of an area of freedom, security and justice.

- Complementarity/coherence with other instruments

This programme will actively seek complementarity with the future of Fundamental Rights Agency, built upon the existing European Monitoring Centre on Racism and Xenophobia, to avoid overlaps and ensure synergy.

This programme is complemented by the other specific programmes under the general programme "Fundamental Rights and Justice" in particular the specific programme "Fight against violence (Daphne) and drugs prevention and information" that aims at fighting against violence which clearly forms part of the protection of fundamental rights as set out in the Charter, in particular the right to physical integrity, and at tackling drug use and trafficking.

The general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows" will be given special attention as they complement the present programme and synergy will certainly be achieved. Particular attention will be given to the dialogue with migrants to foster tolerance and mutual understanding thus helping integrate third country nationals.

Attention was also given to other programmes, particularly the programme for Employment and Social Solidarity (PROGRESS) and the programme on active citizenship, in order to avoid overlaps and to ensure coherence and complementarity in particular in what concerns the actions supported by the present programme that might have positive consequences on the fight against discrimination and on the promotion of an intercultural dialogue.

Complementarity will be sought during the implementation of the programmes, to coordinate the activities undertaken under each one of them when necessary.

3. EVALUATION

3.1. Lessons drawn from intermediate/final evaluations

Two existing preparatory actions aim at promoting the fundamental rights and at supporting to civil society.

The first preparatory action on fundamental rights funds at the moment two different projects: an annual report on the situation of fundamental rights in the European Union and its Member States prepared by a network of independent experts, and funding of projects aiming at informing all persons residing in the European Union about the Charter of Fundamental Rights and at raising awareness about fundamental rights in the context of Union Law.

The second preparatory action aims at supporting civil society in the Member States which acceded to the European Union on 1st May 2004.

Even if the preparatory actions are too recent to allow for a proper assessment, the enthusiastic participation of civil society confirms the need to set up a structured programme to ensure continuation of those activities on a larger scale.

Furthermore, regular contacts maintained with civil society confirm that an open and regular dialogue with NGOs in the area of fundamental rights should be further developed and highlighted the need for more awareness raising campaigns on fundamental rights and also the need to promote networking between NGOs from different Member States.

3.2. Ex ante evaluation

The working paper of the Commission presenting the ex ante evaluation of the general programme "Fundamental Rights and Justice" shows the appropriateness of the policy option chosen to achieve the goals envisaged.

4. LEGAL BASIS AND RATIONALE OF THE POLICY INSTRUMENT

4.1. Legal Basis

This specific programme of the general programme "Fundamental Rights and Justice" is based in Article 308 of the Treaty establishing the European Community.

This Article foresees that an action by the Community is possible even if no powers are specifically envisaged in the Treaty if the action concerned is necessary to attain one of the objectives of the Community.

The objectives of this programme do not have a specific legal basis in the Treaty, since they concern promotion of the fundamental rights of the Charter generally and not merely promotion of the few specific fundamental rights for which specific legal bases exist. They will nevertheless contribute to the definition and implementation of EU competencies and policies by raising awareness among everyone in the European Union of their fundamental rights under Community law

The legal basis proposed is appropriate as the programme contributes to attain Community objectives.

4.2. Actions defined within the programme

Different types of actions are envisaged such as:

- specific actions taken by the Commission, such as, studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities;

- actions providing financial support for specific projects of Community interest under the conditions set out in the annual work programmes;

- actions providing financial support for the activities of non-governmental organisations or other entities under the conditions set our in the annual work programmes;

- an operating grant to the Association of the Council of States and Supreme Administrative Jurisdictions of the European Union which pursues an objective of general European interest by promoting exchanges of views and experience on matters concerning the jurisprudence, organisation and functioning of its Members in the performance of their judicial and/or advisory functions, particularly with regard to Community Law.

4.3. Subsidiarity and Proportionality

The current proposal has been designed to respect the principles of subsidiarity and proportionality set out in Article 5 of the EC Treaty and its accompanying Protocol. So far as subsidiarity is concerned, this programme does not attempt to intervene in the areas that are cover by national programmes developed by national authorities in each Member State but to focus on areas where European added-value can be engendered. To this extent, the great majority of the activities supported by the programme can be viewed as complementary to

national actions and as attempting to exploit as far as possible the synergy from actions implemented at international and regional level.

So far as proportionality is concerned, the new programme proposal has been designed to incorporate the maximum possible simplification in terms not only of the form of the action – the definitions of actions in the legislative text are kept as generic as possible – but also in terms of the administrative and financial requirements that will apply to their implementation. The Commission has sought to find the right balance between flexibility and ease of use on the one hand, and clarity of purpose and appropriate financial and procedural safeguards, on the other.

Following the guidelines indicated in the protocol on the application of both principles, it is clear that the problems that this programme sought to tackle have transnational aspects and therefore that action at Community level will yield benefits over and above action at Member State level.

4.4. Simplification and rationalisation

The proposed approach will contribute to the key objective of simplifying instruments both in legal and management terms and of streamlining of the structure of the budget. It will also increase coherence and consistency between instruments and avoid duplication between these. Whilst additional human resources will be necessary to cope with future enlargements, a better allocation of human resources will be achieved by discontinuing smaller budget lines (which absorb disproportionate resources) and by regrouping existing programmes into a single, coherent and streamlined programme. This will result in more proportionality between the amount of expenditure and the administrative cost of managing it.

The proposed rationalisation will also benefit the end-user as it increases the visibility, clarity and coherence of the instruments. Potential beneficiaries will find it easier to apply for funding thanks to the standardised approach and the harmonisation of provisions for implementation.

The Commission may decide to entrust part of the budget implementation to agencies governed by Community law, referred to in Article 54(2)(a) of the Financial Regulation. These agencies shall be designated by the Commission in conformity with the provisions of Articles 55 and 56 of Council Regulation (EC, Euratom) No 1605/2002 and of Article 37 of Commission Regulation (EC, Euratom) No 2342/2002. The Commission shall analyse the compliance with the principles of economy, effectiveness and efficiency. Before proceeding to implement the delegation, the Commission shall ensure, by mean of a prior assessment that the creation of agencies is in compliance with sound financial management.

The proposed new instrument follows the path that was determined by the Commission in what concerns the political and financial challenges as from 2007 on. The intention is to complement, simplify and rationalise the existing instruments and to ensure the necessary flexibility to face new objectives and to respond in a smooth way to the new legal framework, which will be established once the Constitutional Treaty enters into force.

5. BUDGETARY IMPLICATIONS

The cost of the general programme "Fundamental Rights and Justice" for the period 2007–2013 is EUR 5439 million; the present specific programme will be allocated EUR 96.5 million.

2005/0038 (CNS)

Proposal for a

COUNCIL DECISION

Establishing for the period 2007-2013 the specific programme "Fundamental rights and citizenship" as part of the General programme "Fundamental Rights and Justice"

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission[35],

Having regard to the opinion of the European Parliament[36],

Having regard to the opinion of the European Economic and Social Committee[37],

Having regard to the opinion of the Committee of the Regions[38],

Whereas:

(1) Article 6(1) on the Treaty on European Union states that the Union is founded on the principle of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States.

(2) Article 6(2) on the Treaty on European Union states that the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

(3) The Charter of Fundamental Rights of the European Union, which was proclaimed on 7 December 2000, embraces the fundamental values on which the European Union is founded[39].

(4) As stated in The Hague Programme adopted by the European Council at its meeting in Brussels on 4 and 5 November 2004, the incorporation of the Charter into the Treaty establishing a Constitution for Europe and the accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms will place the

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35 OJ C , , p. .
36 OJ C , , p. .
37 OJ C , , p. .
38 OJ C , , p. .
39 OJ C 364, 18.12.2000, p. 1.

European Union under a legal obligation to ensure, subject to respect of the principle of subsidiarity, that in all areas of its activity, fundamental rights are not only respected but also actively promoted.

(5) In its Communication to the Council and the European Parliament on Article 7 of the Treaty on European Union[40], the Commission underlines the importance of the role that civil society plays both in protecting and promoting fundamental rights; the Commission therefore should establish a regular dialogue with civil society.

(6) The Commission stresses the importance of the information and communication with respect to the rights that European Union citizenship confers on its citizens to improve their awareness of their rights and to provide them with easy access to reliable information.

(7) In November 2004 the European Council recognised the importance of communication to bring all persons close to the European project by encouraging an active citizenship.

(8) The Association of the Council of States and Supreme Administrative Jurisdictions of the European Union promotes exchanges of views and experience on matters concerning the jurisprudence, organisation and functioning of its Members in the performance of their judicial and/or advisory functions, particularly with regard to Community Law and therefore pursues an aim of general European interest.

(9) The Treaty does not provide, for the adoption of this Decision, powers than those under Article 308.

(10) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used.

(11) This Decision establishes a financial framework for the entire duration of the programme, which is to be the principal point of reference for the budgetary authority within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure[41].

(12) The objectives of the programme, namely in the field of promotion of the Charter of Fundamental Rights including those derived from the EU citizenship , the support to civil society associations, the fight against racism, xenophobia and anti-semitism through an interfaith and multicultural dialogue cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or impact of the initiative, be better achieved at Community level. The Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.

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40 COM(2003) 609, 15.10.2003.

41 OJ C 172, 18.6.1999, p. 1.

(13) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities[42], hereinafter "the Financial Regulation", and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002[43], which safeguard the Community's financial interests, have to be applied taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.

(14) The Financial Regulation requires a basic act to be provided to cover operating grants.

(15) In accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[44] measures for the implementation of this Decision should be adopted by use of the advisory procedure provided for in Article 3 of that Decision. This is appropriate since the programme does not have a significant impact on the Community budget.

HAS DECIDED AS FOLLOWS:

Article 1

Creation of the programme

1. This Decision establishes the programme « Fundamental Rights and citizenship », hereinafter referred to as "the programme" as part of the general programme "Fundamental Rights and Justice", in order to contribute to the strengthening of the area of Freedom, Security and Justice.

2. The programme shall cover the period from 1 January 2007 to 31 December 2013.

Article 2

General objectives

1. This programme shall have the following general objectives:

   (a) To promote the development of a European society based on respect for fundamental rights provided for in the Charter of Fundamental Rights of the European Union, including rights derived from European Union citizenship, which is destined to be the fundamental status of nationals of the Member States.

   (b) To strengthen civil society and to encourage an open, transparent and regular dialogue with it in respect of fundamental rights.

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42 OJ L 248, 16.9.2002, p. 1.
43 OJ L 357, 31.12.2002, p. 1.
44 OJ L 184, 17.7.1999, p. 23.

(c) To fight against racism, xenophobia and anti-semitism.

2. The general objectives of the programme are complementary to the objectives pursued by the Fundamental Rights Agency built upon the European Monitoring Centre on Racism and Xenophobia.

3. Without prejudice to the objectives and powers of the European Community, the general objectives of the programme contribute to the development of the community policies respectful of fundamental rights.

Article 3

Specific objectives

The programme shall have the following specific objectives:

(a) To promote the Charter of Fundamental Rights and to inform all persons of their rights including those derived from the EU citizenship in order to encourage European Union citizens to participate actively in the democratic life of the Union.

(b) To assess regularly the situation of fundamental rights in the European Union and its Member States, within the scope of application of Community law, using the Charter of Fundamental Rights as the guiding document and to obtain opinions on specific questions related to fundamental rights within this scope when necessary.

(c) To explain the consequences of the insertion of the Charter of Fundamental Rights into the Constitution and of the European Union's accession to the European Convention of Human Rights.

(d) To support NGO and other bodies from civil society to enhance their capability to participate actively in the promotion of fundamental rights, the rule of law and democracy.

(e) To promote peace and fundamental rights namely through an interfaith and multicultural dialogue at EU level.

Article 4

Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, this programme will support the following types of actions:

(a) specific actions taken by the Commission, such as, studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events; development and maintenance of websites, preparation

and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities; or

(b) specific transnational projects of Community interest presented by at least three Member States under the conditions set out in the annual work programmes; or

(c) support to the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme under the conditions set out in the annual work programmes.

(d) an operating grant to co-finance expenditure associated with the permanent work programme of the Association of the Council of States and Supreme Administrative Jurisdictions of the European Union which pursues an objective of general European interest by promoting exchanges of views and experience on matters concerning the jurisprudence, organisation and functioning of its members in the performance of their judicial and/or advisory functions, particularly with regard to Community Law.

Article 5

Participation

The following countries, hereinafter referred to as « participating countries » may participate in the actions of the programme:

(a) the candidate countries associated to the EU, as well as the western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or their additional protocols relating to participation in Community programmes concluded or to be concluded with those countries;

(b) projects may associate candidate countries not participating in this programme where this would contribute to their preparation for accession, or other third countries not participating in this programme where this serves the objectives of the projects.

Article 6

Target Groups

The programme is targeted at EU citizens, third countries nationals residing legally within the EU territory and civil society associations, among other groups active in promoting the objectives of this programme.

Article 7

Access to the programme

Access to this programme shall be open, inter alia, to institutions and public or private organisations, universities, research institutes, non-governmental organisations, national, regional and local authorities, international organisations and other not-for-profit organisations established in the European Union.

The programme shall permit joint activities with international organisations competent in the field of fundamental rights, such as the Council of Europe, on the basis of joint contributions and in accordance with the various rules prevailing in each institution or organisation, for the achievement of the objectives of this programme.

Article 8

Types of intervention

1. Community funding may take the following legal forms:

   – grants,

   – public procurement contracts.

2. Community grants shall be awarded further to calls for proposals, save in duly substantiated exceptional cases of urgency or where the characteristics of the beneficiary leave no other choice for a given action, and shall be provided through operating grants and grants to actions. The maximum rate of co-financing will be specified in the annual work programmes.

3. Furthermore, expenditure is foreseen for accompanying measures, through public procurement contracts, in which case Community funds will cover the purchase of services and goods. This will cover, inter alia, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 9

Implementing measures

1. The Commission shall implement the Community Assistance in accordance with the Financial Regulation applicable to the general budget of the European Communities.

2. To implement the programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt an annual work programme specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in Article 8 and if necessary a list of other actions.

3. The annual work programme will be adopted in accordance with the procedure set out in Article 10(2).

4. The evaluation and award procedures relating to grants to actions shall take into account, inter alia, the following criteria:

(a) conformity with the annual work programme, the general objectives as specified in Article 2 and measures taken in the different domains as specified in Articles 3 and 4;

(b) quality of the proposed action regarding its conception, organisation, presentation and expected results;

(c) amount requested for community financing and its appropriateness as to expected results;

(d) impact of the expected results on the general objectives defined in Article 2 and on measures taken in the different domains as specified in Articles 3 and 4.

5. The applications for operating grants, referred to in Article 4(3) and (4), shall be assessed in the light of:

– consistency with the programme objectives;

– quality of the planned activities;

– likely multiplier effect on the public of these activities;

– geographic impact of the activities carried out;

– citizen involvement in the organisation of the bodies concerned;

– cost/benefit ratio of the activity proposed.

6. Pursuant to Article 113(2) of the Financial Regulation, the principle of gradual reduction shall not apply to the operating grant given to the Association of the Council of States and Supreme Administrative Jurisdictions of the European Union since it pursues an objective of general European interest.

Article 10

Committee

1. The Commission shall be assisted by a committee, composed of representatives of the Member States and chaired by the representative of the Commission, hereinafter referred to as the "Committee".

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.

3. The committee shall adopt its Rules of Procedure.

Article 11

Complementarity

1. Synergies and complementarity with other Community instruments will be sought, particularly the general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows", as well as the "Progress programme. Complementarity with the Fundamental Rights Agency, built upon the European Monitoring Centre on Racism and Xenophobia will be actively pursued. The statistical element of information on fundamental rights and citizenship will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.

2. The programme may share resources with other Community instruments, in particular the general programmes "Security and Safeguards Liberties" and "Solidarity and Management of Migration Flows" in order to implement actions meeting the objectives of all programmes.

3. Operations financed under this Decision shall not receive assistance for the same purpose from other Community financial instruments. The beneficiaries of this Decision shall provide the Commission with information about funding received from the Community budget and from other sources, as well as information about ongoing applications for funding.

Article 12

Budgetary Resources

The budgetary resources allocated to the actions provided for in this programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Article 13

Monitoring

1. For any action financed by the programme, the beneficiary shall submit, technical and financial reports on the progress of work. A final report shall also be submitted within three months of the completion of the action. The Commission shall determine the form and content of the reports.

2. Without prejudice to the audits carried out by the Court of Auditors in liaison with the competent national audit bodies or departments pursuant to Article 248 of the Treaty, or any inspection carried out pursuant to Article 279(c) of the Treaty, officials and other staff of the Commission may carry out on-the-spot checks, including sample checks, on actions financed under the programme.

3. Contracts and agreements resulting from this Decision shall provide in particular for supervision and financial control by the Commission (or any representative authorized by it), if necessary on-the-spot, and audits by the Court of Auditors.

4. For a period of five years following the last payment in respect of any action, the beneficiary of financial assistance shall keep available for the Commission all the supporting documents regarding expenditure on the action.

5. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall, if necessary, adjust the scale or the conditions of allocation of the financial assistance originally approved and also the timetable for payments.

6. The Commission shall take every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation.

Article 14

Protection of Community financial interests

1. The Commission shall ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.

2. For the Community actions financed under this programme, Regulation (EC, Euratom) No 2988/95 and Regulation (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Communities or budgets managed by them, by an unjustified item of expenditure.

3. The Commission shall reduce, suspend or recover the amount of financial assistance granted for an action if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having being sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall request the beneficiary to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission may

cancel the remaining financial assistance and demand repayment of sums already paid.

5. Any undue payment shall be repaid to the Commission. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

Article 15

Evaluation

1. The programme will be monitored regularly in order to follow the implementation of activities carried out there under.

2. The Commission shall ensure the regular, independent, external evaluation of the programme.

3. The Commission shall submit to the European Parliament and the Council:

   (a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme no later than 31 March 2011;

   (b) a Communication on the continuation of this programme no later than 30 August 2012;

   (c) an ex post evaluation report no later than 31 December 2014.

Article 16

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.* It shall apply from 1 January 2007.

Done at Brussels,

For the Council
The President

EXPLANATORY MEMORANDUM

1. CONTEXT

The preparation of the financial perspectives for 2007-2013 has been guided from the outset by a policy-led approach, in order to ensure consistency between political objectives and the amounts allocated to pursue them. In this context, the establishment of an area of freedom, security and justice is considered to be one of the main priorities of the European Union for the years to come, to be supported through substantially increased financial means. In its Communications « *Building our common Future - Policy challenges and Budgetary means of the Enlarged Union 2007-2013*»[45] and « *Financial Perspectives 2007–2013* »[46], the Commission also underlined the importance of using the revision of the legal instruments for the next financial perspectives to create a significant movement towards greater simplicity. Structuring its proposals around three general and policy-led programmes ("Solidarity and management of migration flows", "Fundamental Rights and Justice", "Security and safeguarding freedoms"), the Commission sets out a clear framework for the development of financial interventions of the Community in support of the three objectives of Justice, Freedom and Security.

2. JUSTIFICATION OF THE ACTION

2.1. Analysis of the problem

The right to move freely within the Union (one of the four principles underlying the Single Market), requires measures in respect of criminal law to ensure that there are no safe havens for crime and criminals..

Common EU interests must be protected against criminal behaviour, either because of its cross-border dimension, or because it offends EU common values, such as respect for individuals, democracy and good governance (which explains why action against sexual exploitation of children, racism, fraud and corruption is necessary). A common approach in this regard reflects the emergence of a European public order. Yet it must also take account of the need to provide a high standard of protection of individual rights, which means, for example, building on earlier achievements in respect of the rights of the victims, improving the rights of people arrested and setting the framework and standards regarding the way sentences are served and offenders are reintegrated into society. Indeed, individuals and businesses should not be prevented or discouraged from exercising their rights by the incompatibility or complexity of legal and administrative systems in the Member States

2.2. The way forward

The promotion and the protection of fundamental rights require the establishment of a genuine European area of justice. The creation of such an area enables judicial authorities to co-operate effectively, and ensures that citizens have a better access to justice and are neither prevented nor discouraged from exercising their rights by incompatibilities and complexities

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45 COM(2004) 101, 10.2.2004.

46 COM(2004) 487, 14.7.2004.

in legal systems. It also enables the principle of mutual recognition of judicial decisions to be established, and the good functioning of the judiciary to be continuously improved.

The challenge for the Union will be to respond to the expectations of the citizens that there should be effective solutions to their practical problems. This will imply in particular:

– as the acquis grows, increased efforts to monitor its application by the Member States, including through such modern means as the establishment of databases of case law;

– further legislative action in particular to improve ease of access to and the efficiency of justice;

– strengthening of mechanisms for providing information to the public and promoting training of and exchanges of practitioners on the implications of the instruments for cooperation in this area;

– legislative measures to put in place and develop common tools for cooperation. This implies inter alia, on the one hand, more efficient mechanisms for exchange of information between Member States on those convicted of criminal activities, in particular by setting up a computerised system to exchange information on criminal records, and on the other hand, to improve standards for certain procedures such as rules on collection of evidence and on the protection of those involved in criminal proceedings, whether they are the accused, witnesses or victims;

– further measures to promote understanding and use of common tools and procedures among practitioners.

2.3. Objectives of the programme and related indicators

- Definition of general, specific and operational objectives

To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters based on mutual recognition and mutual confidence.	To promote the adaptation of the existing judicial systems in Member States to the European Union being a territory without border controls, with a single currency, with free movement of persons, services, goods and capital.	To improve mutual knowledge of Member States' legal and judicial systems in criminal matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices. To ensure the sound implementation, the correct and concrete application and the evaluation of Community instruments in the areas of judicial cooperation in criminal matters.
	To improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice.	To improve information on the legal systems in the Member States and access to justice.
	To improve the contacts between legal, judicial and administrative authorities and the legal professions, to improve exchange of information on criminal cases between Member States and to foster the training of the members of the judiciary.	To promote the training of the judiciary and judicial staff in Union matters. To evaluate the general conditions necessary to develop mutual confidence, including the quality of justice. To develop and implement a European computerised system of exchange of information on criminal records and to support studies to develop other types of exchange of information.

All the objectives are consistent with the overall aim of the general programme "Fundamental Rights and Justice" to support the development of an area of freedom, security and justice.

- Complementarity/coherence with other instruments

When preparing the programme, particular attention was given to ensuring coherence with other programmes financing activities in the same policy areas and to looking for complementarity and synergy with these.

This programme is complemented by the other specific programmes under the general programme "Fundamental Rights and Justice" in particular the specific programme "Civil Justice" on judicial cooperation in civil matters. The "Civil Justice" programme follows, as much as possible, the objectives and the structure of the present programme and aims at ensuring that the right to move freely within the Union is not prevented or discouraged by the complexity of the legal and administrative systems of the Member States.

Complementarity will also be sought with Eurojust which is a European Union body established to enhance the effectiveness of the competent authorities within Member States when they are dealing with the investigation and prosecution of serious cross-border and organised crime, including terrorism, by stimulating and improving cooperation between those authorities. By placing an emphasis on ensuring full cooperation between the competent national authorities, Eurojust is an essential complement to the Fundamental Rights and Justice programme in particular the specific programme "Criminal Justice".

Complementarity is also to be ensured with the general programme "Security and Safeguarding Liberties" that puts the emphasis on law enforcement, in the sense of cooperation between police and other non-judicial law enforcement agencies, while the presente programme focuses on the judiciary.

Finnally complementarity will also be sought with the general programme "Solidarity and Management of Migration Flows" in particular in the area related to the asylum and third country national integration legal systems.

3. EVALUATION

3.1. Lessons drawn from intermediate/final evaluations

Although an in-depth evaluation of the AGIS programme is still under way, it can be said that this programme turned out to be very useful and has contributed considerably to improve mutual understanding among national authorities and institutions. The first annual report on the implementation of the programme underlines that the high number of proposals received, which were more than the budget available, shows clearly the interest in the programme among its potential beneficiaries, It also highlights that conferences and seminars are by far the most important type of action and they account for almost half (46.4%) of the total number of projects co-financed. The second most important type (26.8% of the total) concerns research, studies and the establishment of networks. Training and exchange programmes, which are by their nature more difficult to implement than these other actions, represent a fifth (20.5%) of the number of projects co-financed.

3.2. Ex ante evaluation

The working paper of the Commission presenting the ex ante evaluation of the general programme "Fundamental Rights and Justice" shows the appropriateness of the policy option chosen to achieve the goals envisaged.

4. LEGAL BASIS AND RATIONALE OF THE POLICY INSTRUMENT

4.1. Legal Basis

This specific programme of the general programme "Fundamental Rights and Justice" is based in Article 31 of the Treaty on European Union.

This Article indicates the contents of the common action on judicial cooperation in criminal matters.

Article 34(2)(c) of Treaty on European Union determines that the Council may adopt decisions in respect of judicial cooperation in criminal matters.

The legal basis proposed is appropriate as the programme is targeted at judicial cooperation in criminal matters

4.2. Actions defined within the programme

Different types of actions are envisaged such as:

- specific actions taken by the Commission, such as, studies and research, creation and implementation of specific projects like the creation of a computerised system of exchange of information on criminal records, opinion polls and surveys, the formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities;

- actions providing financial support for specific projects of Community interest under the conditions set out in the annual work programmes;

- actions providing financial support for the activities of non-governmental organisations or other entities under the conditions set our in the annual work programmes;

- an operating grant to the European Judicial Training Network which pursues an aim of general European interest in the field of training of the judiciary.

4.3. Subsidiarity and Proportionality

The current proposal has been designed to respect the principles of subsidiarity and proportionality set out in Article 5 of the EC Treaty and its accompanying Protocol. So far as subsidiarity is concerned, this programme does not attempt to intervene in the areas that are cover by national programmes developed by national authorities in each Member State but to focus on areas where European added-value can be engendered. To this extent, the great

majority of the activities supported by the programme can be viewed as complementary to national actions and as attempting to exploit as far as possible the synergy from actions implemented at international and regional level.

So far as proportionality is concerned, the new programme proposal has been designed to incorporate the maximum possible simplification in terms not only of the form of the action – the definitions of actions in the legislative text are kept as generic as possible – but also in terms of the administrative and financial requirements that will apply to their implementation. The Commission has sought to find the right balance between flexibility and ease of use on the one hand, and clarity of purpose and appropriate financial and procedural safeguards, on the other.

Following the guidelines indicated in the protocol on the application of both principles, it is clear that the problems that this programme sought to tackle have transnational aspects and therefore that action at Community level will yield benefits over and above action at Member State level.

4.4. Simplification and rationalisation

The proposed approach will contribute to the key objective of simplifying instruments both in legal and management terms and of streamlining of the structure of the budget. It will also increase coherence and consistency between instruments and avoid duplication between these. Whilst additional human resources will be necessary to cope with future enlargements, a better allocation of human resources will be achieved by discontinuing smaller budget lines (which absorb disproportionate resources) and by regrouping existing programmes into a single, coherent and streamlined programme. This will result in more proportionality between the amount of expenditure and the administrative cost of managing it.

The proposed rationalisation will also benefit the end-user as it increases the visibility, clarity and coherence of the instruments. Potential beneficiaries will find it easier to apply for funding thanks to the standardised approach and the harmonisation of provisions for implementation.

The Commission may decide at a later stage to entrust part of the budget implementation to agencies governed by Community law, referred to in Article 54(2) (a) of the Financial Regulation. These agencies shall be designated by the Commission in conformity with the provisions of Articles 55 and 56 of Council Regulation (EC, Euratom) No 1605/2002 and of Article 37 of Commission Regulation (EC, Euratom) No 2342/2002. The Commission shall analyse the compliance with the principles of economy, effectiveness and efficiency. Before proceeding to implement the delegation, the Commission shall ensure, by mean of a prior assessment that the creation of agencies is in compliance with sound financial management.

The proposed specific programme follows the path that was determined by the Commission in what concerns the political and financial challenges as from 2007 on. The intention is to complement, simplify and rationalise the existing instruments and to ensure the necessary flexibility to face new objectives and to respond in a smooth way to the new legal framework, which will be established once the Constitutional Treaty enters into force.

5. BUDGETARY IMPLICATIONS

The cost of the general programme "Fundamental Rights and Justice" for the period 2007–2013 is EUR 543 million; the present specific programme will be allocated EUR 199 million.

2005/0039 (CNS)

Proposal for a

COUNCIL DECISION

Establishing for the period 2007-2013 the specific programme "Criminal justice" as part of the General programme "Fundamental Rights and Justice"

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31 and Article 34(2)(c) thereof,

Having regard to the proposal of the Commission[47],

Having regard to the opinion of the European Parliament[48],

Whereas:

(1) Article 29 of the Treaty of the European Union states that the Union's objective is to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of judicial cooperation in criminal matters.

(2) According to Article 31 of the Treaty of the European Union, common action in criminal matters shall include, in particular, cooperation between the competent authorities of the Member States.

(3) Building on the conclusions of the Tampere European Council, The Hague Programme, adopted by the European Council in November 2004, reaffirms the priority in strengthening Freedom, Security and Justice in the European Union, in particular by enhancing judicial cooperation in criminal matters, based on the mutual recognition principle.

(4) The framework programme on police and judicial cooperation in criminal matters (AGIS) established by Council Framework Decision 2002/630/JHA of 22 July 2002[49] contributed considerably to strengthening cooperation between police and other law enforcement agencies and the judiciary in the Member States and to improving mutual understanding and mutual trust of their police, judicial, legal and administrative systems.

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47 OJ C , , p. .

48 OJ C , , p. .

49 OJ L 203, 1.8.2002, p. 1.

(5) The ambitious objectives set by the Treaty and The Hague Programme should be realised through the establishment of a flexible and effective programme that will facilitate planning and implementation.

(6) The programme should improve mutual confidence within the judiciary. Mutual confidence, according to the Hague programme, should be strengthened by developing networks of judicial organisation and institutions, by improving training of judicial professions, by developing the evaluation of the implementation of EU instruments including evaluation of the quality of justice, by increasing research in the field of judicial cooperation, and by facilitating operational projects among Member States aiming at modernising justice. It should also facilitate the implementation of the mutual recognition principle by improving mutual knowledge on previous convictions passed in the European Union, in particular through the creation of a computerised system of exchange of information on criminal records.

(7) The European Judicial Training Network founded by institutions specifically responsible for the training of the professional judiciary of all Member States promotes a training programme for judges and public prosecutors with a genuine European dimension. This contributes to strengthening the mutual confidence and improves mutual understanding among judicial authorities and different legal systems.

(8) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used.

(9) This Decision establishes a financial framework for the entire duration of the programme, which is to be the principal point of reference for the budgetary authority within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure[50].

(10) Since the objectives of the Criminal Justice Programme cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the initiative, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.

(11) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities[51], hereinafter "the Financial Regulation", and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002[52], which safeguard the Community's financial interests, have to be applied taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their

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50 OJ C 172, 18.6.1999, p. 1.
51 OJ L 248, 16.9.2002, p. 1.
52 OJ L 357, 31.12.2002, p. 1.

implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.

(12) The Financial Regulation requires a basic act to be provided to cover operating grants.

(13) The measures required to implement this Decision should be adopted according to the procedures laid down in it, with the assistance of an advisory committee. This is appropriate since the programme does not have a significant impact on the budget of the European Union.

(14) It is appropriate to replace the framework programme on police and judicial cooperation in criminal matters (AGIS) by this programme from 1 January 2007 and by the new specific programme "Prevention of and fight against crime" from the general programme "Security and Safeguarding Liberties".

HAS DECIDED AS FOLLOWS:

Article 1

Creation of the programme

1. This Decision establishes the specific programme "Criminal justice", hereinafter referred to as "the programme" as part of the general programme "Fundamental Rights and Justice", in order to contribute to the strengthening of the area of Freedom, Security and Justice.

2. The programme shall cover the period from 1 January 2007 to 31 December 2013.

Article 2

General objectives

1. This programme shall have the following general objectives:

   (a) To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters based on mutual recognition and mutual confidence.

   (b) To promote the adjustment of the existing judicial systems in Member States to the European Union being a territory without border controls, with a single currency, and with free movement of persons, services, goods and capital.

   (c) To improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice.

   (d) To improve the contacts and exchange of information between legal, judicial and administrative authorities and the legal professions, and to foster the training of the members of the judiciary.

2. Without prejudice to the objectives and powers of the European Community, the general objectives of the programme contribute to the development of community policies, and more specifically to the creation of a judicial area.

Article 3

Specific objectives

The programme shall have the following specific objectives:

(a) To foster judicial cooperation in criminal matters aiming at

- promoting mutual recognition of judicial decisions and judgments;
- eliminating obstacles created by disparities and promoting the necessary approximation of legislation;
- guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction;
- promoting rights of defendants as well as social and legal assistance to victims.

(b) To improve mutual knowledge of Member States' legal and judicial systems in criminal matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices.

(c) To ensure the sound implementation, the correct and concrete application and the evaluation of Union instruments in the areas of judicial cooperation in criminal matters.

(d) To improve information on legal systems in the Member States and access to justice.

(e) To promote the training in Union and Community law of the judiciary and judicial staff.

(f) To evaluate the general conditions necessary to develop mutual confidence, including the quality of justice.

(g) To develop and implement a European computerised system of exchange of information on criminal records and to support studies to develop other types of exchange of information.

Article 4

Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, this programme will support the following types of actions:

(a) specific actions taken by the Commission, such as, studies and research, creation and implementation of specific projects like the creation of a computerised system of exchange of information on criminal records, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and experts meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information materials, support to and animation of networks of national experts, analytical, monitoring and evaluation activities; or

(b) specific transnational projects of Union interest presented by at least three Member States under the conditions set out in the annual work programmes; or

(c) support to the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme under the conditions set out in the annual work programmes;

(d) an operating grant to co-finance expenditure associated with the permanent work programme of the European Judicial Training Network which pursues an aim of general European interest in the field of training of the judiciary.

Article 5

Target Groups

The programme is destined for inter alia, legal practitioners, representatives of victims assistance services, the national authorities and the citizens of the Union in general.

Article 6

Access to the programme

1. Access to this programme shall be open to institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training/further training institutes for legal practitioners, non-governmental organisations of the Member States.

   "Legal practitioners" means, inter alia, judges, prosecutors, advocates, solicitors, ministry officials, court officers, bailiffs, court interpreters and other professionals associated with the judiciary in the area of criminal law.

2. Projects may not be presented by third countries or by international organisations but they may participate as partners.

Article 7

Types of intervention

1. Community funding may take the following legal forms:

   – grants,

   – public procurement contracts.

2. Community grants shall normally be awarded further to calls for proposals, save in duly substantiated exceptional cases of urgency or where the characteristics of the beneficiary leave no other choice for a given action, and shall be provided through operating grants and grants to actions. The maximum rate of co-financing will be specified in the annual work programmes.

3. Furthermore, expenditure is foreseen for accompanying measures, through public procurement contracts, in which case Community funds will cover the purchase of services and goods. This will cover, inter alia, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 8

Implementing measures

1. The Commission shall implement the Community Assistance in accordance with the Financial Regulation applicable to the general budget of the European Communities.

2. To implement the programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt an annual work programme specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in Article 8 and if necessary a list of other actions.

3. The annual work programme will be adopted in accordance with the procedure set out in Article 10.

4. The evaluation and award procedures relating to grants to actions shall take into account, inter alia, the following criteria:

   (a) conformity with the annual work programme, the general objectives as specified in Article 2 and measures taken in the different domains as specified in Articles 3 and 4;

   (b) quality of the proposed action regarding its conception, organisation, presentation and expected results ;

(c) amount requested for community financing and its appropriateness as to expected results;

(d) impact of the expected results on the general objectives defined in Article 2 and on measures taken in the different domains as specified in Articles 3 and 4.

5. The applications for operating grants, referred to in Article 4(3) and (4), shall be assessed in the light of:

– consistency with the programme objectives;

– quality of the planned activities;

– likely multiplier effect on the public of these activities;

– geographic impact of the activities carried out;

– citizen involvement in the organisation of the bodies concerned;

– cost/benefit ratio of the activity proposed.

6. Pursuant to Article 113(2) of the Financial Regulation, the principle of gradual reduction shall not apply to the operating grant given to the European Judicial Training Network since it pursues an objective of general European interest.

Article 9

Committee

1. The Commission shall be assisted by a committee, composed of representatives of the Member States and chaired by the representative of the Commission, hereinafter referred to as the "Committee".

2. The committee shall adopt its Rules of Procedure.

Article 10

Advisory procedure

1. Where reference is made to this Article, the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chair may lay down according to the urgency of the matter, if necessary by taking a vote.

2. The opinion shall be recorded in the minutes; each Member State may request that its position be recorded in the minutes.

3. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which the opinion has been taken into account

Article 11

Complementarity

1. Synergies and complementarity with other Community instruments will be sought, particularly the civil justice specific programme of the general programme "Fundamental rights and Justice", and the general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows". The statistical element of information on criminal justice will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.

2. The programme may share resources with other Community instruments, in particular the civil justice specific programme of the general programme "Fundamental rights and Justice" in order to implement actions meeting the objectives of both programmes.

3. Operations financed under this Decision shall not receive assistance for the same purpose from other Community financial instruments. The beneficiaries of this Decision shall provide the Commission with information about funding received from the Community budget and from other sources, as well as information about ongoing applications for funding.

Article 12

Budgetary Resources

The budgetary resources allocated to the actions provided for in this programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Article 13

Monitoring

1. For any action financed by the programme, the beneficiary shall submit, technical and financial reports on the progress of work. A final report shall also be submitted within three months of the completion of the action. The Commission shall determine the form and content of the reports.

2. Without prejudice to the audits carried out by the Court of Auditors in liaison with the competent national audit bodies or departments pursuant to Article 248 of the Treaty, or any inspection carried out pursuant to Article 279(c) of the Treaty, officials and other staff of the Commission may carry out on-the-spot checks, including sample checks, on actions financed under the programme.

3. Contracts and agreements resulting from this Decision shall provide in particular for supervision and financial control by the Commission (or any representative authorized by it), if necessary on-the-spot, and audits by the Court of Auditors.

4. For a period of five years following the last payment in respect of any action, the beneficiary of financial assistance shall keep available for the Commission all the supporting documents regarding expenditure on the action.

5. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall, if necessary, adjust the scale or the conditions of allocation of the financial assistance originally approved and also the timetable for payments.

6. The Commission shall take every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation.

Article 14

Protection of Community financial interests

1. The Commission shall ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.

2. For the Community actions financed under this programme, Regulation (EC, Euratom) No 2988/95 and Regulation (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Communities or budgets managed by them, by an unjustified item of expenditure.

3. The Commission shall reduce, suspend or recover the amount of financial assistance granted for an action if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having being sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall request the beneficiary to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission may

cancel the remaining financial assistance and demand repayment of sums already paid.

5. Any undue payment shall be repaid to the Commission. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

Article 15

Evaluation

1. The programme will be monitored regularly in order to follow the implementation of activities carried out under this programme.

2. The Commission shall ensure the regular, independent, external evaluation of the programme

3. The Commission shall submit to the European Parliament and the Council:

   (a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme no later than 31 March 2011;

   (b) a Communication on the continuation of this programme no later than 30 August 2012;

   (c) an ex post evaluation report no later than 31 December 2014.

Article 16

Transitory measures

This Decision shall, from 1 January 2007, replace the corresponding provisions of the Council Decision of 22 July establishing a framework programme on police and judicial cooperation in criminal matters (AGIS).

Actions started before 31 December 2006 pursuant to that Decision shall continue to be governed, until their completion, by that Decision. The committee provided for in Article 7 thereof shall be replaced by the one provided for in Article 10 of the present Decision.

Article 17

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.* It shall apply from 1 January 2007.

Done at Brussels,

For the Council
The President

EXPLANATORY MEMORANDUM

1. CONTEXT

The preparation of the financial perspectives for 2007-2013 has been guided from the outset by a policy-led approach, in order to ensure consistency between political objectives and the amounts allocated to pursue them. In this context, the establishment of an area of freedom, security and justice is considered to be one of the main priorities of the European Union for the years to come, to be supported through substantially increased financial means. In its Communications « *Building our common Future - Policy challenges and Budgetary means of the Enlarged Union 2007-2013*»[53] and « *Financial Perspectives 2007–2013* »[54], the Commission also underlined the importance of using the revision of the legal instruments for the next financial perspectives to create a significant movement towards greater simplicity. Structuring its proposals around three general and policy-led programmes ("Solidarity and management of migration flows", "Fundamental Rights and Justice", "Security and safeguarding freedoms"), the Commission sets out a clear framework for the development of financial interventions of the Community in support of the three objectives of Justice, Freedom and Security.

2. JUSTIFICATION OF THE ACTION

2.1. Analysis of the problem

The internal market is a reality, and it has resulted in increased exchanges between the Member States of the Union. It has given rise to an increase in the frequency with which European citizens move to or perform economic activities and buy goods and services in other Member States sometimes through the use of modern technologies. Furthermore, personal and family situations with a cross-border dimension (eg marriages between people of different nationality, people owning houses in another Member State) are also more frequent. Action is needed to ensure that litigants can have easy access to effective justice in such cases. Problems that are likely to increasingly arise in the future, such as issues relating to the status of unmarried couples, claims to property on the break-up of marriages or other relationships an well as in other circumstances, personal status (names), or adoption, also need to be covered. Indeed, individuals and the business sector should not be prevented or discouraged from exercising their rights by the incompatibility or complexity of legal and administrative systems in the Member States.

2.2. The way forward

The promotion and the protection of fundamental rights require the establishment of a genuine European area of justice. The creation of such an area enables judicial authorities to co-operate effectively, and ensures that citizens have a better access to justice and are neither prevented nor discouraged from exercising their rights by incompatibilities and complexities in legal systems. It also enables the principle of mutual recognition of judicial decisions to be established, and the good functioning of the judiciary to be continuously improved.

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53 COM(2004) 101, 10.2.2004.

54 COM(2004) 487, 14.7.2004.

The challenge for the Union will be to respond to the expectations of the citizens that there should be effective solutions to their practical problems. This will imply in particular:

– as the acquis grows, increased efforts to monitor its application by the Member States, including through such modern means such as the establishment of databases of case law;

– further legislative action in particular to improve the ease of access to and the efficiency of justice;

– strengthening of mechanisms for providing information to the public and promoting training and exchanges of practitioners on the implications of the instruments for cooperation in this area;

– further measures to promote understanding and use of common tools and procedures among practitioners.

2.3. Objectives of the programme and related indicators

- Definition of general, specific and operational objectives

<table>
<tr><td rowspan="2">To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence.

.</td><td>To promote the adaptation of the existing judicial systems in Member States to the European Union being a territory without border controls, with a single currency, with free movement of persons, services, goods and capital.</td><td>To improve mutual knowledge of Member States' legal and judicial systems in civil matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices.

To ensure the sound implementation, the correct and concrete application and the evaluation of Community instruments in the areas of judicial cooperation in civil and commercial matters.</td></tr>
<tr><td>To improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice.</td><td>To improve information on the legal systems in the Member States and access to justice.</td></tr>
</table>

	To improve the contacts between legal, judicial and administrative authorities and the legal professions, and to foster the training of the members of the judiciary.	To promote the training of the judiciary and judicial staff in Community matters. To evaluate the general conditions necessary to develop mutual confidence, including the quality of justice. To support the operational work of the European judicial network in civil and commercial matters created by Council Decision 2001/470/CE of 28 May 2001.

All the objectives are consistent with the overall aim of the general programme "Fundamental Rights and Justice" to support the development of an area of freedom, security and justice.

- Complementarity/coherence with other instruments

When preparing the programme, particular attention was given to ensuring coherence with other programmes financing activities in the same policy areas and to looking for complementarity and synergy with these.

This programme is complemented by the other specific programmes under the general programme "Fundamental Rights and Justice" in particular the specific programme "Criminal Justice" on judicial cooperation in criminal matters. The "Criminal Justice" programme follows, as much as possible, the objectives and the structure of the present programme and aims at ensuring that the right to move freely within the Union is not prevented or discouraged by the complexity of the legal and administrative systems of the Member States.

Complementarity is also to be ensured with the general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows" to achieve synergy in particular in the area related to the asylum and third country national integration legal systems.

3. EVALUATION

3.1. Lessons drawn from intermediate/final evaluations

The Commission adopted a mid-term report[55] on the general Community framework of activities to facilitate the implementation of judicial cooperation in civil matters. The report admits that two years of implementation of the programme are not enough to make an in-depth analysis of it; even so, it enables a first set of conclusions to be reached.

[55] COM(2005) 34, 9.2.2005.

It is recognised that the actions developed by the Commission – the European Judicial Atlas in Civil Matters, the database in case law under Brussels I and Brussels II regulations and an information campaign to inform legal practitioners about judicial cooperation in civil matters within the European Union – were very well received and that they should be continued.

The European Judicial Network in civil and commercial matters, established to improve, simplify and expedite effective judicial cooperation between Member States in civil and commercial matters is also an important Commission activity and its importance is clearly recognised.

On the other hand, some problems were detected as regards the projects presented and implemented by civil society. The fact that the budget available was limited prevented the presentation of sizeable projects in specific areas such as the training and exchange of judges. The dissemination of the results needs also to be further improved.

Civil society should be encouraged to participate more in Commission activities in specific areas mainly as regards information to citizens and enterprises.

Finally, it is important to focus on the multiplier effects of the actions by identifying the target groups carefully.

3.2. Ex ante evaluation

The working paper of the Commission presenting the ex ante evaluation of the general programme "Fundamental Rights and Justice" shows the appropriateness of the policy option chosen to achieve the goals envisaged.

4. LEGAL BASIS AND RATIONALE OF THE POLICY INSTRUMENT

4.1. Legal Basis

This specific programme of the general programme "Fundamental Rights and Justice" is based in Article 61(c) of the Treaty establishing the European Community.

This Article states that in order to establish progressively an area of freedom, security and justice, the Council shall adopt measures in respect of judicial cooperation in civil matters; Article 67(1) of the Treaty establishing the European Community determines the procedure to be used when adopting such measures.

The legal basis proposed is appropriate as the programme is targeted at judicial cooperation in civil matters

4.2. Actions defined within the programme

Different types of action are envisaged such as:

- specific actions taken by the Commission, such as, studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites,

preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities;

- actions providing financial support for specific projects of Community interest under the conditions set out in the annual work programmes;

- actions providing financial support for the activities of non-governmental organisations or other entities under the conditions set our in the annual work programmes.

4.3. Subsidiarity and Proportionality

The current proposal has been designed to respect the principles of subsidiarity and proportionality set out in Article 5 of the EC Treaty and its accompanying Protocol. So far as subsidiarity is concerned, this programme does not attempt to intervene in the areas that are cover by national programmes developed by national authorities in each Member State but to focus on areas where European added-value can be engendered. To this extent, the great majority of the activities supported by the programme can be viewed as complementary to national actions and as attempting to exploit as far as possible the synergy from actions implemented at international and regional level.

So far as proportionality is concerned, the new programme proposal has been designed to incorporate the maximum possible simplification in terms not only of the form of the action – the definitions of actions in the legislative text are kept as generic as possible – but also in terms of the administrative and financial requirements that will apply to their implementation. The Commission has sought to find the right balance between flexibility and ease of use on the one hand, and clarity of purpose and appropriate financial and procedural safeguards, on the other.

Following the guidelines indicated in the protocol on the application of both principles, it is clear that the problems that this programme sought to tackle have transnational aspects and therefore that action at Community level will yield benefits over and above action at Member State level.

4.4. Simplification and rationalisation

The proposed approach will contribute to the key objective of simplifying instruments both in legal and management terms and of streamlining of the structure of the budget. It will also increase coherence and consistency between instruments and avoid duplication between these. One example is the inclusion within the programme of previously separate actions for promoting training of judges in the specific field of European competition law. Whilst additional human resources will be necessary to cope with future enlargements, a better allocation of human resources will be achieved by discontinuing smaller budget lines (which absorb disproportionate resources) and by regrouping existing programmes into a single, coherent and streamlined programme. This will result in more proportionality between the amount of expenditure and the administrative cost of managing it.

The proposed rationalisation will also benefit the end-user as it increases the visibility, clarity and coherence of the instruments. Potential beneficiaries will find it easier to apply for funding thanks to the standardised approach and the harmonisation of provisions for implementation.

The Commission may decide to entrust part of the budget implementation to agencies governed by Community law, referred to in Article 54(2) (a) of the Financial Regulation. These agencies shall be designated by the Commission in conformity with the provisions of Articles 55 and 56 of Council Regulation (EC, Euratom) No 1605/2002 and of Article 37 of Commission Regulation (EC, Euratom) No 2342/2002. The Commission shall analyse the compliance with the principles of economy, effectiveness and efficiency. Before proceeding to implement the delegation, the Commission shall ensure, by mean of a prior assessment that the creation of agencies is in compliance with sound financial management.

The proposed new instrument follows the path that was determined by the Commission in what concerns the political and financial challenges as from 2007 on. The intention is to complement, simplify and rationalise the existing instruments and to ensure the necessary flexibility to face new objectives and to respond in a smooth way to the new legal framework, which will be established once the Constitutional Treaty enters into force.

5. BUDGETARY IMPLICATIONS

The cost of the general programme "Fundamental rights and Justice" for the period 2007 – 2013 is EUR 543 million; the present specific programme will be allocated EUR 109.3 million.

2005/0040 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

Establishing for the period 2007-2013 the specific programme "Civil justice" as part of the General programme "Fundamental Rights and Justice"

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) and Article 67(2) thereof,

Having regard to the proposal from the Commission[56],

Having regard to the opinion of the European Economic and Social Committee[57],

Having regard to the opinion of the Committee of the Regions[58],

Whereas:

(1) The European Community has set itself the objective of maintaining and developing an area of freedom, security and justice, in which the free movement of persons is assured. To that end, the Community must adopt, among others, measures in the field of judicial cooperation in civil matters necessary for the proper functioning of the internal market.

(2) Following previous programmes, such as Grotius[59] and the Robert Schuman[60] project, Council Regulation (EC) No 743/2002[61] established, for the period 2002 to 2006, a general Community framework of activities to facilitate the implementation of judicial cooperation in civil matters.

(3) The European Council meeting in Brussels on 4 and 5 November 2004 adopted The Hague Programme "Strengthening freedom, security and justice in the European Union".

(4) The ambitious objectives set by the Treaty and The Hague Programme should be realised through the establishment of a flexible and effective programme that will facilitate planning and implementation.

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56 OJ C , , p.
57 OJ C , , p.
58 OJ C , , p.
59 OJ L 287, 8.11.1996, p. 3.
60 OJ L 196, 14.7.1998, p. 24.
61 OJ L 115, 1.5.2002, p. 1.

(5) The Civil Justice Programme should provide for initiatives taken by the Commission, in compliance with the principle of subsidiarity, for actions in support of organisations promoting and facilitating judicial cooperation in civil matters, and for actions in support of specific projects.

(6) A general Civil Justice Programme to improve mutual understanding of the legal and judicial systems of the Member States will contribute to lowering the barriers to judicial cooperation in civil matters, which will improve the functioning of the internal market.

(7) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, is not participating in the adoption of this Decision, which is not binding on Denmark nor applicable to it,

(8) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used.

(9) This Decision establishes a financial framework for the entire duration of the programme, which is to be the principal point of reference for the budgetary authority within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure[62].

(10) Since the objectives of the Civil Justice Programme cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the initiative, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.

(11) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities[63] hereinafter "the Financial Regulation", and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002[64], which safeguard the Community's financial interests, have to be applied taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.

(12) The Financial Regulation requires a basic act to be provided to cover operating grants.

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62 OJ C 172, 18.6.1999, p. 1.
63 OJ L 248, 16.9.2002, p. 1.
64 OJ L 357, 31.12.2002, p. 1.

(13) In accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[65] measures for the implementation of this Decision should be adopted by use of the advisory procedure provided for in Article 3 of that Decision. This is appropriate since the programme does not have a significant impact on the Community budget.

HAVE DECIDED AS FOLLOWS:

Article 1

Creation of the programme

1. This Decision establishes the specific programme "Civil Justice", hereinafter referred to as "the programme" as part of the general programme "Fundamental Rights and Justice", in order to contribute to the strengthening of the area of Freedom, Security and Justice.

2. The programme shall cover the period from 1 January 2007 to 31 December 2013.

Article 2

General objectives

1. This programme shall have the following general objectives:

   (a) To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence.

   (b) To promote the adjustment of the existing judicial systems in Member States to the European Union being a territory without border controls, with a single currency, and with free movement of persons, services, goods and capital.

   (c) To improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice.

   (d) To improve the contacts between legal, judicial and administrative authorities and the legal professions, and to foster the training of the members of the judiciary.

2. Without prejudice to the objectives and powers of the European Community, the general objectives of the programme contribute to the development of the community policies, and more specifically to the creation of a judicial area.

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65 OJ L 184, 17.7.1999, p. 23.

Article 3

Specific objectives

The programme shall have the following specific objectives:

(a) To foster judicial cooperation in civil matters aiming at:

- ensuring legal certainty and improving access to justice;
- promoting mutual recognition of judicial decisions and judgments;
- eliminating obstacles created by disparities in civil law and civil procedures and promoting the necessary approximation of legislation;
- guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction.

(b) To improve mutual knowledge of Member States' legal and judicial systems in civil matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices.

(c) To ensure the sound implementation, the correct and concrete application and the evaluation of Community instruments in the areas of judicial cooperation in civil and commercial matters.

(d) To improve information on the legal systems in the Member States and access to justice.

(e) To promote the training in Union and Community law of the judiciary and judicial staff.

(f) To evaluate the general conditions necessary to develop mutual confidence, including the quality of justice.

(g) To allow the operation of the European judicial network in civil and commercial matters created by Council Decision No 2001/470/CE of 28 May 2001, establishing a European Judicial Network in civil and commercial matters[66].

[66] OJ L 174, 27.6.2001, p. 25.

Article 4

Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, this programme will support the following types of actions:

(a) specific actions taken by the Commission, such as, studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities; or

(b) specific transnational projects of Community interest presented by at least three Member States under the conditions set out in the annual work programmes; or

(c) support to the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme under the conditions set out in the annual work programmes.

Article 5

Participation

The following countries, hereinafter referred to as «participating countries» may participate in the actions of the programme:

(a) the candidate countries associated to the EU, as well as the western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or their additional protocols relating to participation in Community programmes concluded or to be concluded with those countries;

(b) projects may associate practitioners from Denmark, from the candidate countries not participating in this programme where this would contribute to their preparation for accession, or from other third countries not participating in this programme where this serves the aim of the projects.

Article 6

Target Groups

The programme is targeted at inter alia, legal practitioners, the national authorities and the citizens of the Union in general.

Article 7

Access to the programme

Access to this programme shall be open to institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training institutes for legal practitioners, non-governmental organisations of the Member States.

"Legal practitioners" means, inter alia, judges, prosecutors, advocates, solicitors, academic and scientific personnel, ministry officials, court officers, bailiffs, court interpreters and other professionals associated with the judiciary in the area of civil law.

Article 8

Types of intervention

1. Community funding may take the following legal forms:

   – grants,

   – public procurement contracts.

2. Community grants shall be awarded further to calls for proposals, save in duly substantiated exceptional cases of urgency or where the characteristics of the beneficiary leave no other choice for a given action, and shall be provided through operating grants and grants to actions. The maximum rate of co-financing will be specified in the annual work programmes.

3. Furthermore, expenditure is foreseen for accompanying measures, through public procurement contracts, in which case Community funds will cover the purchase of services and goods. This will cover, inter alia, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 9

Implementing measures

1. The Commission shall implement the Community Assistance in accordance with the Financial Regulation applicable to the general budget of the European Communities.

2. To implement the programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt an annual work programme specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in Article 8 and if necessary a list of other actions.

3. The annual work programme will be adopted in accordance with the procedure set out in Article 10(2).

4. The evaluation and award procedures relating to grants to actions shall take into account, inter alia, the following criteria:

(a) conformity with the annual work programme, the general objectives as specified in article 2 and measures taken in the different domains as specified in Articles 3 and 4;

(b) quality of the proposed action regarding its conception, organisation, presentation and expected results ;

(c) amount requested for community financing and its appropriateness as to expected results;

(d) impact of the expected results on the general objectives defined in Article 2 and on measures taken in the different domains as specified in Articles 3 and 4.

5. The applications for operating grants, referred to in Article 4(3), shall be assessed in the light of:

– consistency with the programme objectives;

– quality of the planned activities;

– likely multiplier effect on the public of these activities;

– geographic impact of the activities carried out;

– citizen involvement in the organisation of the bodies concerned;

– cost/benefit ratio of the activity proposed.

Article 10

Committee

1. The Commission shall be assisted by a committee, composed of representatives of the Member States and chaired by the representative of the Commission, hereinafter referred to as the "Committee".

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. The committee shall adopt its Rules of Procedure.

Article 11

Complementarity

1. Synergies and complementarity will be sought with other Community instruments, particularly the criminal justice specific programme of the general programme

"Fundamental rights and Justice", and the general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows". The statistical element of information on civil justice will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.

2. The programme may share resources with other Community instruments, in particular the criminal justice specific programme of the general programme "Fundamental rights and Justice", in order to implement actions meeting the objectives of both programmes.

3. Operations financed under this Decision shall not receive assistance for the same purpose from other Community financial instruments. The beneficiaries of this Decision shall provide the Commission with information about funding received from the Community budget and from other sources, as well as information about ongoing applications for funding.

Article 12

Budgetary Resources

1. The budget for the implementation of this instrument is set at EUR 109.3 million for the period set out in Article 1.

2. The budgetary resources allocated to the actions provided for in this programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Article 13

Monitoring

1. For any action financed by the programme, the beneficiary shall submit, technical and financial reports on the progress of work. A final report shall also be submitted within three months of the completion of the action. The Commission shall determine the form and content of the reports.

2. Without prejudice to the audits carried out by the Court of Auditors in liaison with the competent national audit bodies or departments pursuant to Article 248 of the Treaty, or any inspection carried out pursuant to Article 279(c) of the Treaty, officials and other staff of the Commission may carry out on-the-spot checks, including sample checks, on actions financed under the programme.

3. Contracts and agreements resulting from this Decision shall provide in particular for supervision and financial control by the Commission (or any representative authorized by it), if necessary on-the-spot, and audits by the Court of Auditors.

4. For a period of five years following the last payment in respect of any action, the beneficiary of financial assistance shall keep available for the Commission all the supporting documents regarding expenditure on the action.

5. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall, if necessary, adjust the scale or the conditions of allocation of the financial assistance originally approved and also the timetable for payments.

6. The Commission shall take every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation.

Article 14

Protection of Community financial interests

1. The Commission shall ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.

2. For the Community actions financed under this programme, Regulation (EC, Euratom) No 2988/95 and Regulation (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Communities or budgets managed by them, by an unjustified item of expenditure.

3. The Commission shall reduce, suspend or recover the amount of financial assistance granted for an action if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having being sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall request the beneficiary to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission may cancel the remaining financial assistance and demand repayment of sums already paid.

5. Any undue payment shall be repaid to the Commission. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

Article 15

Evaluation

1. The programme will be monitored regularly in order to follow the implementation of activities carried out under this programme.

2. The Commission shall ensure the regular, independent, external evaluation of the programme.

3. The Commission shall submit to the European Parliament and the Council:

   (a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme no later than 31 March 2011;

   (b) a Communication on the continuation of this programme no later than 30 August 2012;

   (c) an ex post evaluation report no later than 31 December 2014.

Article 16

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.* It shall apply from 1 January 2007.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

FINANCIAL STATEMENT

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL:

Programme "Fundamental Rights and Justice"

Proposal for a Council Decision establishing the programme "Criminal justice" for the period 2007-2013

Proposal for a decision of the European Parliament and the Council establishing the programme "Civil justice" for the period 2007-2013

Proposal for a Council Decision establishing the programme "Fundamental Rights and Citizenship" for the period 2007-2013

Proposal for a decision of the European Parliament and the Council establishing the programme "Fight against violence (Daphne) and drugs prevention and information" for the period 2007-2013

2. ABM / ABB FRAMEWORK

1804 – Citizenship and Fundamental Rights

1806 – Establishing a genuine European area in criminal in civil matters

1807 – Coordination in the field of drugs

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B.A lines)) including headings:

Financial Perspectives 2007-2013: Heading 3.

3.2. Duration of the action and of the financial impact:

2007-2013

3.3. Budgetary characteristics (*add rows if necessary*):

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
Criminal Justice	Non-comp	Diff	NO	NO	Yes	**No** 3
Civil Justice	Non-comp	Diff	NO	NO	Yes	**No** 3
Fundamental Rights and Citizenship	Non-comp	Diff	NO	No	Yes	**No** 3
Fight against violence (Daphne) and drugs prevention and information	Non-comp	Diff	NO	Yes*	Yes	**No** 3

*: the programme shall be open to the participation of the EFTA states, subject to the EEA Agreement, in accordance with its provisions.

4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		2007	2008	2009	2010	2011	2012	2013	2014 -…	Total
Operational expenditure (8.1)											
Commitment Appropriations (CA)	Criminal Justice	a	29,200	29,800	30,400	26,000	26,400	26,900	27,500		196,200
	Civil Justice	a	14,100	14,300	14,600	15,500	15,700	16,000	16,300		106,500
	Fundamental Rights & Citizenship	a	10,600	12,000	13,200	13,500	13,800	15,200	15,500		93,800
	Fight against violence and drugs	a	15,900	17,400	18,800	20,200	20,600	21,000	21,500		135,400
Payment Appropriations (PA)	Criminal Justice	b	14,600	26,640	29,980	28,080	27,080	26,570	27,100	16,150	196,200
	Civil Justice	b	7,050	12,810	14,410	14,990	15,420	15,810	16,090	9,920	106,500
	Fundamental Rights & Citizenship	b	5,300	10,380	12,320	13,110	13,590	14,440	15,070	9,590	93,800

	Fight against violence and drugs	b	7,950	15,210	17,800	19,220	20,120	20,720	21,170	13,210	135,400
Administrative expenditure within reference amount (8.2.4)											
Technical & administrative assistance (NDA)	8.2.4	c	1,200	1,500	1,000	1,800	1,500	1,900	2,200		11,100
TOTAL REFERENCE AMOUNT											
Commitment Appropriations		**a+c**	**71,000**	**75,000**	**78,000**	**77,000**	**78,000**	**81,000**	**83,000**		**543,000**
Payment Appropriations		**b+c**	**36,100**	**66,540**	**75,510**	**77,200**	**77,710**	**79,440**	**81,630**	**48,870**	**543,000**
Administrative expenditure not included within reference amount											
Human resources and associated expenditure (NDA)	8.2.5	d	4,050	4,320	4,752	5,130	5,508	5,832	5,832		35,424
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	e	0,670	0,725	0,753	0,768	0,784	0,799	0,815		5,316
Total indicative financial cost of intervention											
TOTAL CA including cost of Human Resources		a+c+d+e	75,720	80,045	83,505	82,898	84,292	87,631	89,647		583,740
TOTAL PA including cost of Human Resources		b+c+d+e	40,820	71,585	81,015	83,098	84,002	86,071	88,277	48,870	583,740

Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
……	f							
TOTAL CA including co-financing	a+c +d+ e+f							

4.1.2. Compatibility with Financial Programming

X Proposal is compatible with next financial programming 2007-2013

☐ Proposal will entail reprogramming of the relevant heading in the financial perspective.

☐ Proposal may require application of the provisions of the Interinstitutional Agreement[67] (i.e. flexibility instrument or revision of the financial perspective).

4.1.3. Financial impact on Revenue

☐ Proposal has no financial implications on revenue

X Proposal has financial impact – the effect on revenue is as follows:

Contribution from EFTA/EEE States: 2,19 % (2004 figures)

[67] See points 19 and 24 of the Interinstitutional agreement.

EUR million (to one decimal place)

Budget line	Revenue	Prior to action	Situation following action							
			2006	2007	2008	2009	2010	2011	2012	2013
	a) Revenue in absolute terms		0.3	0.4	0.4	0.4	0.5	0.5	0.5	0.5
	b) Change in revenue	*Δ*								

(Please specify each revenue budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)

4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	2007	2008	2009	2010	2011	2012	2013
Total number of human resources	37,5	40	44	47,5	51	54	54

5. CHARACTERISTICS AND OBJECTIVES

5.1. Need to be met in the short or long term

5.1.1. Civil Justice

The promotion and the protection of fundamental rights demand the establishment of a genuine European area of justice. In such an area competent judicial authorities co-operate effectively, and citizens have a better access to justice and are neither prevented nor discouraged from exercising their rights by incompatibilities and complexities of the legal systems, judicial decisions circulate freely among the Member States on the basis of the principle of mutual recognition of judicial decisions, and the good functioning of the judiciary is constantly improved.

The challenge for the Union will be to respond to citizens' expectations for effective solutions to their practical problems. This will imply in particular:

– as the acquis grows, increased efforts of monitoring of its application by the Member States, including through modern means such as databases of case law;

– further legislative action to address the new issues mentioned above, and to improve the ease of access to and efficiency of justice;

– a need to address mutual recognition in a wider sense, including recognition of decisions and documents other than those issued by judicial authorities;

– strengthening of mechanisms for providing information to the public and promote training of and exchanges between practitioners on the implications of the instruments for cooperation in this area;

– further measures to promote understanding and use of common tools and procedures amongst practitioners.

5.1.2. Criminal Justice

The challenge for the Union will be to respond to citizens' expectations for effective solutions to their practical problems. This will imply in particular:

– as the acquis grows, increased efforts of monitoring of its application by the Member States, including through modern means such as databases of case law;

– further legislative action to address the new issues mentioned above, and to improve the ease of access to and efficiency of justice;

– a need to address mutual recognition in a wider sense, including recognition of decisions and documents other than those issued by judicial authorities;

– strengthening of mechanisms for providing information to the public and promote training of and exchanges between practitioners on the implications of the instruments for cooperation in this area;

– legislative measures to put in place and develop common tools for cooperation. This implies inter alia on the one hand more efficient mechanisms of exchange of information between Member States on criminals, in particular on convicted persons by setting up a computerised mechanism to exchange information on criminal records, and on the other hand, to improve standards for certain procedures such as rules on evidence collection and rules on the protection of individuals involved in criminal proceedings, whether they are the accused, witnesses or victims;

– further measures to promote understanding and use of common tools and procedures amongst practitioners.

5.1.3 Fundamental Rights and Justice

The aim of this specific programme of the programme "Fundamental Rights and Justice" is to develop significantly the two existing preparatory actions (promotion of fundamental rights and the support to civil society) introducing new objectives such as the fight against racism, xenophobia and anti-semitism namely through the promotion of an inter-faith and a multicultural dialogue at EU level.

The support to civil society in the field of fundamental rights will be enlarged to cover all Member States while the present preparatory action only covers the ten new Member States.

A special focus will be put on the rights deriving from the citizenship of the Union, recognised as fundamental rights by the Charter, namely to encourage democratic participation.

A significant increase in the financial envelope is planned to reflect the increasing importance of these issues and to respond positively to civil society actors.

5.1.4 Fight against violence (Daphne) and drugs prevention and information

The main challenges facing the Union in relation to tackling drugs over the period of the next financial perspectives can be defined as follows:

– information and research, including the continuation of the work of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA);

– drug demand reduction since demand feeds the growth of the drugs phenomenon: education, prevention and harm-reduction programmes;

– drug supply reduction, to stop trafficking and drug-related criminality, in particular as concerns new synthetic drugs and their chemical precursors, as well as combating money-laundering;

– enhanced cooperation with third countries concerning drug abuse control and drug demand reduction.

– further legislative activity will be needed in line with new and developing forms of drugs, for example to bring new forms of drugs under established control mechanisms.

Fight against violence (Daphne programme)

The mid term and the final report on the Daphne programme (2000 – 2003) show that organisations have gained from their participation in European partnerships. Bringing associations to work together resulted in more effective programming and better use of resources.

The Daphne programme can thus be seen as successful in mobilising the civil society resulting in partnerships and alliances that are working together for more comprehensive European policies on violence.

The final report of the Daphne programme (2000 – 2003) revealed that there was some room to improvement such as the creation of a helpdesk and an increased focus on dissemination. The Daphne II programme was thus adapted to conform to the finding of that report.

As these changes to the structure of the programme are quite recent, no significant changes need to be introduced.

5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

The European Union **added value** will be achieved by:

- preparing the ground for the emergence of common strategies and legislation in this field;
- implementing EU policy objectives and their application in national policies;
- supporting the transposition of European Union legislation's and its application in a uniform way through Europe;
- promoting the co-operation and co-ordination mechanisms between Member States;
- cooperating with civil society organisations at European level.

Criteria for evaluation

A set of common evaluation criteria will be used through all specific programmes to evaluate the success of the interventions regarding the European Union added value in relation with the type of effect described above. Example of criteria could be:

- To support only activities needed at European Union level to sustain European Union objectives, European Union laws and European Union implementation mechanism;
- To support activities which will be complementary with those financed at national level;
- To reinforce national exchanges at European Union level, generating synergy effects and economies of scale;
- To involve actively Member States representatives and other relevant stakeholders in the implementation of the programme in order to maximise complementarities with existing activities.

Subsidiarity and proportionality

As far as subsidiarity is concerned the present programme focuses on areas where European added value can be demonstrated and therefore is designed to

respect the principles of subsidiarity and proportionality set out in Article 5 of the EC Treaty and its accompanying Protocol.

As far as proportionality is concerned, the new programme proposal has been designed to incorporate the maximum feasible extent of simplification in terms not only of the form of the action but also in terms of the administrative and financial requirements that will apply to their implementation. The programme has been designed to strike to find the right balance between flexibility and ease of use on the one hand, and clarity of purpose and appropriate financial and procedural safeguards on the other.

Complementarity with other Community interventions

The present programme aims at contributing to the establishment of an area of freedom, security and justice. A complementarity with other programmes may thus be possible.

A non exhaustive list of areas of convergence can be mentioned:

- The draft of the present programme took into account the Programme on Active Citizenship and the Youth programme to ensure that no overlap situations existed. In any case, particular attention will be paid to the implementation of those programmes to avoid such situations and to coordinate the results.

- The draft of the present programme took into account the Programme for Employment and Social Security - PROGRESS to ensure that no overlap situations existed. Particular attention will be paid to the implementation of the programme to avoid such situations and to coordinate the results.

- The current proposal is complementary to some actions under the 7th framework programme. Synergies will be actively promoted whenever possible, namely as regards the application of research results.

- Special attention will be paid to the programmes implemented by in the field of Information Society, related with safe use of Internet and fighting its abuse, in particular as regards sensitive groups (e.g. children).

- The current proposal will also seek to complement the work of EU Agencies active in these policy fields (EUMC, EMCDDA, Eurojust), as well as with the action of other international organisations acting in the field of fundamental rights, drugs action, fight against violence and judicial cooperation.

Regular exchanges of information and active collaboration around projects under other Community programmes will take place, in order to improve and capitalise upon internal coherence, and between the Commission and other

national and international authorities/organisations, to improve external coherence.

Complementarities with interventions on Freedom, Security and Justice

These interventions have a common goal of establishing an area of freedom, security and justice where basic human rights are respected. Each of the programmes is designed to address particular aspects which are a critical part of the creation of such an area in the EU, given the integration of national economies and the goal of ensuring free movement of people as well as goods, services and capital between countries. As such, they tackle issues affecting freedom, security and justice which arise from the creation of economic and monetary union and the abolition of internal borders and which can only be effectively addressed at EU level. These issues are to do with cooperation, harmonisation, coordination of activities, the exchange and sharing of critical information and best practices and techniques, and establishing solidarity mechanisms for sharing the costs involved in pursuing common and agreed objectives in an equitable way.

They are reflected in the objectives set out in The Hague Programme adopted by the European Council in November 2004, which include: guarantying fundamental human rights throughout the EU, establishing minimum procedural safeguards and common access to justice, extending the mutual recognition of judicial decisions, fighting organised cross-border crime and the threat of terrorism, ensuring protection in accordance with international treaties to those in need, and regulating migration flows and controlling the external borders of the EU. Each of the programmes is aimed at pursuing these objectives in a complementary way without duplicating activities.

The activities under the programme "Fundamental Rights and Justice", therefore, are designed to further fundamental human rights and ensure a common level of access to justice across the EU, and are accordingly complementary to activities under the other two programmes which reinforce this objective. In particular, they are directly complementary to the measures, under the Solidarity programme to improve the integration of migrants into EU society as well as to establish uniform procedures for dealing with asylum-seekers and, under the Security programme, to enhance protection of witnesses and victims of crime as well as to combat the trafficking of people.

They are also complementary, if less directly, with activities under the Security programme to strengthen cooperation between police forces and law enforcement authorities as well as between bodies involved in combating the threat of terrorism. The freedom of EU citizens to enjoy their fundamental rights, therefore, is contingent on them feeling secure and being adequately protected against criminal activity or terrorist attack.

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

General objectives	Specific objectives	Operational objectives
To promote the development of a European society based on the European Union citizenship and respectful of the fundamental rights as enshrined in the Charter of Fundamental Rights.	To promote the Charter of Fundamental Rights and to inform citizens of their rights as Union citizens and to encourage them to participate actively in the democratic life of the Union.	To support awareness-raising actions.
	To monitor regularly the situation of fundamental rights in the European Union and its Member States using the Charter of Fundamental Rights as the guiding document and to obtain opinions on specific questions related to fundamental rights when necessary.	To prepare regular reports or opinions on the situation of fundamental rights in the EU.
	To explain the consequences of the insertion of the Charter of Fundamental Rights into the Constitution and of the European Union's accession to the European Convention of Human Rights.	To support information campaigns in these fields.
To fight against anti-semitism, racism and xenophobia and to strengthen civil society in the field of fundamental rights.	To support NGO and other bodies from civil society to enhance their capability to participate actively in the development of the European Union. To fight against anti-semitism, racism and xenophobia by promoting a better understanding and improved tolerance throughout the European Union. To promote peace and fundamental rights namely through an interfaith and multicultural dialogue at EU level.	To have open, transparent and regular dialogue with civil society. To support awareness-raising actions. To provide financial support for the activities of non-governmental organisations or other entities pursuing an aim of general European interest. To undertake studies and analyses in these fields.

To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil and criminal matters.	To adapt the existing judicial system in Member States to the European Union being a territory without border controls, with a single currency, free circulation of persons, services, goods and capital, based on mutual recognition and mutual confidence.	To improve mutual knowledge of Member States' legal and judicial systems in civil and criminal matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices. To ensure the sound implementation, the correct and concrete application and the evaluation of Community instruments in the areas of judicial cooperation in civil and commercial matters and in criminal matters.
	To improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice.	To improve information on the legal systems in the Member States and access to justice.
	To improve the contacts between legal, judicial and administrative authorities and the legal professions, and to foster the training of the members of the judiciary.	To promote the training in Union matters of the judiciary and judicial staff. To evaluate the general conditions necessary to develop mutual confidence, including the quality of justice. To support the operative work of the European judicial network in civil and commercial matters created by Council Decision of 28 May 2001 (2001/470/CE). To develop a European computerised system of exchange of information on criminal records and to support studies to develop other types of exchange of information.

To contribute to the setting up of an area of freedom, security and justice by combating violence and by informing on and preventing drug use.	To protect citizens against violence and to attain a high level of health protection, well being and social cohesion.	To prevent and combat all forms of violence occurring in the public or the private domain, against children, young people and women To provide support for victims and groups at risk. To assist and encourage NGO and other organisations active in this field. To disseminate the results obtained under the two Daphne programmes including their adaptation, transfer and use by other beneficiaries or in other geographical areas. To identify and enhance actions contributing to positive treatment of people at risk of violence.
	To prevent and reduce drug use, dependence and drug related harms.	To involve civil society in the implementation and development of the European Union's Drugs Strategy and Action plans. To monitor, implement and evaluate the implementation of specific actions under the Drugs Action Plans 2005 – 2008 and 2009 – 2012.
	To promote transnational and awareness-raising actions in the areas identified above.	To set up multidisciplinary networks; to ensure the expansion of the knowledge base, the exchange of information and the identification and dissemination of good practice, including through training, study visits and staff exchange. To develop and implement awareness-raising actions targeted at specific audiences to promote the adoption of zero tolerance towards violence and to encourage support for victims and the reporting of violence. To raise awareness of the health and social problems caused by drug abuse and to encourage an open dialogue with a view to promoting a better understanding of the drug phenomenon.

5.4. Method of Implementation

Show below the method(s) chosen for the implementation of the action.

X ***Centralised Management***

X Directly by the Commission

□Indirectly by delegation to:

□ Executive Agencies

□ Bodies set up by the Communities as referred to in art. 185 of the Financial Regulation

□ National public-sector bodies/bodies with public-service mission

□***Shared or decentralised management***

□ With Member states

□ With Third countries

□***Joint management with international organisations (please specify)***

Relevant comments:

In order to achieve the full objectives of the programme under the provisions of the Current Treaty, it has been decided to split into 4 legal instruments relating to 4 different legal bases. As stated in Mr. Vitorino's Communication to the Commission (SEC(2004) 1195, 28.9.2004) the actions proposed are provided through the current Treaties. The legal bases required to establish the programmes have been limited in number as far as the current Treaties allow, while within and across the new programmes common delivery, management and implementation mechanisms are set in place.

In order to achieve the general and specific and operational objectives, each programme within the programme "Fundamental Rights and Justice" envisages a range of actions, such as:

- Specific actions taken by the Commission, such as, studies and research, opinion polls and surveys, the formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and experts meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information materials, support to and animation of networks of national experts, analytical, monitoring and evaluation activities;

- Actions providing financial support for specific projects of Community interest under the conditions set out in the annual work programmes;

- Actions providing financial support for the activities of non-governmental organisations or other entities under the conditions set our in the annual work programmes;

- Operative grants to entities identified in a legal basis.

Methods of implementation:

The above mentioned type of actions may be financed either by

- A service contract following a call for tenders

- A subsidy following a call for proposals.

- Subsidies to a body pursuing an aim of general European interest, without a call for proposal.

The Commission will implement the above actions in accordance with the annual work programme to be adopted. The Commission will implement this programme and may have recourse to technical and/or administrative assistance to the mutual benefit of the Commission and of the beneficiaries, for example to finance outside expertise on a specific subject.

The Commission may decide to entrust part of the budget implementation to an executive agency, as referred to in Article 54, (2) (a) of the Financial Regulation. These agencies shall be designated by the Commission in conformity with the provisions of the Financial Regulation and more specifically with the principles of economy, effectiveness and efficiency. Before proceeding to implement the delegation, the Commission shall ensure, by mean of a prior assessment that the creation of agencies is in compliance with sound financial management.

6. MONITORING AND EVALUATION

6.1. Monitoring system

A comprehensive monitoring system will be set-up in order to regularly follow up the implementation of the activities carried out under each specific programme. This system should allow for the collection of information relating to the financial implementation and to the physical outputs of the programme, across the types of action and the target groups included in the programme. The information will be collected at project level - indeed, for any action financed by the programme, the beneficiary shall submit technical and financial reports on the progress of the work, as well as a final report after the completion of the

action. The precise configuration of the monitoring system, as well as the type of indicators to be set-up will be the object of further study in the process leading to the implementation of the programme. Indeed, a study on delivery mechanisms and related cost-effectiveness aspects is foreseen to take place during 2005.

According to legal requirements and Commission's evaluation policy, the programme will be evaluated at mid-term to assess its continuing relevance and draw useful lessons for the remainder of its implementation. A review of the programme may take place then, if considered necessary. A final evaluation will take place at the end of the programming period to assess the results of the programme and advise on its follow-up. These reports will be prepared under the responsibility of the Commission, and shall be submitted to the European Parliament and the Council.

6.2. Evaluation

6.2.1. Ex-ante evaluation

Cfr. Extended Impact Assessment on the programme "Fundamental Rights and Justice".

6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)

Cfr. Extended Impact Assessment on the programme "Fundamental Rights and Justice".

6.2.3. Terms and frequency of future evaluation

The timetable set in the proposal is as follows:

– no later than 31 March 2011, the Commission shall submit to the European Parliament and the Council an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme;

– no later than 30 August 2012, the Commission shall submit to the European Parliament and the Council a Communication on the continuation of this programme;

– no later than 31 December 2014, the Commission shall submit to the European Parliament and the Council an ex post evaluation report.

7. ANTI-FRAUD MEASURES

The Commission shall ensure that, when actions financed under the present programme are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in

accordance with Council Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.

For the Community actions financed under this programme, the notion of irregularity referred to in Article 1, paragraph 2 of Regulation (EC, Euratom) No 2988/95 shall mean any infringement of a provision of Community law or any breach of a contractual obligation resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the Communities or budgets managed by them, by an unjustifiable item of expenditure.

Contracts and agreements shall provide in particular for supervision and financial control by the Commission (or any representative authorized by it) and audits by the Court of Auditors, if necessary on-the-spot.

8. DETAILS OF RESOURCES

8.1. Objectives of the proposal in terms of their financial cost (Prix 2004)

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	2007		2008		2009		2010		2011		2012		2013		Total	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
Criminal Justice																		
To Promote judicial cooperation																		
- promoting mutual recognition of judicial decisions	Operational projects - implement. of EU instruments			1,000		1,000		1,100		1,500		1,700		1,700		1,700		9,700
- promoting necessary approximation of legislation	Operational projects - implement. of EU instruments	0,100	5	0,500	5	0,500	6	0,600	7	0,700	9	0,900	9	0,900	9	0,900	50	5,000
- eliminating obstacles created by disparities	Research	0,030	1	0,030	1	0,030	1	0,030	1	0,030	1	0,030	1	0,030	1	0,030	7	0,210
- guaranteeing a proper administration																		
Sub-total Action 1				**1,530**		**1,530**		**1,730**		**2,230**		**2,630**		**2,630**		**2,630**	**57**	**14,910**
To adapt existing judicial situation																		

- improve mutual knowledge	Operational projects - implement. of EU instruments	0,100	10	1,000	10	1,000	10	1,000	10	0,750	10	0,900	10	0,900	10	0,900	70	6,450
- promote and strengthen networking	Networks	0,200	3	0,600	3	0,600	3	0,600	3	0,600	5	1,000	5	1,000	5	1,000	27	5,400
	Operational projects - modern. of justice	0,100	5	0,500	5	0,500	5	0,500	5	0,500	5	0,500	5	0,500	5	0,500	35	3,500
- exchange and dissemination of information, experiences and best practices	Evaluations - Legal implementation of EU instruments	0,330	1	0,330	1	0,330	2	0,680	1	0,430	2	0,680	2	0,680	2	0,680	11	3,810
	Operational projects - modern. of justice	0,100	7	0,700	7	0,700	8	0,800	9	0,900	10	1,000	10	1,000	10	1,000	61	6,100
Sub-total Action 2				**3,130**		**3,130**		**3,580**		**3,180**		**4,080**		**4,080**		**4,080**	**204**	**25,260**
To Improve daily life of individuals and businesses																		
- improve information on judicial cooperation, legal systems and access to justice	Evaluations - Practical implement. of EU instruments			0,440		0,440		0,690		0,440		0,690		0,690		0,690		4,080
	Quality of justice	0,100	0	0,000	1	0,100	4	0,400	4	0,400	4	0,400	4	0,400	4	0,400	21	2,100
	Operational projects - modern. of justice	0,100	10	1,000	7	0,700	8	0,800	8	0,800	10	1,000	10	1,000	10	1,000	63	6,300
Sub-total Action 3				**1,440**		**1,240**		**1,890**		**1,640**		**2,090**		**2,090**		**2,090**	**84**	**12,480**
To Improve contacts between legal systems, judicial and administrative authorities information and the legal professions																		

- Training of judiciary and judicial staff	Training Activities /grants	0,250	26	6,500	26	6,500	26	6,500	28	7,000	28	7,000	28	7,000	28	7,000	190	47,500
	EJTN			0,600		0,600		0,700		1,000		1,000		1,000		1,000		5,900
- Computerised system on exchange of information on criminal records	Phase 1 - Setting up of European index for convicted persons			12,800		9,400		11,400		7,000		6,000		6,000		6,000		58,600
	Phase 2 - Creating a European format for information exchange			1,500		5,100		1,700		1,000		0,200		0,200		0,200		9,900
Sub-total Action 4				**21,400**		**21,600**		**20,300**		**16,000**		**14,200**		**14,200**		**14,200**		**121,900**
Sub-total Objective 1				*27,500*		*27,500*		*27,500*		*23,050*		*23,000*		*23,000*		*23,000*		*174,550*
Civil Justice																		
To Promote judicial cooperation																		
Promote Judicial cooperation	Grants	0,100	20	2,000	20	2,000	20	2,000	25	2,500	25	2,500	25	2,500	25	2,500	160	16,000
	Studies	0,200	5	1,000	5	1,000	5	1,000	5	1,000	5	1,000	5	1,000	5	1,000	35	7,000
	Seminars, Information Campaigns	0,100	5	0,500	5	0,500	5	0,500	5	0,500	5	0,500	5	0,500	5	0,500	35	3,500
Sub-total Action 5				**3,500**		**3,500**		**3,500**		**4,000**		**4,000**		**4,000**		**4,000**	**0**	**26,500**
To adapt existing judicial situation																		
To improve mutual knowledge and sound implementation, application and evaluation	Grants	0,100	10	1,000	10	1,000	10	1,000	15	1,500	15	1,500	15	1,500	15	1,500	90	9,000

	Studies	0,200	5	1,000	5	1,000	5	1,000	5	1,000	5	1,000	5	1,000	5	1,000	35	7,000
Sub-total Action 6				**2,000**		**2,000**		**2,000**		**2,500**		**2,500**		**2,500**		**2,500**	**0**	**16,000**
To Improve daily life of individuals and businesses																		
To improve information on judicial cooperation	Develop./Maintenance Databases	0,500	3	1,500	3	1,500	3	1,500	2	1,000	2	1,000	2	1,000	2	1,000	17	8,500
	User-guides, information campaigns	0,100	2	0,200	2	0,200	2	0,200	2	0,200	2	0,200	2	0,200	2	0,200	14	1,400
Sub-total Action 7				**1,700**		**1,700**		**1,700**		**1,200**		**1,200**		**1,200**		**1,200**	**0**	**9,900**
To Improve contacts between legal systems, judicial and administrative authorities information and the legal professions																		
judicial network in civil matters	Networking, conferences and seminars	0,250	6	1,500	6	1,500	6	1,500	6	1,500	6	1,500	6	1,500	6	1,500	42	10,500
	Translations	1,000	1	1,000	1	1,000	1	1,000	1	1,000	1	1,000	1	1,000	1	1,000	7	7,000
Training of judiciary and judicial staff	Grants	0,200	14	2,750	14	2,740	14	2,720	14	2,740	14	2,700	14	2,680	14	2,670	98	19,000
	Networking, conferences and seminars	0,100	3	0,300	3	0,300	3	0,300	3	0,300	3	0,300	3	0,300	3	0,300	21	2,100
	Develop. of tools and method.	0,250	2	0,500	2	0,500	2	0,500	2	0,500	2	0,500	2	0,500	2	0,500	14	3,500
Sub-total Action 8				**6,050**		**6,040**		**6,020**		**6,040**		**6,000**		**5,980**		**5,970**	**49**	**42,100**
Sub-total Objective 2				*13,250*		*13,240*		*13,220*		*13,740*		*13,700*		*13,680*		*13,670*		*94,500*
Fundamental Rights and Citizenship																		

To promote the development of a European Society based on the idea of European Union Citizenship and respectful of the fundamental rights																		
To promote the Charter of Fundamental Rights and to inform all persons of their rights	Grants -Information Campaigns	0,100	20	2,000	20	2,000	20	2,000	20	2,000	20	2,000	25	2,500	25	2,500	150	15,000
	Support to NGO's	0,200	5	1,000	6	1,200	6	1,200	6	1,200	6	1,200	6	1,200	6	1,200	41	8,200
	Commission led Information Campaign	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	7	1,400
	Eurobarometer, Publications, Dissem.	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	7	1,400
To prepare an annual report on the situation of fundamental rights	Studies	0,250	1	0,250	2	0,500	2	0,500	2	0,500	2	0,500	2	0,500	2	0,500		
To analyse the consequences of the insertion of the Charter into the Constitution and of the accession to the European Convention of Human Rights	Networking, conferences and seminars	0,250	1	0,250	1	0,250	2	0,500	2	0,500	2	0,500	2	0,500	2	0,500	12	3,000
Sub-total Action 9				**3,900**		**4,350**		**4,600**		**4,600**		**4,600**		**5,100**		**5,100**	**162**	**32,250**
To strengthen civil society and to encourage an open, transparent and regular dialogue																		

To assess application and implementation of Community legislation	Grants	0,100	20	2,000	20	2,000	20	2,000	20	2,000	20	2,000	25	2,500	25	2,500	150	15,000
	Studies	0,250	1	0,250	1	0,250	2	0,500	2	0,500	2	0,500	2	0,500	2	0,500		
To support NGO and other bodies from civil society	Support to NGO's	0,200	5	1,000	5	1,000	5	1,000	5	1,000	5	1,000	5	1,000	5	1,000	35	7,000
	Eurobarometer, Publications, Dissem.	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	7	1,400
Sub-total Action 10				**3,450**		**3,450**		**3,700**		**3,700**		**3,700**		**4,200**		**4,200**	**185**	**26,400**
To fight against anti-semitism, racism and xenophobia and to promote an interfaith dialogue																		
Promoting a better understanding and improved tolerance	Grants	0,100	16	1,600	20	2,000	20	2,000	20	2,000	20	2,000	20	2,000	20	2,000	136	13,600
	Studies	0,250	1	0,250	1	0,250	2	0,500	2	0,500	2	0,500	2	0,500	2	0,500	12	3,000
To lead an interfaith/multicultural dialogue at EU level	Support to NGO's	0,200	3	0,600	4	0,800	5	1,000	5	1,000	5	1,000	5	1,000	5	1,000	32	6,400
	Eurobarometer, Publications, Dissem.	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	1	0,200	7	1,400
Sub-total Action 11				**2,650**		**3,250**		**3,700**		**3,700**		**3,700**		**3,700**		**3,700**	**187**	**24,400**

Sub-total Objective 3				*10,000*		*11,050*		*12,000*		*12,000*		*12,000*		*13,000*		*13,000*		*83,050*
Fight against violence (Daphne) and drugs prevention and information																		
To prevent and combat all forms of violence occurring in the public or the private domain, against children, young people and women by taking preventive measures and by providing support for victims and groups at risk																		
To assist and encourage NGO and other organisations	Grants	0,150	20	3,000	20	3,000	25	3,750	25	3,750	25	3,750	25	3,750	25	3,750	165	24,750
Develop and implement awareness-raising actions	Studies	0,200	2	0,400	2	0,400	3	0,600	4	0,800	4	0,800	4	0,800	4	0,800	23	4,600
	Grants	0,150	7	1,050	10	1,500	10	1,500	10	1,500	10	1,500	10	1,500	10	1,500	67	10,050
Identify and enhance actions contributing to positive treatment of people at risk of violence	Grants	0,150	10	1,500	10	1,500	10	1,500	15	2,250	15	2,250	15	2,250	15	2,250	90	13,500
Dissemination of results	Dissemination of data & statistics, reports, publications	0,125	3	0,375	4	0,500	4	0,500	4	0,500	4	0,500	4	0,500	4	0,500	27	3,375
Sub-total Action 12				**6,325**		**6,900**		**7,850**		**8,800**		**8,800**		**8,800**		**8,800**	**255**	**56,275**
To promote transnational actions																		
Set-up multi-disciplinary networks	Grants	0,150	20	3,000	20	3,000	20	3,000	20	3,000	20	3,000	20	3,000	20	3,000	140	21,000

Dissemination of good practice	Grants	0,150	5	0,750	7	1,050	7	1,050	7	1,050	7	1,050	7	1,050	7	1,050	47	7,050
Raise awareness	Grants	0,150	15	2,250	15	2,250	15	2,250	15	2,250	15	2,250	15	2,250	15	2,250	105	15,750
Sub-total Action 13				**6,000**		**6,300**		**6,300**		**6,300**		**6,300**		**6,300**		**6,300**	**245**	**43,800**
To prevent and reduce drug use, dependence and drug related harms to health and social exclusion																		
To involve civil society in the implementation and development of EU's Drugs Strategy and Action plans	Support to NGO's	0,100	10	1,000	10	1,000	10	1,000	10	1,000	10	1,000	10	1,000	10	1,000	70	7,000
To involve civil society in the implementation and development of EU's Drugs Strategy and Action plans	Eurobarometer	0,150	1	0,150	2	0,300	2	0,300	2	0,300	2	0,300	2	0,300	2	0,300	13	1,950
To monitor, implement and evaluate the implementation of Drugs Action Plan	Studies	0,150	7	1,050	7	1,050	7	1,050	7	1,050	7	1,050	7	1,050	7	1,050	49	7,350
	Implement. legislation	0,500	1	0,500	1	0,500	1	0,500	1	0,500	1	0,500	1	0,500	1	0,500	7	3,500
Sub-total Action 14				**2,700**		**2,850**		**2,850**		**2,850**		**2,850**		**2,850**		**2,850**	**119**	**19,800**
Sub-total Objective 4				*15,025*		*16,050*		*17,000*		*17,950*		*17,950*		*17,950*		*17,950*		*119,875*
TOTAL COST				**65,025**		**67,100**		**69,000**		**66,000**		**65,950**		**66,950**		**66,950**		**466,975**

Prix 2004

Criminal Justice	27,500	27,500	27,500	23,050	23,000	23,000	23,000	174,550
Civil Justice	13,250	13,240	13,220	13,740	13,700	13,680	13,670	94,500
Fundamental Rights and Citizenship	10,000	11,050	12,000	12,000	12,000	13,000	13,000	83,050
Fight against violence (Daphne) and drugs prevention and information	15,025	16,050	17,000	17,950	17,950	17,950	17,950	119,875
Total	**65,775**	**67,840**	**69,720**	**66,740**	**66,650**	**67,630**	**67,620**	**471,975**

Prix Courants

Criminal Justice	29,200	29,800	30,400	26,000	26,400	26,900	27,500	196,200
Civil Justice	14,100	14,300	14,600	15,500	15,700	16,000	16,300	106,500
Fundamental Rights and Citizenship	10,600	12,000	13,200	13,500	13,800	15,200	15,500	93,800
Fight against violence (Daphne) and drugs prevention and information	15,900	17,400	18,800	20,200	20,600	21,000	21,500	135,400
Total	**69,800**	**73,500**	**77,000**	**75,200**	**76,500**	**79,100**	**80,800**	**531,900**

8.2. Administrative Expenditure

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation procedure.

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (**number of posts/FTEs**)						
		2007	2008	2009	2010	2011	2012	2013
Officials or temporary staff (XX 01 01)	A*/AD	9,25	10	11	12	13	13,5	13,5
	B*, C*/AST	21,25	23	25	27	29	31	31
Staff financed by art. XX 01 02		7	7	8	8,5	9	9,5	9,5
Other staff financed by art. XX 01 04/05								
TOTAL		37,5	40	44	47,5	51	54	54

8.2.2. Description of tasks deriving from the action

Task N°	Title	Description	Number
MANAGEMENT			
1	Management		2
POLICY DEFINITION AND PROGRAMMING			
2	Policy Making	Definition of strategy, legal base,…	3
3	Programme definition	Establishment of annual work programme (i.e. financing decision) and interservice consultation	0,5
4	Interface with relevant EC programmes & actions	interservice coordination in order to ensure complementarity-synergy with other policies	1
5	Interface with other Institutions and Member States	Interface Council, EP ensuring the appropriate reporting, information, questions, briefing requests	0,5
6	Information and Communication	1. Information and publicity activities 2. EUROPA Web site	0,5

7	Committee interface - chair & secretariat		1
8	Budgeting	APS,PDB,AAR,BIP,RAL - Preparation - Follow-up - Reporting	0,5
PROGRAMME : RECEPTION, SELECTION AND AWARD OF PROJECTS, FINANCIAL AND LEGAL COMMITMENTS			
9	Preparation Calls for proposals		1,5
10	Reception and evaluation proposals/multi-annual and annual programmes	(also involves staff involved in 12,13,14 and 15)	9
11	Award decisions		0,5
12	Financial Commitment	Preparation, maintenance and closure of all financial commitments + sub consequent amendments	1,5
13	Legal Commitment	Preparation, Signature, Closure of all juridical commitments + sub consequent amendments	4
PROGRAMME : MONITORING OF PROJECTS			
14	Payments - Initiation	Preparation and Processing of all Prefinancing, Intermediate and Final Payments (including verification supporting docs)	3
15	Project Monitoring	Receipt and assessment of reports , requests for information, project visits	4
PROCUREMENT, CONTROL AND AUDIT			
16	Ex- ante verification of transactions, setting up of control standards	Setting up appropriate control standards	2
17	Financial Audit	Ex-post Audit of expenditure / implementation	2
18	Internal audit	Verification of compliance with ICS	1
19	Procurement procedures	Drafting, procedures and authorisation of procurement procedures for projects and technical assistance (evaluation, studies,…) , including JPC, Helpdesk procurement procedures	2
20	Reporting	Report of Authorising Officer, RAA, relations with Court of Auditors…	1
SUPPORT SERVICES			
21	Filing and Archiving	Database, digital and hardcopy filing	1
22	Programme Evaluation	Ex ante - Mid term - Final evaluation	1,5
23	IT Support	Specific development of IT Tools related to monitoring and implementation	2
OVERHEAD			
24	Administration (Overhead)	CIS, Translations, HRM, Logistics,…	9
TOTAL			**54**

8.2.3. Sources of human resources (statutory)

(When more than one source is stated, please indicate the number of posts originating from each of the sources)

☐ Posts currently allocated to the management of the programme to be replaced or extended

☐ Posts pre-allocated within the APS/PDB exercise for year n

☐ Posts to be requested in the next APS/PDB procedure

☐ Posts to be redeployed using existing resources within the managing service (internal redeployment)

☐ Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

8.2.4. Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)

EUR million (to 3 decimal places)

Budget line (number and heading)	2007	2008	2009	2010	2011	2012	2013	TOTAL
1 Technical and administrative assistance (including related staff costs)								
Other technical and administrative assistance								
- *intra muros*								
- *extra muros Development IT and other management tools*	0,850	1,100	0,650	1,300	1,150	1,410	1,450	7,910
Studies	0,100	0,100	0,100	0,110	0,100	0,120	0,150	0,780
Evaluation and Impact Assessment	0,100	0,100	0,100	0,230	0,100	0,200	0,300	1,130
Publications;external evaluations	0,100	0,150	0,100	0,100	0,100	0,110	0,200	0,860
Expert meetings	0,050	0,050	0,050	0,060	0,050	0,060	0,100	0,420
Total	1,200	1,500	1,000	1,800	1,500	1,900	2,200	11,100

8.2.5 Financial cost of human resources and associated costs not included in the reference amount

EUR million (to 3 decimal places)

Type of human resources	2007	2008	2009	2010	2011	2012	2013	Total
Officials and temporary staff (XX 01 01)	3,294	3,564	3,888	4,212	4,536	4,806	4,806	29,106
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)	0,756	0,756	0,864	0,918	0,972	1,026	1,026	6,318
1Total cost of Human Resources and associated costs (NOT in reference amount)	**4,050**	**4,320**	**4,752**	**5,130**	**5,508**	**5,832**	**5,832**	**35,424**

Calculation– ***Officials and Temporary agents***

Reference should be made to Point 8.2.1, if applicable

Each FTE rated at 108.000 € per FTE.

Calculation– ***Staff financed under art. XX 01 02***

Reference should be made to Point 8.2.1, if applicable

Each FTE rated at 108.000 € per FTE.

8.2.6 Other administrative expenditure not included in reference amount

EUR million (to 3 decimal places)

	2007	2008	2009	2010	2011	2012	2013	TOTAL
XX 01 02 11 01 – Missions	0,050	0,054	0,055	0,056	0,057	0,059	0,060	0,391
XX 01 02 11 02 – Meetings & Conferences	0,150	0,162	0,179	0,183	0,187	0,190	0,194	1,245
XX 01 02 11 03 – Committees	0,070	0,076	0,077	0,079	0,080	0,082	0,084	0,548
XX 01 02 11 04 – Studies & consultations	0,300	0,325	0,331	0,338	0,345	0,351	0,359	2,348
XX 01 02 11 05 - Information systems	0,100	0,108	0,110	0,113	0,115	0,117	0,120	0,783
2Total Other Management Expenditure (XX 01 02 11)	0,670	0,725	0,753	0,768	0,784	0,799	0,815	5,316
3 Other expenditure of an administrative nature (specify including reference to budget line)								
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)	**4,720**	**5,045**	**5,505**	**5,898**	**6,292**	**6,631**	**6,647**	**34,092**

Calculation - ***Other administrative expenditure <u>not</u> included in reference amount***

		<u>2007</u>
Missions	20*1000 + 10*3000	50.000
Meetings & Conferences	5*30000	150.000
Compulsory meetings	2*15000	30.000
Non-compulsory meetings	1*40000	40.000
Studies & consultations	2*150000	300.000
Information systems	1*100000	100.000