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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Establishing a framework programme on "Security and Safeguarding Liberties" for the period 2007-2013

Proposal for a

COUNCIL DECISION

Establishing the specific Programme "Prevention, Preparedness and Consequence Management of Terrorism", for the Period 2007-2013

General Programme "Security and Safeguarding Liberties"

Proposal for a

COUNCIL DECISION

Establishing the specific Programme "Prevention of and Fight against Crime" for the Period 2007-2013,

General Programme "Security and Safeguarding Liberties"

(presented by the Commission)

{SEC(2005) 436}

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Establishing a framework programme on "Security and Safeguarding Liberties" for the period 2007-2013

The Communication establishing a Framework programme on "Security and safeguarding Liberties" 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 to 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 supported by a Framework programme, providing for the necessary coherence between relevant 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

In its Communications setting out its strategic orientations for the definition of the Financial Perspectives 2007-2013[1], the Commission has already highlighted the objective of supporting the development of the area of Freedom, Security and Justice with adequate financial resources, to be included in a new Heading relating to "Citizenship, Freedom, Security and Justice". In accordance with the objectives set out by the European Council, the proposed framework programme 'Security and Safeguarding Liberties' would respond to the challenges indicated above.

Freedom can only be enjoyed within a framework of personal security provided by law. In particular, citizens' liberties and rights can only be guaranteed if they are sufficiently protected from criminal acts, which do not only threaten the freedom and rights of individuals but also the democratic society and the rule of law.

While Member States are taking their responsibility to ensure freedom and security for all in an area of Freedom, Security and Justice, European institutions must also contribute to tackling the security risks faced by citizens in their daily life. The protection of the life and the property of citizens is a core task giving legitimacy to public power and public policies, and citizens expect that threats to their health and safety will also be countered at European level. Moreover, freedom in a borderless Europe gives the Union a special responsibility.

[1] Communication from the Commission to the Council and the European Parliament. Building our common future – policy challenges and budgetary means of the enlarged Union 2007-2013 - COM(2004) 101, 10.2.2004;.Communication from the Commission to the Council and the European Parliament. Financial perspectives 2007-2013 - COM(2004) 487, 14.7.2004.

The threats of terrorism and other forms of crime potentially affect every single citizen in the Union. Terrorist acts do concern the European Union as a whole, and not only the particular country where they occur, as they are attacks against the values on which the Union is founded. While organised crime and terrorism, have long been identified as key threats for the European security environment (for instance, in the European Security Strategy of 12 December 2003), the responsibility of the Union extends to improving the prevention of, and the fight against crime in general. Article 29 of the Treaty on European Union contains a clear mandate for the Union to provide citizens with a high level of security, by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud through closer cooperation between police forces, customs authorities and other competent authorities.

The identification of a strong need for numerous actions in this policy area has launched a process under which the Union's role has constantly increased. The work carried out under the so-called Vienna action plan[2] and the orientations given by the Tampere European Council of 1999 has been successful. While the Union used to focus on legislative action during the establishment phase of the area of freedom, security and justice, complemented by financial support on a rather small scale, the work of the Union in this area should now enter into a phase in which operational concerns are more predominant. Particularly with regard to terrorist threats, security issues have acquired a new urgency, thus requiring a more operational and comprehensive approach.

On the basis of The Hague Programme adopted by the European Council in November 2004, and with a view to the Treaty establishing a Constitution for Europe, prevention of and fight against terrorism and other forms of crime on a European level will need to be further reinforced and extended. This must include reinforcement and streamlining of Member States' efforts, putting more emphasis on sound application of legislative and political measures. European added-value of interventions in this field can be achieved, in particular, by the Union acting as a catalyst: EU funded cooperation raises awareness of common challenges and threats and other shared issues and values between Member States, thus facilitating the emergence of common approaches in fields traditionally very close to national sovereignty. Furthermore, financial support can ensure a fair sharing of responsibilities between Member States to reinforce solidarity among them and bring overall benefits in terms of the value for money offered by an EU-wide approach.

2. THE PROPOSED FRAMEWORK PROGRAMME ON SECURITY AND SAFEGUARDING LIBERTIES

2.1. Objectives and structure of the programme

To respond to the challenges outlined above, it is proposed to establish a framework programme on "Security and Safeguarding Liberties". The key objective of the framework programme is "to ensure an effective operational cooperation in the fight against terrorism, including its consequences, organised crime and general crime, to support the provision of intelligence on a European scale and to strengthen the prevention of crime and terrorism, in order to promote secure societies based on the rule of law".

[2] OJ C 19, 23.1.1999, p. 1.

Based on The Hague programme and on further analysis of future needs in the security area, the Commission concludes that the following specific objectives should, in particular, be pursued under the framework programme:

– First, financial interventions should continue to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related EU bodies. Within these core activities, particular attention will have to be given to improved availability, exchange and management of information and intelligence for law enforcement, complemented by adequate, sound and transparent measures on data protection. This would contribute to the quality and efficiency of law enforcement across Member States Another important element will be the evaluation of existing and future political and legislative measures on EU level, including their application and efficiency.

– Second, more emphasis should be put on promoting and developing public-private partnerships and strategies on crime prevention, statistics and criminology, and on protection of crime victims and witnesses. In this vein, key requirements will be a constructive dialogue among public and private stakeholders (e.g. law enforcement agencies, administration, business and victim related organisations), a sound statistical basis and a better understanding of criminological phenomena. In order to develop a comprehensive, appropriate and balanced response to various forms of crime, crime prevention in the long run should become a horizontal area, i.e. an integrated element of the definition and implementation of other policies, in all Member States.

– Third, there is an increasing need for a coordinated approach across Member States towards prevention, preparedness, crisis and consequence management with regard to potential and actual terrorist threats. On preparedness, the programme aims in particular at promoting, supporting and evaluating an exchange of know-how, experience and standards for the protection of critical infrastructure, particularly through risk and needs assessments and the development of common security standards. On crisis and consequence management, the programme aims at developing, implementing and promoting effective and integrated EU crisis-management arrangements, ensuring immediate and effective information exchange and cooperation among law enforcement, security and civil protection agencies.

These objectives have different legal bases in the Treaties. On the one hand, law enforcement, police cooperation and crime prevention in general are subject to Title VI of the Treaty on European Union (Articles 29-42). On the other hand, preparedness and consequence management with regard to terrorist attacks are to be considered a specific strand, which is complementary to general civil protection measures, which is a matter to be dealt with under the Treaty establishing the European Community (Article 3(1)(u)). Given these fundamentally different legal regimes, the framework programme will have to be composed of two different legal instruments.

The first legal instrument will cover the prevention of and the fight against crime, and will be based on Articles 30 and 34(2)(c) of the Treaty on European Union. This programme will focus on three thematic areas: law enforcement, crime prevention and criminology, and protection of witnesses and victims. The second legal instrument will deal with prevention,

preparedness and consequence management of terrorist attacks, and will be based on Article 308 of the Treaty establishing the European Community[3].

The Commission has recently presented detailed strategies and proposals on many of these areas. In particular, reference can be made here to the four Commission Communications on terrorism of 20 October 2004[4], to the Communications on exchange of information and cooperation on terrorist offences[5], on enhancing police and customs cooperation in the EU[6], and towards enhancing access to information by law enforcement agencies[7]. The Commission has also sought advice from experts and Member States in various expert meetings on related themes and will continue to do so.

2.2. European added-value

The framework programme Security and Safeguarding Liberties 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 application in a uniform way through Europe, promoting co-operation and co-ordination mechanisms and developing public-private partnerships.

A set of common evaluation criteria will be used across all strands to evaluate EU added value in relation to the type of effect sought after in the interest of secure societies under this framework programme. Examples of these criteria are:

– to support only 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 to those financed at national level;

– to reinforce national exchanges at European 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.

2.3. Complementarity with other instruments and policy measures

With a view to benefiting from synergy effects, the framework programme will complement the activities of the agencies in the area of Freedom, Security and Justice. The EU Police

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3 Certain Community measures, such as the Council Decision establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions (OJ L 297, 15.11.2001) have been based on this Article.

4 Communications COM(2004) 698 on prevention, preparedness and response to terrorist attacks, COM(2004) 700 on financing of terrorism, COM(2004) 701 on preparedness and consequence management, and COM(2004) 702 on critical infrastructure protection.

5 COM(2004) 221.

6 COM(2004) 376.

7 COM(2004) 429.

Office Europol will play an increasing role both in the prevention, detection and investigation of crime including terrorism. Its financial resources might in the near future be drawn from the Community budget. Transnational and national projects under the programme Prevention of and Fight Against Crime will be required to reinforce and complement Europol's activities instead of duplicating efforts, in accordance with the annual work programmes under the framework programme's two instruments and the general award criteria which aim at European added value. It goes without saying that Commission actions under the framework programme will fully respect Europol's responsibilities. Corresponding principles will be applied to training measures under the programmes with respect to the activities of the European Police College (CEPOL), which is foreseen to be financed from the Community budget.

Furthermore, full complementarity with other Community programmes will be ensured. The future 7th Framework Programme on Research & Technological Development will allow for a widespread support to security research, including on thematic areas such as law enforcement, prevention of terrorism or organised crime, and on protection of privacy and of critical information infrastructure. While security research projects under the 7th R&D Framework Programme will focus on technologies (from basic research to pre-competitive research), "soft" research will also be covered (e.g. on socio-economic matters). In contrast, the framework programme Security and Safeguarding Liberties will focus on funding of specific, target-oriented studies, on issues such as policy support, and the application, implementation or adaptation of technologies for this purpose. In certain cases, concrete responses to specific needs are required in the short term in order to implement a specific and concrete policy project. Therefore, the framework programme Security and Safeguarding Liberties will finance a limited number of activities directly aiming at putting into place concrete policy projects including research. Statistics on crime will be developed in collaboration with Member states, using where necessary the Community Statistical Programme.

With regard to relief in emergency situations, the Commission has proposed a Solidarity Fund and a Rapid Response and Preparedness Instrument for major emergencies[8], to make possible a common approach to major emergency situations. The scope of both instruments will include immediate response (e.g. deployment of resources to combat a disaster), financial assistance to cope with emergency situations in the aftermath of a crisis and, to a limited extent, general preparedness. While these new instruments will provide a Community funding regarding major emergency situations *in general*, a specific strand of the framework programme Security and Safeguarding Liberties will *specifically* aim at prevention, preparedness and consequence management of terrorist threats.

On terrorism, there is a need for a specific security setting and expertise which goes beyond general safety and civil protection concepts. For instance, the vulnerability of infrastructure to terrorist attacks needs to be assessed under specific security terms and standards, which need to be developed in addition to general safety standards. In this vein, the programme Prevention, Preparedness and Consequence Management of Terrorism focuses on threat and risk assessments, analysing what needs to be added to general safety mechanisms in order to protect critical infrastructure effectively against terrorist attacks, and developing specific contingency plans[9]. To a limited extent, the programme will permit support for innovative

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[8] COM(2004) 487, 14.7.2004, p. 22.

[9] See Communication COM(2004)702 on critical infrastructure protection.

measures with a potential for transferability to the EU level or to other Member States. However, it will mainly be the responsibility of the Member States to upgrade the security of their infrastructure according to the identified needs, where appropriate with support from the structural funds or certain sectoral programmes (e.g. in the area of transport, energy, public health or environment). The specific objectives of the programme Prevention, Preparedness and Consequence Management of Terrorism avoid overlapping with such general mechanisms.

The framework programme and its two instruments rather aim at improving internal security. In accordance with the proposed structure of the financial framework, the external dimension will not be included in the framework programme Security and Safeguarding Liberties. Cooperation with third countries will be duly taken into account under Heading 4 of the proposed financial framework, through the implementation of external aid instruments presented by the Commission in September 2004. Linkages between external and internal security will be incorporated into the two proposed instruments under the framework programme, e.g. through the possibility for third countries and international organisations to participate in the projects.

3. RATIONALISATION AND SIMPLIFICATION

3.1. Building on existing instruments

The evaluations of the actions that the EU has been supporting over the years in these areas fully recognise the need to pursue them as they tackle specific and real problems and contribute to deal with them in a positive way, complementary to the national actions being developed in the same areas. However, these evaluations have also identified several weaknesses that need to be faced so that EU 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 efficient enough to achieve the objectives and to maximise the use of the existing human and financial resources. Being implemented in a completely separate way, these programmes do not maximise real synergies and may even create unnecessary overlaps. Finally, to achieve the best possible results there is a need to reassess the objectives, the type of interventions and the scale of each programme.

The framework programme will build on lessons learnt from existing interventions on these fields, in particular on experience from the existing framework programme on police and judicial cooperation in criminal matters (AGIS)[10] and its predecessors. 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. Nevertheless, the new financial perspectives, the Hague programme and the Treaty establishing a Constitution for Europe give rise to a strategic reorientation of the relevant financial programmes. In this vein, the programme Prevention of and Fight against Crime will replace the AGIS programme from 2007 on.

[10] Council Decision of 22 July 2002 - OJ L 203, 1.8.2002, p. 5.

With regard to the strand on Prevention, Preparedness and Consequence Management, preparatory action is about to be taken under a pilot project on fight against terrorism. The pilot project is supposed to start in 2005, aiming inter alia at improved communication among national authorities on prevention, preparedness and response to terrorist attacks, particularly to attacks with cross-border effects, at capacity building and technological enhancement of public actors, and at a public-private security dialogue. The future programme Prevention, Preparedness and Consequence Management of Terrorism will largely develop this preparatory action.

3.2. Common management arrangements

The purpose of establishing a framework programme in this area is to simplify and rationalise the framework both in financial, legal and management terms, to streamline budget structure, to increase coherence and consistency among programmes and to avoid duplication of efforts. The two specific programmes will be based on common features as concerns the delivery mechanism: they will be managed by the Commission (in principle, direct centralised management), assisted by a comitology committee; the types of actions (Commission, transnational and national projects) and of intervention will be aligned, as well as the criteria of eligibility.

While the two specific programmes will be managed centrally, the use of indirect central management at a later stage is not excluded[11]. Alternative delivery mechanisms such as shared management have been examined in detail but were not cost-effective given the relatively small amounts involved. The harmonisation and the simplification of the procedures obtained by the integration of the strands into a single structure will also allow for rationalisation. For example, a rationalisation of the monitoring and evaluation procedures will allow for better outcomes and will facilitate transfer of good practices.

As far as appropriate, common features have also been developed with the other two framework programmes regarding the area of freedom, security and justice (Fundamental Rights and Justice, and Solidarity and Management of Migration Flows). Altogether, the three framework programmes form a consistent "package" of measures.

On the whole, compared to the current situation presented above, the new framework programme represents an important step in terms of simplification, scope of action and flexibility. For instance, it will offer the following advantages:

- the framework programme will combine all activities related to law enforcement and crime prevention in a wider sense, including policing, intelligence, crime proofing, awareness raising, witness and victim protection, preparedness and consequence management (accordingly, judicial activities related to civil and criminal matters and fundamental rights will be combined in the framework programme Fundamental Rights and Justice);

- this allows for a concentration of resources and reduction of budget lines, as well as for increased transparency and the possibility to better assess the added value of actions taken;

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[11] Should this be the case for several programmes related to the area of freedom, security and justice, if possible implementation tasks for those programmes should be concentrated in one executive agency.

- the conditions and modalities of funding in this area will be fully aligned, which will increase cost-effectiveness, clarity and user-friendliness, facilitate priority setting and evaluation;

- there will be a possibility of supporting innovative projects within Member States with a potential for transferability to the EU level, thus providing a leverage effect; Member States will also have a possibility to express certain priorities for national projects;

- the conditions and modalities of funding both for Commission projects and for co-funding will be clarified and simplified (e.g. on transnational projects, fewer partners will be necessary);

- comitology provisions will be simplified and aligned with other Community programmes;

- the rules on monitoring and protection of the Community's financial interests will be strengthened and clarified;

- particularly the framework on consequence management and preparedness to terrorist threats will be reinforced significantly.

Finally, the framework programme has also been designed with a view to the Treaty establishing a Constitution for Europe. The Constitution will remove legal frictions resulting from the "pillar"-structure of the current Treaties and clarify and strengthen the legal foundations for actions in the fields of crime prevention (Article III-272), law enforcement cooperation (Articles III-275) and civil protection (Article III-284), so that it might be possible to achieve further synergy effects, including with the relevant agencies. However, after the coming into force of the Constitution, no significant changes will be necessary to the two legal instruments of the framework programme on Security and Safeguarding Liberties.

4. FINANCIAL RESOURCES

The overall amount foreseen for the framework programme Security and Protection of Liberties is 745 million euro for the period 2007-2013 (in current prices). Within this envelope, 597.6 million euro are foreseen for the programme Prevention of and Fight Against Crime and 137.4 million euro for the programme Prevention, Preparedness and Consequence Management of Terrorism. Within the reference amount, EUR 10 million are added for administrative expenditure.

In addition, for Europol an amount of 554.4 million euro is foreseen for the period 2007-2013, while the amount foreseen for CEPOL is 64.4 million euro for the same period.

These indicative amounts have been estimated on the basis of the needs identified as described above. Where lessons can be drawn from existing actions and programmes related to security issues it has been taken into account. Given the fact that a large part of the activities to be financially supported refers to relatively new domains in the European context, a rather cautious approach has been taken. As concerns national projects, in particular, the programmes start with rather modest initial funding. In order to provide sufficient time for competent national bodies to prepare for the presentation of innovative national projects, it is proposed to back-load a considerable part of the financial resources towards the second half

of the time period. After a mid-term review, which is scheduled for the year 2010, the share of innovative projects within Member States can be increased considerably. In any case, compared to related measures taken under the structural funds the amounts estimated are relatively low. Support for capacity building will, therefore, only be possible to a limited extent. Where needs for large-scale capacity building or infrastructure are identified, the use of "general" funds aimed at cohesion, regional development, or research and technological development, might have to be considered.

5. CONCLUSIONS

The new financial perspectives, The Hague programme for strengthening freedom, security and justice in the EU, and the upcoming ratification of the Treaty establishing a Constitution for Europe will lead to a re-structuring of the current legal and financial framework in the area of internal security.

The proposed framework programme will streamline, simplify and rationalise financial interventions in the security area. It enables the Union to take the necessary steps for protecting effectively the rights and liberties of its citizens against terrorism and other forms of crime. The framework programme is composed of two aligned and complementary legal instruments which provide a sound legal and financial framework and the necessary flexibility to cope with new challenges ahead. Together with the framework programmes Fundamental Rights and Justice, and Solidarity and the Management of Migration Flows, it will be an appropriate basis for maintaining and developing the Union as an area of freedom, security and justice.

ANNEX

Establishing a framework programme on Security and Safeguarding Liberties 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 which 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 :

- The **European Police College (CEPOL),** which is expected to be transformed into a European Union body according to the Proposal for a Council decision submitted by the Commission on 1 October 2004 - COM(2004) 623. The European Police College is currently funded intergovernmentally.

- On the entry into force of the Constitution, the Commission would take steps to transform the European Police Office **Europol**, currently intergovernmental, into an EU body with Community financing

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 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*»[12] and « *Financial Perspectives 2007 – 2013* »[13], 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

Within its objective of maintaining and developing the Union as an area of freedom, security and justice, the Union is committed to providing citizens with a high level of security by developing actions for preventing and combating terrorism. The identification of a strong need for numerous actions in this policy area has led to a process under which the Union's role has been constantly increasing. In addition to various measures taken in the area of law enforcement, efforts on prevention, preparedness and consequence management need to be reinforced.

In its Declaration on solidarity against terrorism of 25 March 2004, the European Council held that further action was needed to enhance the capability of the Union and its Member States to deal with the consequences of terrorist attacks and to alleviate the consequences of attacks on the civilian population. In its conclusions on the fight against terrorism in June 2004, the European Council invited the Council and the Commission "to assess the capabilities of Member States both in preventing and coping with the consequences of any type of terrorist attack, to identify best practices and to propose the necessary measures. Existing cooperation on civil protection should be enhanced, reflecting the will of Member States to act in solidarity in the case of terrorist attack in any Member State or in the case of attack against EU citizens living abroad". This work is currently being taken forward within the framework of the Community Civil Protection Mechanism, which focuses specifically on the civil protection aspects and addresses the immediate consequences of major emergencies irrespective of their nature.

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12 COM(2004) 101, 10.2.2004.

13 COM(2004) 487, 14.7.2004.

In response, the Commission adopted on 20th October 2004 three Communications on prevention, preparedness and response to terrorist attacks, on preparedness and consequence management in the fight against terrorism, and on protection of critical infrastructure.

The Council referred to these Communications in its Conclusions on Prevention, Preparedness and Response to Terrorist attacks which were adopted on 2nd December 2004 including the EU Solidarity Programme on the Consequences of terrorist threats and attacks. The EU Solidarity Programme replaces a previous programme on CBRN (chemical, biological, radiological and nuclear terrorist threats).

The Council concluded that the Commission will set up within the existing structures an integrated EU arrangement for managing crises with cross border effects within the EU. The "ARGUS" system will be the logistical interface that will ensure rapid information flow between all existing rapid alert systems aimed at maximising safety and security, including a network of law enforcement authorities. A Crisis Centre will be established in the Commission, which would coordinate efforts so as to evaluate the practicable options for action and to decide on the appropriate response measures during a crisis. A critical infrastructure warning information network (CIWIN) will be set up as part of the establishment of a European Programme for the Protection of Critical Infrastructure (EPCIP) and will also be linked to ARGUS. The Council underlined the need for an integrated, security-oriented approach. Regarding critical infrastructure, the Council referred particularly to risk and threat assessments, detection and identification of terrorist threats. On the whole, a more comprehensive, integrated and operational approach on security issues is needed, which goes hand in hand with re-allocating priorities for financial intervention.

Moreover, The Hague Programme in its point 2.4 laid down clearly that "the European Council calls for the Council and the Commission to set up within their existing structures, while fully respecting national competences, integrated and coordinated EU crisis management arrangements for crises with cross-border effects within the EU, to be established at the latest by 1 July 2006".

2.2. The way forward

On the financial side, the Commission's response to these needs and requirements is a comprehensive general programme on *Security and safeguarding Liberties*, including an instrument on prevention, preparedness and consequence management of terrorism, which will aim at ensuring proper implementation of specific mechanisms as mentioned above and at effective protection of vulnerable infrastructure against terrorism threats. Complementary to the latter instrument, the general programme comprises an instrument on Prevention of and Fight against Crime. The structure of both specific programmes will be aligned as far as possible.

The specific programme Prevention, Preparedness and Consequence Management of Terrorism will concentrate on preventing and reducing the risk of a terrorist attack and on protecting critical infrastructure. It will also include consequence management measures to the extent that these are not covered by the Rapid Response Instrument in the event of major emergencies and that they support the EU as an area of Freedom, Security and Justice. It. will provide means for EU wide projects initiated and managed by the Commission, allow for co-funding of transnational projects and also for projects within Member States (national projects), to further stimulate innovations with a view to transferring the gained experience to the transnational and/or EU level. In particular, the type of national projects is deemed to

boost modern technology and methodology on prevention, preparedness and consequence management with regard to terrorism. As the civil society has to keep up with increasingly sophisticated methods of terrorists, this additional step is essential.

2.3. Objectives of the programme

a) Definition of general, specific and operational objectives

The overall objective of the general programme *Security and Safeguarding Liberties* is to guarantee citizens' rights and liberties within an area of freedom, security and justice and to protect them against criminal acts, which can threaten both individual liberties, democratic society and the rule of law. The specific programme Prevention, Preparedness and Consequence Management of Terrorism shall contribute to protect citizens, their liberties and society against terrorist attacks and related incidents, and to safeguard the EU as an area of Freedom, Security and Justice, by stimulating, promoting and developing measures on preparedness and consequence management.

On prevention and preparedness to terrorist attacks, the specific programme will aim at:

- stimulating, promoting, and supporting risk and threat assessments on critical infrastructure, including evaluations on site, to identify possible targets of terrorist attacks and possible needs for upgrading their security,
- promoting and supporting the development of common security standards, and an exchange of know-how and experience on protection of critical infrastructure,
- promoting and supporting EU wide co-ordination and cooperation on critical infrastructure protection.

On consequence management regarding terrorist attacks, the specific programme will aim at:

- stimulating, promoting and supporting exchange of know-how, experience and technology on the potential consequences of terrorist attacks,
- stimulating, promoting and supporting the development of relevant methodology and contingency plans, and
- ensuring real-time input of specific expertise on terrorism matters within overall crisis management, rapid alert and civil protection mechanisms.

b) Complementarity/coherence with other instruments

When preparing the specific programme, particular attention was given to ensure coherence, complementarity and synergy with other programmes financing actions in neighbouring or related policy fields, for which support must be provided under different Treaty bases.

First, the specific programme is complemented by a second instrument under the general programme Security and Safeguarding Liberties, the specific programme *Prevention of and Fight against Crime*, which focuses on law enforcement and crime prevention in the sense of Title VI of the Treaty on European Union. Second, complementarity is ensured with the corresponding general programmes on *Fundamental Rights and Justice*, and *Solidarity and*

management of migration flows as concerns such issues as assistance to victims, judicial cooperation in criminal matters and illegal immigration.

Third, the programme is complementary to other Community programmes such as the new Rapid Response and Preparedness Instrument for major emergencies, the Framework Programme on Research & Technological development, the new EU Solidarity Instrument[14], or the structural funds[15]. Those new Instruments will provide Community funding to cope with major emergency situations in general, including immediate response (e.g. deployment of resources to combat a disaster), financial assistance to cope with emergencies in the aftermath of a crisis, and to a limited extent preparation to rapid response. To this general mechanism, the prevention, preparedness and consequence management strand of the general programme Security and Safeguarding Liberties will add specific measures on terrorist threats.

In the area of terrorism, there is a need for a specific security setting and expertise which goes beyond general safety and civil protection concepts. For instance, the vulnerability of infrastructure to terrorist attacks needs to be assessed under specific security terms and standards, which need to be developed in addition to general safety standards. In this vein, the specific programme Prevention, Preparedness and Consequence management of Terrorism focuses on threat and risk assessments, analysing what needs to be added to general safety mechanisms in order to protect critical infrastructure effectively against terrorist attacks, or developing specific contingency plans[16]. It is then mainly the responsibility of the Member States to upgrade the security of their infrastructure according to the identified needs, supported if need be by the structural funds, or certain sectoral programmes (e.g. in the area of transport, energy, public health or environment). In any case, the specific objectives of the instrument on Prevention, Preparedness and Consequence Management of Terrorism avoid overlapping with such Community funding mechanisms.

3. EVALUATION

The working paper of the Commission presenting the ex-ante evaluation and preliminary impact assessment of the specific programme Prevention, Preparedness and Consequence Management of Terrorism 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

In the absence of a specific provision, Article 308 of the Treaty establishing the European Community is the appropriate legal basis not only for civil protection, but also for related measures on prevention, preparedness and consequence management.

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14 Commission proposals for a EU Solidarity Fund - COM(2005) 108 -, and for a Rapid Response and Preparedness Instrument for major emergencies - COM(2005) 113.

15 See also the Community mechanism to facilitate reinforced cooperation in civil protection assistance intervention focuses on providing assistance intervention in the event of major emergencies, particularly accidents, Council Decision of 23 October 2001 - OJ L 297, 15 .11.2001, p. 7.

16 See Communication COM(2004) 702 on critical infrastructure protection.

Under the current Treaties, the procedure for the adoption of legal instruments in this area differs considerably from that on police and law enforcement cooperation (the latter being subject to Title VI of the Treaty on European Union). Therefore, it is not possible to combine all relevant objectives of the general programme in one single legal instrument. This is why two instruments are being proposed: a specific programme on Prevention of and Fight against Crime based on the Treaty on European Union[17], and another specific programme on Prevention, Preparedness and Consequence Management of Terrorism, based on the Treaty establishing the European Community.

4.2. Actions defined within the programme

The following different types of actions are envisaged:

- projects with a European dimension initiated and managed by the Commission, inter alia coordination mechanisms and networks, analytical activities including studies and activities aiming at developing solutions which are specifically related to concrete policy projects;

- transnational projects initiated and managed by at least two Member States (or one Member State and an applicant country) under the conditions set out in the annual work programmes;

- national projects within Member States under the conditions set out below and further conditions set out in the annual work programmes;

It is foreseen that national projects will only be eligible as starter measures or complementary measures (preparing or complementing transnational or European projects), if they have a potential for transferability of results to EU level or if they otherwise contribute considerably to developing a Union policy.

4.3. Subsidiarity and proportionality

The proposal respects the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty establishing the European Community and its accompanying Protocol. As regards subsidiarity, the proposed programme does not attempt to intervene in the areas that are covered by national programmes developed by national authorities in each Member State but to focus on areas where added value on European level is to be expected. To this extent, the majority of the activity supported by the programme can be viewed as complementary to the national programmes and as seeking to maximise synergies from actions implemented by two or more Member States (which may include candidate countries).

As regards proportionality, the proposal has been designed to maximise 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.

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[17] COM (2005)…..

Following the guidelines indicated in the protocol on the application of both principles, it is clear that the issues which this programme intends to address have transnational aspects and therefore any action at Union level will be beneficial compared with actions at the level of the Member States.

4.4. Policy instrument

This strand of the general programme *Security and Safeguarding Liberties* will be directly managed by the Commission and will be implemented by two main types of action: calls for proposals to fund projects presented in the framework of the objectives envisaged and actions directly developed by the Commission in order to achieve the objectives mentioned but also to monitor and assess the results and to suggest adaptations and modifications if needed.

4.5. Simplification and rationalisation

The proposed approach will contribute to the key objective of simplifying instruments both in legal and management terms and of streamlining the budget structure. It will also increase coherence and consistency between and avoid duplication of instruments. 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 are resource-intensive) and regrouping existing programmes into a single, coherent and streamlined general programme. This will result in more proportionality between expenditure and associated administrative costs.

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

The Commission may decide to entrust part of the budget implementation for the programme to an executive agency, referred to in Article 54(2)(a) of the Financial Regulation. This type of agency may be established by the Commission in conformity with the provisions of the Financial Regulation and its implementing rules as well as Council Regulation (EC) n° 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes. Before its decision, the Commission would establish a cost-benefit analysis identifying the tasks justifying outsourcing, the costs of coordination and checks, the impact on human resources, possible savings, efficiency and flexibility in the implementation of outsourced tasks, simplification of the procedures used, proximity of outsourced activities to final beneficiaries, visibility of the Community and the need to maintain and adequate level of know-how inside the Commission.

5. BUDGETARY IMPLICATIONS

The overall amount foreseen for the general programme Security and Protection of Liberties is 745 million euro for the period 2007-2013 (in current prices). Within this envelope, 142.4 million euro are foreseen for the specific programme for the programme Prevention, Preparedness and Consequence Management of Terrorism.

6. CONCLUSION

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 that will be established once the Constitutional Treaty enters into force.

2005/0034 (CNS)

Proposal for a

COUNCIL DECISION

Establishing the specific Programme "Prevention, Preparedness and Consequence Management of Terrorism", for the Period 2007-2013

General Programme "Security and Safeguarding Liberties"

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof, and to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the Commission[18],

Having regard to the opinion of the European Parliament[19],

Having regard to the opinion of the European Economic and Social Committee[20],

Having regard to the opinion of the Committee of the Regions[21],

Whereas:

(1) Prevention, preparedness and consequence management of terrorism are essential aspects of the objective of maintaining and developing the Union as an area of freedom, security and justice as provided for in Article 2, fourth indent, of the Treaty on European Union.

(2) The Community must take the necessary measures to prevent terrorists from attacking the values of democracy, the rule of law, open society and the freedom of our citizens and societies, and to limit the consequences of any attack wherever possible.

(3) The Hague Programme set up by the European Council in November 2004[22], has called for integrated and coordinated EU crisis-management arrangements for crises with cross-border effects within the EU.

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18 OJ C …
19 OJ C …
20 OJ C …
21 OJ C …
22 OJ C… (see Council doc 14292/04)

(4) The revised European Union Plan of Action on Combating Terrorism as adopted by the European Council of 17-18 June 2004[23], identified as priority issues, among others, the prevention and consequence management of terrorist attacks, and the protection of critical infrastructures.

(5) On 2 December 2004, the Council adopted the revised European Union Solidarity Programme on the Consequences of Terrorist Threats and Attacks[24], highlighting the importance of risk and threat assessments, protection of critical infrastructure, mechanisms for the detection and identification of terrorist threats, and the political and operational preparedness and capability for consequence management.

(6) The Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions[25], established by Council Decision 2001/792/EC, Euratom of 23 October 2001, addresses immediate response to all major emergencies, but has not been designed specifically for prevention, preparedness and consequence management of terrorist attacks.

(7) In the interest of efficacy, cost-efficiency and transparency, the specific efforts on prevention, preparedness and consequence management of terrorism should be streamlined and financed by one single programme.

(8) With regard to legal certainty and coherence, and to the complementarity with other financial programmes, the terms "prevention and preparedness measures", "crisis and consequence management" and "critical infrastructure" should be defined.

(9) Commission actions, together with transnational projects where appropriate, are essential to achieve an integrated and coordinated EU approach. In addition, it is useful and appropriate to support projects within Member States to the extent that they can provide useful experience and knowledge for further actions at Community level, in particular inspections and risk and threat assessments.

(10) It is also appropriate to provide for third countries and international organisations to participate in transnational projects.

(11) Complementarity needs to be ensured with other Community and Union programmes such as the EU Solidarity Fund and the Response and Preparedness Instrument for major emergencies, the Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions, the Research & Development Framework Programme and the structural funds.

(12) Since the objectives of this programme 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 the Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty establishing the European Community. 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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23 OJ C…. (see Council doc 10679/2/04 REV 2 + ADD 1)
24 OJ C… (see Council doc15480/04, 15232/04 REV 2)
25 OJ L 297, 15.11.2001, p. 7.

(13) The expenditure of the programme should be compatible with the ceiling under Heading 3 of the financial perspective. It is necessary to foresee flexibility in the definition of the programme to allow for eventual adjustments in any envisaged actions, in order to respond to the evolution of needs in the course of the period 2007-2013. The decision should, therefore, be limited to the generic definition of envisaged actions and their respective administrative and financial arrangements.

(14) 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 in accordance with Council Regulations (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the Communities' financial interests,[26] and (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission.[27]

(15) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities[28] 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[29], 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.

(16) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission,[30] 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.

(17) The Treaty establishing the European Community and the Treaty establishing the European Atomic Energy Community do not provide specific powers for adopting this Decision other than those of Articles 308 and 203, respectively.

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

This decision establishes for the period from 1 January 2007 to 31 December 2013 the specific programme « Prevention, Preparedness and Consequence Management of

[26] OJ L 312, 23.12.1995, p. 1.
[27] OJ L 292, 15.11.1996, p. 2.
[28] OJ L 248, 16.9.2002, p. 1.
[29] OJ L 357, 31.12.2002, p. 1.
[30] OJ L 184, 17.7.1999, p. 23.

Terrorism», hereinafter referred to as « the programme », as part of the general programme "Security and safeguarding liberties" in order to contribute to the strengthening of the area of Freedom, Security and Justice.

This Decision shall not apply to matters covered by the Rapid Response Instrument in the event of major emergencies.

Article 2

Definitions

For the purposes of this Decision, the following definitions shall apply:

(a) "prevention and preparedness" refers to measures aiming to prevent and/or reduce the risk of a terrorist attack and/or its consequences, particularly through risk and threat assessments, inspections and development of common standards on technology and methodology;

(b) "consequence management" refers to measures limiting the mid-term consequences of terrorist attacks which are necessary to safeguard the European Union as an area of Freedom, Security and Justice;

(c) "critical infrastructure" refers to physical resources, services, communication facilities, networks and/or assets the disruption or destruction of which would have a serious impact on the health, safety, security or economic well-being of citizens or of the effective functioning of the European Union or its Member States' governments.

Article 3

General objectives of the programme

1. This programme shall contribute to protect citizens, their liberties and society against terrorist attacks and related incidents, and to safeguard the European Union as an area of Freedom, Security and Justice.

2. The general objectives of the programme contribute to the development of other Union and Community policies such as police and judicial cooperation in criminal matters, protection of the environment, public health, transport, research and technological development and economic and social cohesion.

Article 4

Specific objectives

1. Within the general objectives, and unless covered by other specific legal instruments, the programme shall stimulate, promote and develop measures on prevention, preparedness and consequence management.

2. With regard to prevention and preparedness to terrorist attacks, the programme aims at

(a) stimulating, promoting, and supporting risk and threat assessments on critical infrastructure, including evaluations on site, to identify possible targets of terrorist attacks and possible needs for upgrading their security,

(b) promoting and supporting the development of common security standards, and an exchange of know-how and experience on protection of critical infrastructure,

(c) promoting and supporting Union wide co-ordination and cooperation on protection of critical infrastructure protection.

3. With regard to consequence management in case of terrorist attacks, the programme aims at

(a) stimulating, promoting and supporting exchange of know-how, experience and technology on the potential consequences of terrorist attacks,

(b) stimulating, promoting and supporting the development of relevant methodology and contingency plans,

(c) ensuring real-time input of specific expertise on terrorism matters within overall crisis management, rapid alert and civil protection mechanisms.

Article 5

Eligible Actions

1. With a view to pursuing the general and specific objectives set out in Articles 3 and 4, the programme shall provide financial support for the following types of action:

(a) projects initiated and managed by the Commission with a European dimension;

(b) transnational projects, which must involve partners in at least two Member States, or at least one Member State and an applicant country;

(c) national projects within Member States, which

– prepare transnational projects and/or Community actions ("starter measures"),

– complement transnational projects and/or Community actions ("complementary measures"),

– contribute to developing innovative methods and/or technologies with a potential for transferability to actions at Community level, or develop such methods or technologies with a view to transferring them to other Member States and/or applicant countries, or

– contribute otherwise considerably to protecting the Union and its citizens from terrorist attacks.

2. In particular, financial support may be provided for

(a) actions on operational cooperation and coordination (strengthening networking, mutual confidence and understanding, development of contingency plans, exchange and dissemination of information, experience and best practice)

(b) analytical, monitoring, evaluation, audit and inspection activities,

(c) development and transfer of technology and methodology, particularly regarding information sharing and inter-operability,

(d) training, exchange of staff and experts, and

(e) awareness and dissemination activities.

Article 6

Access to the Programme

1. Applications for projects may be presented by bodies and organisations with legal personality established in the Member States.

2. Proposals for national projects as defined in Article 5(1)c shall be forwarded to the Commission by the Member States. The Commission shall fix annually the date of forwarding of proposals and shall decide on the proposals in accordance with Article 8(4).

3. As regards transnational projects, third countries and international organisations may participate as partners but are not permitted to submit projects.

Article 7

Types of intervention

1. Community financial support may take the following legal forms:

(a) Grants,

(b) 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 for actions. The maximum rate of co-financing will be specified in the annual work programmes.

3. 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 financial support in accordance with the Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002, hereinafter referred to as "Financial Regulation".

2. To implement the programme, the Commission shall, within the limits of the general objectives defined in Article 3, adopt an annual work programme specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in article 7(3) and if necessary a list of other actions.

3. The annual work programme shall be adopted in accordance with the procedure set out in Article 9(2).

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

(a) conformity with the annual work programme, the general objectives as specified in Article 3 and measures taken in the different domains as specified in Articles 4 and 5;

(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 3 and on measures taken in the different domains as specified in Articles 4 and 5.

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. 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 10

Complementarity

1. Synergies, consistency and complementarity will be sought with other Union and Community instruments, inter alia with the programmes Prevention of and Fight against

Crime[31] and Criminal Justice,[32] as well as with the Framework Programmes on Research and technological Development, the European Union Solidarity Fund and the Response and Preparedness Instrument for major emergencies.

2. The programme may share resources with other Community and Union instruments, in particular the programme Prevention of and Fight against Crime, in order to implement actions meeting the objectives of both the programme and other Community/Union instruments.

3. Operations financed under this Decision shall not receive financial support for the same purpose from other Union/Community financial instruments. The beneficiaries of the programme 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 11

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 12

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 establishing the European Community, or any inspection carried out pursuant to Article 279(c) of that 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 the implementation of the programme shall provide in particular for supervision and financial control by the Commission (or any representative authorised 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 the Community financial support shall keep available for the Commission all the supporting documents regarding expenditure on the action.

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31 OJ

32 OJ

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 support 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 13

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 the 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 support 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 support 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 support 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 14

Evaluation

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

2. The Commission shall ensure regular, independent and 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 2010;

(b) a Communication on the continuation of this programme no later than 31 December 2010;

(c) an ex-post evaluation report no later than 31 March 2015.

Article 15

Entry into force

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

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

Within its objective of maintaining and developing the Union as an area of freedom, security and justice, the Union is committed to providing citizens with a high level of security by developing actions for preventing and combating crime, in particular through cooperation between law enforcement bodies, including the police. The identification of a strong need for numerous actions in this policy area has led to a process under which the Union's role has been constantly increasing. Starting with the so-called Vienna Action Plan[35], and based primarily on the orientations given by the Tampere European Council of 1999, the Union has responded principally through legislative action, but also by programmes for financial support. Further clarifications of the Union's role are envisaged by the Treaty establishing a Constitution for Europe, and by The Hague Programme as adopted by the European Council in November 2004. Particularly with regard to terrorist threats, security issues have acquired a new urgency and there is a need for a more integrated and operational approach. At the same time, the Union's policy on preventing and combating forms of crime other than terrorism will have to enter into a more operational phase, while the ongoing development of legislation remains important in this area.

2.2. The way forward

The proposed response to these challenges is a comprehensive general programme on Security and Safeguarding Liberties, which integrates the possibilities for funding under the existing AGIS programme with additional elements and priorities. These include improving

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33 COM(2004) 101, 10.2.2004.
34 COM(2004) 487, 14.7.2004.
35 OJ C 19, 23.1.1999, p. 1.

exchange of information, with the necessary IT support, indexing and interoperability of databases, secure communication technology and methodology, key concepts such as intelligence led law enforcement, public private partnerships and novel approaches to crime prevention. On terrorism, efforts need to be interlocked with civil protection mechanisms, ensuring both preparedness for, and rapid reaction to, the particular risks and threats from terrorism. The structure of both specific programmes will be aligned as far as possible.

As concerns the prevention of and fight against crime, co-funding of transnational projects under the AGIS programme (on issues such as training, exchange schemes, studies, conferences, seminars and other measures encouraging cooperation) and support through operating grants have proved useful and will continue under this proposal. At the same time, the proposed Council Decision will clarify the possibilities for the funding of EU wide projects initiated and managed by the Commission. In addition, it will be possible to co-fund bilateral and national projects, in order to further stimulate innovations with a view to transferring the gained experience to the transnational and/or EU level, while facilitating the application procedure for such projects. It is intended that this additional type of funding will further develop the technology and range of methodologies available for the purposes of law enforcement and crime prevention. Since public bodies and the civil society have to keep pace with criminals' increasingly sophisticated methods, particularly where crime is organised and operating beyond national borders, this additional step is essential.

2.3. Objectives of the programme

a) Definition of general, specific and operational objectives

The overall objective of the general programme *Security and Safeguarding Liberties* is to guarantee citizens' rights and liberties within an area of freedom, security and justice and to protect them against criminal acts, which can threaten individual liberties, democratic society and the rule of law.

The specific programme on Prevention of and Fight against Crime, in particular, aims at contributing to a high level of security for citizens by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud.

Within these general objectives, three major themes can be identified:

- to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related EU bodies;

- to stimulate, promote and develop horizontal methods and tools necessary for strategically preventing and fighting crime, for example public-private partnerships, best practices in crime prevention, comparable statistics and applied criminology, and

- to promote and develop best practices for the protection of crime victims and witnesses.

b) Complementarity/coherence with other instruments

When preparing the programme, particular attention was given to ensure coherence, complementarity and synergy with other programmes financing actions in neighbouring policy fields, for which support must be provided under different Treaty bases.

First, the programme is complemented by a second instrument under the general programme Security and Safeguarding Liberties, the specific programme on *Prevention, Preparedness and Consequence Management of Terrorism*, which goes beyond law enforcement and crime prevention in the sense of Title VI of the Treaty on European Union by providing the necessary link to preparedness and consequence management, including protection of vulnerable infrastructure.

Second, complementarity is to be ensured with the general programmes on *Fundamental Rights and Justice*, and on *Solidarity and management of migration flows,* particularly along the following lines:

– while the emphasis of the enclosed proposal is on law enforcement, in the sense of cooperation between police and other non-judicial law enforcement agencies, the criminal justice strand of *Fundamental Rights and Justice* focuses on the judiciary;

– regarding assistance to victims, the specific programme Prevention of and Fight against Crime focuses on their protection from criminal threats, whereas the above mentioned instruments under the general programme *Fundamental Rights and Justice* deal with general assistance to victims at the judicial, social and/or administrative level;

– regarding illegal immigration, the external borders fund within the general programme on *Solidarity and management of migration flows* deals with exchange of specific intelligence, while the specific programme on Prevention of and Fight against Crime deals with exchange of information among law enforcement agencies.

Third, the programme is also complementary to other Community programmes such as the Framework Programme on Research & Technological development, the EU Solidarity Fund, the Responseand Preparedness Instrument for major emergencies and the structural funds.

3. EVALUATION

The working paper of the Commission presenting the ex ante evaluation and preliminary impact assessment of the general programme Security and Safeguarding Liberties shows the appropriateness of the policy option chosen to achieve the goals envisaged.

The first annual report on the implementation of the AGIS programme demonstrates clearly that potential beneficiaries take a high interest therein. The Commission has received more proposals than could be funded under the available budget.

Most projects under the AGIS programme deal either with cooperation between law enforcement authorities (48.2% of the number of projects co-financed) or with crime prevention and/or the fight against specific forms of crime (37.5% of co-financed projects). The report also states 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. With 26.8%, the second most relevant group concerns research, studies and the establishment of networks. Training and exchange activities, which are by nature more difficult to

implement than the above mentioned actions, constitute a fifth (20.5%) of the number of projects co-financed.

The report recognises that nevertheless a high proportion of the applications received did not fulfil the requirements set out in the call for proposals due to difficulties encountered by the applicants in the use of the application forms, and other electronic forms, or in meeting the relevant criteria.

It can be concluded that there is a need to simplify the procedure particularly as concerns projects involving innovative approaches, whether in terms of management, of methodology or of technology. It might often be difficult to find partners in other Member States in due time when a projects is still in an early and innovative phase. Therefore, the possibility of bilateral and national projects should be added, in order to stimulate innovative types of projects.

As a further conclusion, one can say that for EU wide actions such as training and exchange schemes or coordination mechanisms and networks there is often a need for policy guidance by the Commission and/or, where appropriate, responsible EU bodies. This justifies strengthening and clarifying the framework for projects initiated and/or managed by the Commission.

4. LEGAL BASIS AND RATIONALE OF THE POLICY INSTRUMENT

4.1. Legal Basis

Article 30 of the Treaty on European Union provides the scope for common action in the field of police cooperation and cooperation of other competent authorities in relation to the prevention, detection and investigation of criminal offences, including cooperation of national authorities with Europol (Article 30, second paragraph). This legal basis covers all objectives of the specific programme Prevention and Fight against Crime. Although judicial cooperation is not a particular objective of this programme, Article 31 of the Treaty on European Union should also be included here, since financial interventions might have to cover certain related actions dealing with cooperation e.g. between police and judicial authorities.

As concerns the form of the legal instrument and the relevant procedure, Article 34(2)(c) of the Treaty on European Union provides for Council decisions in the field of combating and preventing crime. Thus, the legal basis proposed is adequate with regard to the purposes of the specific programme.

Under the current Treaties, the procedure for the adoption of legal instruments in the area of police and law enforcement cooperation differs considerably from that on civil protection. Therefore, it is not possible to combine all relevant objectives of the general programme in one single legal instrument. Consequently, two instruments are being proposed: first, a specific programme on "Prevention of and Fight against Crime" based on the Treaty on European Union; second, a programme on "Prevention, Preparedness and Consequence Management of Terrorism", based on the Treaty establishing the European Community[36].

[36] COM …..

4.2. Actions defined within the programme

The following different types of action are envisaged:

- projects with a European dimension initiated and managed by the Commission, inter alia coordination mechanisms and networks, analytical activities including studies and activities aiming at developing solutions which are specifically related to concrete policy projects, training, exchange of staff;

- transnational projects initiated and managed by at least two Member States (or one Member State and an applicant country) under the conditions set out in the annual work programmes;

- national projects within Member States under the conditions set out below and further conditions set out in the annual work programmes;

- operating grants to non-governmental organisations pursuing, on a non-profit basis, objectives with a European dimension, under the conditions set out in the annual work programmes.

It is foreseen that national projects will only be eligible as starter measures or complementary measures (preparing or complementing transnational or European projects), if they have a potential for transferability of results to EU level or if they otherwise contribute significantly to developing Union policy on preventing and/or combating crime.

4.3. Subsidiarity and Proportionality

The proposal respects the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty establishing the European Community and its accompanying Protocol. As regards subsidiarity, the proposed programme does not attempt to intervene in the areas that are covered by national programmes developed by national authorities in each Member State but to focus on areas where added value on a European level is to be expected. To this extent, the majority of the activities supported by the programme can be viewed as complementary to the national programmes and as seeking to maximise synergies from actions implemented by two or more Member States (which may include candidate countries).

As regards proportionality, the proposal has been designed to maximise 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 issues which this programme intends to address have transnational aspects and therefore any action at Union level will be beneficial compared with actions at the level of the Member States.

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 the budget structure. It will also increase coherence and consistency between, and avoid duplication of, instruments. 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 are resource-intensive) and regrouping existing programmes into a single, coherent and streamlined programme. This will result in more proportionality between expenditure and associated administrative costs.

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

The Commission may decide to entrust part of the budget implementation for the programme to an executive agency, referred to in Article 54(2)(a) of the Financial Regulation. This type of agency may be established by the Commission in conformity with the provisions of the Financial Regulation and its implementing rules as well as Council Regulation n° 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes. Before its decision, the Commission would establish a cost-benefit analysis identifying the tasks justifying outsourcing, the costs of coordination and checks, the impact on human resources, possible savings, efficiency and flexibility in the implementation of outsourced tasks, simplification of the procedures used, proximity of outsourced activities to final beneficiaries, visibility of the Community and the need to maintain and adequate level of know-how inside the Commission.

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 that will be established once the Constitutional treaty enters into force.

5. BUDGETARY IMPLICATIONS

The overall amount foreseen for the general programme Security and Protection of Liberties is 745 million euro for the period 2007-2013 (in current prices). Within this envelope, 602.6 million euro are foreseen for the programme Prevention of and Fight against Crime.

2005/0035 (CNS)

Proposal for a

COUNCIL DECISION

Establishing the specific Programme "Prevention of and Fight against Crime" for the Period 2007-2013,

General Programme "Security and Safeguarding Liberties"

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 30, 31 and 34(2)(c) thereof,

Having regard to the proposal from the Commission[37],

Having regard to the opinion of the European Parliament[38],

Whereas:

(1) The Union's objective of providing citizens with a high level of safety within an area of freedom, security and justice shall be achieved, as provided for in the fourth indent of Article 2, and in Article 29 of the Treaty on European Union, by preventing and combating crime, organised or otherwise.

(2) To protect the freedom and security of our citizens and society from criminal activities, the Union must take the necessary measures to prevent, detect, investigate, and prosecute all forms of crime efficiently and effectively, most particularly in cases with a trans-border element.

(3) Building on the conclusions of the Tampere European Council of October 1999[39], the European Council has reaffirmed the priority of developing the area of freedom, security and justice – and particularly of protecting citizens from various criminal activities through the prevention of and fight against crime– by The Hague programme of November 2004[40], the declarations on terrorism of September 2001 and March 2004[41] and the European Drugs strategy in December 2004[42].

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(4) The framework programme on police and judicial cooperation in criminal matters (AGIS) established by Council Decision 2002/630/JHA of 22 July 2002[43] has 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.

(5) It is necessary and appropriate to extend the possibilities for funding of measures aiming at the prevention of and the fight against crime, and to review the modalities in the interest of efficacy, cost-efficiency and transparency.

(6) Commission actions and transnational projects remain important to achieve closer and better cooperation and coordination among Member States. In addition, it is useful and appropriate to support projects within Member States to the extent that they can provide useful experience and know-how for further actions on Union level.

(7) As crime crosses borders, it is appropriate to allow third countries and international organisations to participate in transnational projects.

(8) Complementarity needs to be ensured regarding other Union and Community programmes, such as the Research & Development Framework Programme, the European Union Solidarity Fund, the Response and Preparedness Instrument for major emergencies and the Structural Funds.

(9) Since the objectives of the action to be taken, particularly the prevention of and the fight against organised and transborder crime, 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 the Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set up in Article 5 of the Treaty establishing the European Community. 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.

(10) In accordance with Article 41(3) of the Treaty on European Union, it is necessary and appropriate to finance the operating expenditure under Title VI by the Community budget.

(11) The expenditure of the programme should be compatible with the ceiling under Heading 3 of the financial perspective. It is necessary to foresee flexibility in the definition of the programme to allow for eventual adjustments in any envisaged actions, in order to respond to the evolution of needs in the course of the period 2007-2013. The decision should, therefore, be limited to the generic definition of envisaged actions and their respective administrative and financial arrangements.

(12) 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.

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[43] OJ L 203, 1.8.2002, p. 5.

(13) 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 in accordance with Council Regulations (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the Communities' financial interests[44], and (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission[45].

(14) Council Regulation (EC, Euratom) 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities[46] and Commission Regulation (EC, Euratom) 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation 1605/2002[47], 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.

(15) It is appropriate to replace the framework programme on police and judicial cooperation in criminal matters (AGIS)[48] from 1 January 2007 on by this programme and by a new programme on criminal justice[49].

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

This decision establishes for the period from 1 January 2007 to 31 December 2013 the specific programme « Prevention of and Fight against Crime », hereinafter referred to as « the programme », as part of the general programme "Security and safeguarding liberties" in order to contribute to the strengthening of the area of Freedom, Security and Justice.

Article 2

General objectives of the programme

1. This programme shall contribute to a high level of security for citizens by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud.

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.

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44 OJ L 312, 23.12.1995, p. 1.
45 OJ L 292, 15.11.1996, p. 2.
46 OJ L 248, 16.9.2002, p. 1.
47 OJ L 357, 31.12.2002, p. 1.
48 OJ L 203, 1.8.2002, p. 5.
49 ….

Article 3

Themes and specific objectives

1. The programme shall consist of three themes:

(a) law enforcement

(b) crime prevention and criminology

(c) protection of witnesses and victims.

2. Within the general objectives, the programme shall contribute to the following specific objectives:

(a) to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related Union bodies;

(b) to stimulate, promote and develop horizontal methods and tools necessary for strategically preventing and fighting crime, such as public-private partnerships, best practices in crime prevention, comparable statistics and applied criminology, and

(c) to promote and develop best practices for the protection of crime victims and witnesses.

3. The programme does not deal with judicial cooperation. However, it may cover actions aiming at cooperation among judicial authorities and law enforcement authorities.

Article 4

Eligible actions

1. With a view to pursuing the general and specific objectives set out in Articles 2 and 3, the programme shall provide financial support for the following types of actions:

(a) Projects initiated and managed by the Commission with a European dimension;

(b) Transnational projects, which must involve partners in at least two Member States, or at least one Member State and an applicant country;

(c) National projects within Member States, which

– prepare transnational projects and/or Union actions ("starter measures"),

– complement transnational projects and/or Union ("complementary measures")

– contribute to developing innovative methods and/or technologies with a potential for transferability to actions on Union level, or develop such

methods or technologies with a view to transferring them to other Member States and/or applicant countries, or

– contribute otherwise considerably to developing Union policy on preventing and/or combating crime;

(d) Operating grants for non-governmental organisations pursuing on a non-profit basis objectives of this programme on a European dimension.

2. In particular, financial support may be provided for

– actions on operational cooperation and coordination (strengthening networking, mutual confidence and understanding, exchange and dissemination of information, experience and best practices)

– analytical, monitoring and evaluation activities,

– development and transfer of technology and methodology,

– training, exchange of staff and experts, and

– awareness and dissemination activities.

Article 5

Access to the Programme

1. The programme is destined for law enforcement agencies, other public and/or private bodies, actors and institutions, including local, regional and national authorities, social partners, universities, statistical offices, media, non-governmental organisations, public-private partnerships and relevant international bodies.

2. Applications for projects and operational grants may be presented by bodies and organisations with legal personality established in the Member States.

3. Proposals for national projects as defined in Article 4(1)c shall be forwarded to the Commission by the Member States. The Commission shall fix annually the date of forwarding of proposals and shall decide on the proposals in accordance with Article 7(4).

4. As regards transnational projects, third countries and international organisations may participate as partners but are not permitted to submit projects.

Article 6

Types of intervention

1. Union financial support may take the following legal forms:

(a) Grants,

(b) Public procurement contracts.

2. Union 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 for actions. The maximum rate of co-financing will be specified in the annual work programmes.

3. Expenditure is foreseen for accompanying measures, through public procurement contracts, in which case Union 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 7

Implementing measures

1. The Commission shall implement the Union financial support in accordance with the Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002, hereinafter referred to as "Financial Regulation".

2. To implement the programme, the Commission shall, within the limits of the general objectives defined in Article 2, adopt an annual work programme specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in Article 6(3) and if necessary a list of other actions.

3. The annual work programme shall be adopted in accordance with the procedure set out in Article 9.

4. The evaluation and award procedures relating to grants for 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 Union financial support 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(1)(d), shall be assessed, inter alia, in the light of:

(a) consistency with the programme objectives;

(b) quality of the planned activities;

(c) likely multiplier effect on the public of these activities;

(d) geographic impact of the activities carried out;

(e) cost/benefit ratio of the activity proposed.

Article 8

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 9

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 10

Complementarity

1. Synergies, consistency and complementarity will be sought with other Union and Community instruments, inter alia with the programmes Prevention, Preparedness and Consequence Management of Terrorism[50], Criminal Justice[51], the Framework Programmes on Research and technological Development[52], the European Union Solidarity Fund, and the Response and Preparedness Instrument for major emergencies[53].

2. The programme may share resources with other Union and Community instruments, in particular the programme Prevention, Preparedness and Consequence Management of Terrorism, in order to implement actions meeting the objectives of both the programme and the other Union/Community instrument(s).

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

Article 11

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 12

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 establishing the European Community, or any inspection carried out pursuant to Article 279(c) of that 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 the implementation of the programme 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 support 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 support 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 13

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 Union actions financed under the 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 Union or budgets managed by them, by an unjustified item of expenditure.

3. The Commission shall reduce, suspend or recover the amount of financial support 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 been 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 support 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 support 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 14

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 regular, independent and 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 2010;

(b) a Communication on the continuation of the programme no later than 31 December 2010;

(c) an ex-post evaluation report no later than 31 March 2015.

Article 15

Transitional Provisions

1. This Decision shall, from 1 January 2007, replace the corresponding provisions of the Decision 2002/630/JHA establishing a framework programme on police and judicial cooperation in criminal matters (AGIS)[54].

2. Actions started before 31 December 2006 pursuant to Decision 2002/630/JHA shall continue to be governed, until their completion, by this Decision.

Article 16

Entry into force

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

[54] OJ L 203, 1.8.2002, p. 5.

FINANCIAL STATEMENT

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL :

Programme "Security and Safeguarding Liberties"

Proposal for a Council Decision creating the programme "Prevention of and Fight against Crime" for the period 2007-2013

Proposal for a Council Decision creating the programme "Prevention, Preparedness and Consequence Management of Terrorism" for the period 2007-2013

2. ABM / ABB FRAMEWORK

1805 – Law enforcement cooperation and fight of and against general and organised crime

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
Prevention of and fight against crime	Non-comp	Diff	No	NO	No	**No** 3
Prevention, Preparedness and Consequence Management of Terrorism	Non-comp	Diff	Yes	NO	No	**No** 3

4. SUMMARY OF RESOURCES

4.1. Financial Resources (Current Prices)

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)	Prevention of and fight against crime	a	44,600	50,900	71,800	85,600	108,000	117,200	119,500		597,600
	Prevention, Preparedness and Consequence Management of Terrorism	a	12,700	15,200	17,700	20,300	23,000	23,400	25,100		137,400
Payment Appropriations (PA)	Prevention of and fight against crime	b	22,300	43,920	60,090	74,520	94,040	108,120	116,510	78,100	597,600

	Prevention, Preparedness and Consequence Management of Terrorism	b	6,350	12,930	15,950	18,500	21,130	22,660	24,170	15,710	137,400
Administrative expenditure within reference amount (8.2.4)											
Technical & administrative assistance (NDA)	8.2.4	c	0,700	0,900	1,500	1,100	2,000	1,400	2,400		10,000
TOTAL REFERENCE AMOUNT											
Commitment Appropriations		**a+c**	**58,000**	**67,000**	**91,000**	**107,000**	**133,000**	**142,000**	**147,000**		**745,000**
Payment Appropriations		**b+c**	**29,350**	**57,750**	**77,540**	**94,120**	**117,170**	**132,180**	**143,080**	**93,810**	**745,000**
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	5,940		35,532
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	62,720	72,045	96,505	112,898	139,292	148,631	153,755		785,848

TOTAL PA including cost of Human Resources		b+c+d+e	34,070	62,795	83,045	100,018	123,462	138,811	149,835	93,810	785,848

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[55] (i.e. flexibility instrument or revision of the financial perspective).

4.1.3. Financial impact on Revenue

X Proposal has no financial implications on revenue

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

NB: All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.

EUR million (to one decimal place)

	Prior to	Situation following action

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

Budget line	Revenue	action [Year n-1]	[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5][56]
	a) Revenue in absolute terms							
	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	55

5. CHARACTERISTICS AND OBJECTIVES

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

As regards *the prevention of and the fight against crime*, the support aiming to achieve the general and specific objectives will be aimed at three main areas:

a) *law enforcement*: to promote and develop coordination and cooperation between national authorities, in particular between law enforcement agencies;

b) *crime prevention and criminology*: to stimulate, promote and develop strategies, dialogue and partnership in respect of crime prevention, statistics and criminology;

c) *protection of witnesses and victims*: to promote and develop the means of protecting witnesses and victims of crime.

The scale of resources has been assessed in light of the needs, and giving the evolving nature of these, a mid-term review clause is included to enable progress in meeting the objectives and priorities to be reassessed.

[56] Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

As regards Prevention, Preparedness and Consequence Management of Terrorism, financial support will be targeted at a number of crucial areas, in particular, at:

– the establishment of a secure, rapid alert system which ensures a link between communication networks warning of threats to public safety and security, be they related to law enforcement agencies or other bodies;

– the identification and protection of critical infrastructure, i.e. infrastructure vulnerable to terrorist threats, consisting of all those facilities, networks and services which, if disrupted or destroyed, would have a serious impact on the health, safety, security and/or the economic well-being of EU citizens and/or on the effective functioning of government;

– the undertaking of audits, monitoring and evaluation activities to identify existing weaknesses, establish best practice in Member States and recommend legislative or other action where deficiencies are found with the aim of increasing the overall preparedness of the EU in the face of terrorism;

The impacts likely to result from the above actions are described within the extended impact assessment.

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

The added value of the instruments is to provide the basis for efficient cooperation between law enforcement and other relevant authorities, with the aim of all Member States being able to put in place minimum levels of measures (both legislative and operational) to protect against crime and the threat of terrorist attack. This would mean that there is no "weak point" within the EU and within its critical infrastructure which could be exploited by organised crime ('safe haven') or terrorist, while also providing a level playing field for law enforcement authorities and for the private sector.As such, it is an integral part of creating an area of justice, freedom and security.

As regards improving the quantity and quality of law enforcement relevant information available to national authorities, the EU intervention to supplement national action will allow to overcome existing systemic resistances within and between the different bodies involved. This additional support to the necessary improvements to existing communication channels and infrastructures at European level adds value by increasing capacity – indeed, individual action at national level would not be capable of achieving the same results.

In relation to previous activities in this area, the current proposal will offer a comprehensive framework and contribute to the creation of systematic procedures for cooperation on law enforcement and countering the threat of terrorism as well as for cooperation between public authorities and the private sector. Where actions or initiatives are envisaged at EU level, these will be based on effective sharing of experience and best practice, so increasing efficiency and contributing to an overall reduction in the 'unit

costs' of combating crime and responding to both the threat and consequences of terrorist attack. In addition, there will be a leverage effect, in the sense that contributions will also be made by grant beneficiaries, both because this is a requirement of EU funding and because of the effects of successful pilot projects and the development of best practice in encouraging national governments to provide more funding and support.

With regard to Prevention, Preparedness and Consequence Management of Terrorism, cooperation will have spin-off effects in terms of better targeted research on security against attack, leading to new innovative technology developments, harmonised and more efficient minimum industry security standards, more efficient resource planning and allocation, increased civil protection capacity, the development of emergency contingency plans and so on. Cooperation plus the centralised coordination of operations, while fully respecting national competences, provides the means for achieving greater efficiency and operational capability in respect of preparedness and of establishing a more rapid and effective system for consequence management throughout the EU.

Complementarity with other JLS programmes:

The Security programme and the two main strands which it comprises have the common goal, along with the two other JLS framework programmes, of establishing an area of freedom, security and justice in the EU where basic human rights are fully respected. Each of the three JLS 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: guaranteeing 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 JLS framework programmes is aimed at pursuing these objectives in a complementary way without duplicating activities.

The activities under the Security programme, therefore, are designed to contribute to making the EU a safer place to live, where people can enjoy their basic freedoms without fear of crime or the threat of terrorist attack. As such, they are complementary to the activities undertaken under both the Solidarity and Justice programmes which have

parallel aims. More specifically, the fight against organised, cross-border crime and against trafficking of people and drugs is complementary to the efforts made under the Solidarity programme to prevent illegal entry into the EU through the establishment of effective external border controls. The same applies to the measures taken to combat the threat of terrorism, including in particular exchange of information between relevant national, and EU-level, authorities, which both contribute to and are supported by the activities undertaken to control illegal entry.

The prevention of and fight against crime, by reinforcing law enforcement cooperation as well as to support the protection of witnesses and victims of crime, is also complementary to the actions supported under the Fundamental Rights and Justice programme to fight violence and to ensure the protection of fundamental rights (in particular as regards data protection) as well as to facilitate access to justice.

Complementarity with other instruments:

The support for the protection of victims and witnesses of crime funded under this programme is complementary to the support available under the Initiative on Fundamental Rights and Justice (particularly the instruments on criminal justice and on fight against violence)) which provides general assistance to victims of trafficking and violent crime.

As regards the training of police officers an instrument already exists: the European College of Police (CEPOL), that could also provide the basis for such action on exchange of staff between police services.If CEPOL becomes a body financed by the EU budget, the dividing line between this and the new instrument will need to be reassessed.

In relation to improved information exchange, a close coordination will be ensure to create synergies between the existing projects in different areas (SIS, VISION, EURODAC) as well as forthcoming initiatives (VIS, SIS II). Also, the implementation of existing legislation in related areas will be closely monitored, to reap the benefits in terms of overcoming systemic resistances.

Complementarity with the objectives and tasks of Europol will be kept under review to avoid any overlap between proposals under this programme and Europol's role.

On civil protection in general, the new Solidarity Instrument and the Response and Preparedness Instrument for major emergencies will provide financial means both for immediate crisis management measures and for general preparation to crises. Apart from accidents and natural disasters, this will also include disasters caused by terrorist acts. Complementarity will be ensured on two levels: first, the instrument "Prevention, Preparedness and Consequence Management of Terrorism" will focus on integrating aspects of security and law enforcement into the rapid alert and crisis management system; second, on critical infrastructure and preparedness, it will focus on assessing and identifying the specific needs from a security point of view, while the Response and Preparedness Instrument for major emergencies will focus on general civil protection (i.e. mainly relief to affected persons and if need be the environment).

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

A key objective of the "Security" 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 avoid duplication of instruments.

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

Delivery through alternative delivery mechanisms (externalisation, or shared management) has been examined in detail but was considered not appropriate at this stage.

The results envisaged could not be expected to be achieved at lower cost for several reasons:

- The level of intervention could not be lowered without running the risk of reducing the programme's impact to such a low level that the EU added value would be lost. The specific aims are set to be both achievable, given the resources proposed and in line with the expectations of the beneficiaries. The present proposal has carefully estimated the cost of reaching its objectives.

- The range of measures envisaged under this Programme will address those issues which cannot be handled by individual Member State from within their own financial and/or technical resources, and which require intervention at EU, bilateral or multilateral level, in order to optimise their effectiveness at least cost.

- The harmonisation and the simplification of the procedures will also contribute to avoiding duplication and focusing actions more effectively on EU added-value.

- The rationalisation of the monitoring and evaluation procedures will enable better outcomes to achieved and will make it more possible for multiplier effects to be generated.

- With regard to volume crime, the Programme is based on the premise that certain co-operation activities need to be taken at EU level in order to support prevention activities in the Member States more effectively, to avoid duplication of effort and to use resources more efficiently.

– A number of measures, for example in relation to crime statistics and crime proofing, are horizontal in nature and will support the development of effective policy and legislative responses to crime in all its manifestations.

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 action programme under the provisions of the current Treaties, it has been decided to split the action programme into 2 legal instruments relating to 2 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 ""Security and Safeguarding Liberties" envisage a range of actions, such as:

a) Projects initiated and managed by the Commission with a European dimension;

b) Transnational projects, which must involve partners in at least two Member States, or at least one Member State and an applicant country;

c) National projects within Member States, which

– prepare transnational projects and/or Commission actions ("starter measures"),

– complement transnational projects and/or Commission actions ("complementary measures")

– contribute to developing innovative methods and/or technologies with a potential for transferability to actions on Union level, or develop such methods or technologies with a view to transferring them to other Member States and/or applicant countries, or

– contribute otherwise considerably to developing the Union policy on preventing and/or combating crime;

Operating grants for non-governmental organisations pursuing on a non-profit basis objectives of this programme on a European dimension.

In particular, support may be provided for :

– actions on operational cooperation and coordination (strengthening networking, mutual confidence and understanding, exchange and dissemination of information, experience and best practices)

– analytical, monitoring and evaluation activities,

– development and transfer of technology and methodology,

– training, exchange of staff and experts, and

– awareness and dissemination activities.

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.

The Commission will implement the above actions in accordance with the annual work programme to be adopted. The Commission will implement this Action 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, para. 2(a) of the Financial Regulation. This 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 strand. 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.

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

Cfr. Extended Impact Assessment

6.2.3. Terms and frequency of future evaluation

As regards *the prevention of and the fight against crime and the Prevention, Preparedness and Consequence Management of Terrorism* the timetable set in the proposal is as follows :

– no later than 31 March 2010, 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 31 December 2010, the Commission shall submit to the European Parliament and the Council a Communication on the continuation of this programme;

– no later than 31 March 2015, 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
Prevention of and fight against crime																		
To promote and develop coordination, cooperation and mututal understanding																		
Commission Actions	Grants	0,100	30	3,000	45	4,500	45	4,500	45	4,500	45	4,500	45	4,500	45	4,500	0	30,000
	Procurement	0,500	11	5,500	13	6,500	13	6,500	13	6,500	13	6,500	13	6,500	13	6,500	0	44,500
Transnational projects	Grants	0,200	20	4,000	20	4,000	25	5,000	25	5,000	25	5,000	25	5,000	25	5,000	165	33,000
National projects				4,500		6,000		13,000		19,000		25,000		28,000		28,000	0	123,500
Sub-total Action 1				**17,000**		**21,000**		**29,000**		**35,000**		**41,000**		**44,000**		**44,000**	**165**	**231,000**
To stimulate, promote and develop strategies , dialogues and partnerships																		
Commission Actions	Grants	0,100	30	3,000	30	3,000	40	4,000	40	4,000	40	4,000	40	4,000	40	4,000	260	26,000
	Procurement	0,500	10	5,000	10	5,000	12	6,000	12	6,000	12	6,000	12	6,000	12	6,000	80	40,000
Transnational projects	Grants	0,200	20	4,000	20	4,000	20	4,000	20	4,000	20	4,000	20	4,000	20	4,000	140	28,000

National projects				3,000		4,000		10,000		13,000		21,000		23,000		23,000		97,000
Sub-total Action 2				**15,000**		**16,000**		**24,000**		**27,000**		**35,000**		**37,000**		**37,000**	**480**	**191,000**
To promote and develop best practices for the protection of crime victims and witnesses																		
Commission Actions	Grants	0,100	30	3,000	30	3,000	30	3,000	30	3,000	30	3,000	30	3,000	30	3,000	210	21,000
	Procurement	0,500	6	3,000	6	3,000	6	3,000	6	3,000	6	3,000	6	3,000	6	3,000	42	21,000
Transnational projects	Grants	0,200	10	2,000	10	2,000	10	2,000	10	2,000	10	2,000	10	2,000	10	2,000	70	14,000
National projects				2,000		2,000		4,000		6,000		10,000		11,000		11,000		46,000
Sub-total Action 3				**10,000**		**10,000**		**12,000**		**14,000**		**18,000**		**19,000**		**19,000**	**322**	**102,000**
Sub-total Objective 1				*42,000*		*47,000*		*65,000*		*76,000*		*94,000*		*100,000*		*100,000*		*524,000*
Prevention, Preparedness and Consequence Management of Terrorism																		
Preparedness - to promote, support and to evaluate exchange of standards, know-how and experience																		
Commission Actions	Grants	0,100	40	4,000	40	4,000	50	5,000	50	5,000	50	5,000	50	5,000	50	5,000	330	33,000
	Procurement	0,500	2	1,000	2	1,000	2	1,000	2	1,000	2	1,000	2	1,000	2	1,000	14	7,000
Transnational projects	Grants	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
National projects				2,500		4,000		5,000		6,500		8,000		8,000		9,000		43,000
Sub-total Action 4				**8,000**		**9,500**		**11,500**		**13,000**		**14,500**		**14,500**		**15,500**	**0**	**86,500**
Consequence management - to develop, implement and promote EU crisis management arrangements																		

Commission Actions	Grants	0,100	0	0,000	5	0,500	5	0,500	5	0,500	5	0,500	5	0,500	5	0,500	30	3,000
	Procurement	0,500	5	2,500	5	2,500	5	2,500	5	2,500	5	2,500	5	2,500	5	2,500	35	17,500
National projects		0,000		1,500		1,500		1,500		2,000		2,500		2,500		2,500		14,000
Sub-total Action 5				**4,000**		**4,500**		**4,500**		**5,000**		**5,500**		**5,500**		**5,500**	**65**	**34,500**
Sub-total Objective 2				*12,000*		*14,000*		*16,000*		*18,000*		*20,000*		*20,000*		*21,000*		*121,000*
TOTAL COST				**54,000**		**61,000**		**81,000**		**94,000**		**114,000**		**114,000**		**117,000**		**635,000**

Prix 2004

Prevention of and fight against crime	42,000	47,000	65,000	76,000	94,000	100,000	100,000	524,000
Prevention,Preparedness and Consequence Management of Terrorism	12,000	14,000	16,000	18,000	20,000	20,000	21,000	121,000
Total	**54,000**	**61,000**	**81,000**	**94,000**	**114,000**	**120,000**	**121,000**	**645,000**

Prix Courants

Prevention of and fight against crime	44,600	50,900	71,800	85,600	108,000	117,200	119,500	597,600
Prevention,Preparedness and Consequence Management of Terrorism	12,700	15,200	17,700	20,300	23,000	23,400	25,100	137,400
Total	**57,300**	**66,100**	**89,500**	**105,900**	**131,000**	**140,600**	**144,600**	**735,000**

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	33
Staff financed by art. XX 01 02		7	7	8	8,5	9	9,5	8,5
Other staff financed by art. XX 01 04/05								
TOTAL		37,5	40	44	47,5	51	54	55

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/mult-annual and annual programmes	(also involves staff involved in 12,13,14 and 15)	8
11	Award decisions		0,5
12	Financial Commitment	Preparation, maintenance and closure of all financial commitments + subconsequent amendments	2
13	Legal Commitment	Preparation, Signature, Closure of all juridical commitments + subconsequent amendments	4
PROGRAMME : MONITORING OF PROJECTS			
14	Payments - Initiation	Preparation and Processing of all Prefinancing, Intermediate and Final Payments (including verification supporting docs)	4
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 autorisation of procurement procedures for projects and technical assistance (evaluation, studies,…) , including JPC, Helpdesk procurement procedures	2
20	Reporting	Report of Authorinsing 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	2
23	IT Support	Specific development of IT Tools related to monitoring and implementation	2
OVERHEAD			
24	Administration (Overhead)	CIS, Translations,HRM,Logistics,…	9
TOTAL			**55**

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*	0,500	0,600	0,900	0,700	1,100	1,000	1,200	6,000
Studies	0,050	0,100	0,150	0,100	0,300	0,100	0,400	1,200
Evaluation and Impact Assessment	0,050	0,100	0,150	0,150	0,250	0,150	0,400	1,250
Publications;external evaluations	0,050	0,050	0,150	0,100	0,200	0,100	0,300	0,950
Expert meetings	0,050	0,050	0,150	0,050	0,150	0,050	0,100	0,600
Total	0,700	0,900	1,500	1,100	2,000	1,400	2,400	10,000

8.2.5. Financial cost of human resources and associated costs <u>not</u> 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	5,022	29,322
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	0,918	6,21
Total cost of Human Resources and associated costs (NOT in reference amount)	**4,050**	**4,320**	**4,752**	**5,130**	**5,508**	**5,832**	**5,940**	**35,532**

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
2 Total 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**	**6,755**	**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