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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing for the period 2014 to 2020 the Justice Programme**

(Text with EEA relevance)

{SEC(2011) 1364 final}

{SEC(2011) 1365 final}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

As confirmed by the Stockholm Programme, the development of an area of freedom, security and justice remains a priority for the European Union. Although significant progress has already been achieved in this field, judicial cooperation in civil and criminal matters is still insufficient. In the post-Lisbon era and after the abolition of the third pillar the area of justice develops dynamically in order to respond to all challenges. Legislative and policy measures as well as their coherent implementation are key tools. Funding can contribute to the development of this area through supporting legislation and policy-making and promoting their implementation.

In accordance with the Communication on the EU Budget Review<sup>1</sup>, a fresh look was taken at the existing funding instruments and delivery mechanisms to ensure clear focus on European added value and to cater for rationalisation and simplification of the funding mechanisms. In 'A Budget for Europe 2020'<sup>2</sup>, the Commission identified the need for a simpler and more transparent budget to overcome the problems that arise from the complexity of programme structures and the existence of multiple programmes. The area of justice was mentioned as an example of the existing fragmentation, where action should be taken.

Within this framework and aiming at simplification and rationalisation, the Justice programme is the successor of three current programmes:

- Civil Justice (JCIV),
- Criminal Justice (JPEN),
- Drug Prevention and Information Programme (DPIP).

Whereas DPIP was based on a public health legal basis and therefore covered health considerations, notably the reduction of health harms associated with drug use, the Justice programme approaches anti-drugs policy via the angle of crime prevention. Illicit drug trafficking, which is one of the areas of crime where the European legislator may adopt minimum rules concerning the definition of criminal offences and sanctions on the basis of Article 83 TFEU, and other illegal activities related to drugs will be the main focus of drug-related funding under the new programme.

The merge of these programmes, all based on provisions in Part III, Title V of the TFEU, will allow for a comprehensive funding approach in this area and for a more efficient allocation of funds for horizontal issues, such as training.

The general objective of this proposal is to contribute to the creation of a genuine area of justice through promoting judicial cooperation in civil and criminal matters. To achieve this

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<sup>1</sup> Communication on the EU Budget Review, COM(2010)700 final of 19.10.2010.

<sup>2</sup> Commission Staff Working Paper, A Budget for Europe 2020: the current system of funding, the challenges ahead, the results of stakeholders consultation and different option on the main horizontal and sectoral issues, SEC(2011) 868 final, Accompanying the Communication on A Budget for Europe 2020, COM(2011)500 final of 29.6.2011.

general objective, the proposal aims to promote effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters, to fostering access to justice and to prevent and reduce drug demand and supply.

This can be achieved by supporting training and awareness-raising, strengthening networks and facilitating transnational cooperation. Moreover, the European Union needs to equip itself with a sound analytical basis to support policy-making and legislation in the area of justice.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

### **2.1. Consultation with the interested parties**

A public stakeholder consultation on future funding activities in the area of Justice, Fundamental Rights and Equality for the period after 2013<sup>3</sup> was launched on 20 April 2011. It was available online for two months and was open to all interested stakeholders and individuals. 187 respondents – with an important part of NGOs - from most Member States submitted their contribution.

The respondents evaluated positively the policy objectives of the programmes and confirmed the need for funding in the areas covered. The European added value was acknowledged and no area was identified where funding should be discontinued. The need for simplification and improvement was acknowledged and most of the proposed measures received a positive response, including the reduction of the number of programmes and the simplification of procedures.

The stakeholders were in favour of funding activities such as exchange of good practices, training of professionals, information and awareness raising activities, support to networks, studies, etc. All types of activities which met with approval by the respondents are foreseen explicitly in Article 6 of the proposal. The respondents were in agreement with the Commission's proposals concerning the actors appropriate to receive funding and the types of funding mechanisms that could be used.

### **2.2. Impact Assessment**

One impact assessment was carried out concerning the future funding activities for the whole area of justice, rights and equality, which currently comprises six programmes<sup>4</sup>. This impact assessment is relevant for both the proposal on the Justice Programme, as well as the proposal on the Rights and Citizenship Programme. The impact assessment builds on the interim evaluations of the current programmes<sup>5</sup>, which confirmed the overall effectiveness and

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<sup>3</sup> [http://ec.europa.eu/justice/news/consulting\\_public/news\\_consulting\\_0010\\_en.htm](http://ec.europa.eu/justice/news/consulting_public/news_consulting_0010_en.htm)

<sup>4</sup> Civil Justice Programme (JCIV), the Criminal Justice Programme (JPEN), the Fundamental Rights and Citizenship Programme (FRC), the Daphne III Programme (DAP), the Drug Prevention and Information Programme (DPIP) and the sections "Antidiscrimination and Diversity" and "Gender Equality" of the Programme for Employment and Social Solidarity (PROGRESS).

<sup>5</sup> Interim evaluation report on the results obtained from and the qualitative and quantitative aspects of the implementation of the Civil Justice financing programme, COM(2011)351 final of 15.06.2011; Interim evaluation report on the Criminal Justice Programme, COM(2011)255 final of 11.5.2011; Report on the interim evaluation of the Fundamental Rights and Citizenship Programme 2007 – 2013, COM(2011)249 final of 5.5.2011; Report on the interim evaluation of the Daphne III Programme 2007

efficiency of the programmes, but they also identified some shortcomings and room for improvement. The impact assessment has considered three options:

**Option A:** to maintain six programmes and to address some of the identified problems through changes in the internal management of the programmes. Improving management and fostering strong synergies between the programmes would address some of the issues. However, the main cause of the problems, i.e. the multitude of programmes would not be directly addressed and consequently the improvements to be achieved by this option would be limited.

**Option B:** to maintain all measures of option A and additionally to merge the current six programmes into two programmes. This option would allow for flexibility in the use of funds and in addressing annual policy priorities. It would achieve increased simplification (both for the beneficiaries and the administration) and efficiency of the programmes, since significantly fewer procedures would be needed. The effectiveness of the programmes would also be improved as the fragmentation and dilution of funds would be addressed better within two programmes. Human resources could be freed, since fewer procedures would reduce the administrative burden and they would be allocated to activities improving the effectiveness of the programmes (dissemination of results, monitoring, providing information, etc).

**Option C:** to implement only one programme. This option addresses all problems caused by the multiple legal instruments and by the increased administrative burden of managing multiple programmes. However, due to legal constraints the scope of this programme would not be able to cover the funding needs of all policy areas. A choice would have to be made between the area of justice and the area of rights and citizenship. Although this solution can deliver maximum impact in terms of management, however it would not be possible to address sufficiently the policy priorities and needs of the whole policy area.

Resulting from the analysis and comparison of the options, the **preferred option** is the implementation of **two programmes** which would **cover the funding needs of all policy areas (option B)**. In comparison to the status quo option B presents clear advantages and no disadvantage. Option A is not as beneficial as option B and option C only offers partial coverage of the policy areas, which renders this option unsuitable.

### 3. LEGAL ELEMENTS OF THE PROPOSAL

The proposal is based on Article 81 (1) and (2), Article 82 (1) and Article 84 of the Treaty on the Functioning of the European Union.

The combination of Articles 81 and 82 allows for a comprehensive approach in supporting the development of judicial cooperation in civil and criminal matters, especially in terms of cross-cutting and horizontal issues affecting both justice areas.

Article 84 foresees the establishment of measures to promote and support the action of Member States in the field of crime prevention. The Programme does not intend to cover the whole area of crime prevention, but only the area of anti-drugs policy. It aims to adopt a

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– 2013, COM(2011)254 final of 11.05.2011; Report on the interim evaluation of the specific Programme Drug prevention and information (DPIP) 2007 – 2013, COM(2011)246 final of 5.5.2011.

comprehensive approach to fighting drug demand and supply, covering funding to support Member States' cross-border cooperation on enforcement.

The funding activities proposed respect the principles of European added value and of subsidiarity. Funding from the Union budget concentrates on activities whose objectives cannot be sufficiently achieved by the Member States alone, where the Union intervention can bring additional value compared to action of Member States alone. Activities covered by this Regulation contribute to the effective application of the *acquis* by developing mutual trust between Member States, increasing cross-border cooperation and networking and achieving correct, coherent and consistent application of Union law across the Union. The European Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning. A sound analytical basis for the support and the development of policies will be supported. European Union intervention allows for these activities to be pursued consistently across the Union and brings economies of scale.

The proposal complies with the proportionality principle in that it does not go beyond the minimum required in order to achieve the stated objective at European level and what is necessary for that purpose.

#### **4. BUDGETARY IMPLICATION**

The financial envelope for the implementation of the Justice Programme for the period 1 January 2014 to 31 December 2020 shall amount to EUR 472 million (current prices).

#### **5. MAIN ELEMENTS OF THE PROPOSAL**

The aim of the proposed approach is to combine the simplification of funding procedures, as requested by all involved parties, with a more result-oriented approach. The main elements of this approach are the following:

- The proposal defines the general and specific objectives pursued by the Programme (Articles 4 and 5) and the areas of action where the Programme will focus on (Article 6). The general and specific objectives define the scope of the programme (policy areas), whereas the types of actions are funding-oriented, they are applicable to all policy areas concerned and define in a horizontal way the outputs that can be achieved by funding. At the same time, they define where funding can really be of added value for the achievement of the policy objectives. In implementing this Regulation the Commission will establish annually the funding priorities in the respective policy areas. The Programme can make use of all financial instruments foreseen in the Financial Regulation. The participation is open to all legal entities legally established in the Member States or in a third country participating in the Programme, with no further limitations to the access to the programme. This structure allows for simplification, as well as for better orientation of the programme to the policy needs and developments. Moreover, it provides a stable context for evaluation, as the specific objectives are directly linked to indicators for evaluation, which will remain consistent for the whole duration of the programme and will be monitored and evaluated regularly. It is proposed not to reserve specific amounts per policy area within the programme in order to achieve flexibility and to improve the implementation of the programme.

- The participation of third countries is limited to EEA, accession and candidate countries and potential candidates. Other third countries, notably countries where the European

Neighbourhood Policy applies, may be associated to actions of the Programme, if this serves the purpose of these actions.

- The annual priorities of the programme will be defined in an annual work programme. Because this implies policy-driven choices, the adoption of the annual work programme is subject to the opinion of a Committee of Member States under the Advisory procedure.

- The Commission may use, on the basis of a cost-benefit analysis, an existing executive agency for the implementation of the programme, as provided for in Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes.

### **The notion of 'judiciary and judicial staff'**

Judicial training of the judiciary and judicial staff is a key element of Justice policies. Judicial training enhances mutual confidence between Member States, practitioners and citizens and the Commission's Communication on European judicial training, "Building trust in EU-wide justice, a new dimension to European judicial training", sets concrete training objectives to be achieved by 2020<sup>6</sup>. Articles 81(2)(h) and 82(1)(c) TFEU explicitly target "Judiciary and Judicial staff". In accordance with the Commission's Communication lawyers, while constituting an autonomous profession, are an integral and necessary part of judicial activity and they play a central role in the implementation of Union law. As for notaries in several Member States they have important competence in the judicial field, which also leads them to contribute to the implementation of Union law. Taking into account the spirit and the aims of the Treaty's provisions these provisions are extended to include these two professions.

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<sup>6</sup> Commission's Communication of 13.9.2011, COM(2011)551 final.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing for the period 2014 to 2020 the Justice Programme**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(1) and (2), Article 82(1) and Article 84 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Treaty on the Functioning of the European Union provides for the creation of an area of freedom, security and justice, in which persons are free to move. To that end, the Union may adopt measures to develop judicial cooperation in civil and criminal matters and promote and support the action of Member States in the field of crime prevention, notably for the prevention and reduction of drug demand and supply.
- (2) The Stockholm Programme<sup>7</sup> reaffirms the priority of developing an area of freedom, security and justice and specifies within its political priorities the achievement of a Europe of law and justice. Financing is identified as one of the important tools for the successful implementation of the Stockholm Programme's political priorities.
- (3) The Communication from the Commission on Europe 2020<sup>8</sup> sets out a strategy for smart, sustainable and inclusive growth. A well-functioning area of justice, where obstacles in cross-border judicial proceedings and access to justice in cross-border situations are eliminated, should be developed as a key element to support and promote the specific objectives and flagship initiatives of the Europe 2020 Strategy.

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<sup>7</sup> OJ C 115, 4.5.2010, p. 1.

<sup>8</sup> COM(2010)2020 final of 3.3.2010.

- (4) Experience of action at Union level has shown that achieving these objectives in practice calls for a combination of instruments, including legislation, policy initiatives and funding. Funding is an important tool complementing legislative measures. A funding programme should therefore be established.
- (5) The Commission Communication on ‘A budget for Europe 2020’<sup>9</sup> stresses the need for rationalisation and simplification of Union funding. Meaningful simplification and efficient management of funding can be achieved through the reduction in the number of programmes and rationalisation, simplification and harmonisation of funding rules and procedures.
- (6) In response to the need for simplification and efficient management of funding, this Regulation establishes the Justice Programme to provide for the continuation and development of activities previously carried out on the basis of three programmes, established by Decision No 1149/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme 'Civil Justice' as part of the General Programme 'Fundamental Rights and Justice'<sup>10</sup>, Council Decision 2007/126/JHA of 12 February 2007 establishing for the period 2007-2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme 'Criminal Justice'<sup>11</sup> and Decision No 1150/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme 'Drug prevention and information' as part of the General Programme 'Fundamental Rights and Justice'.<sup>12</sup>
- (7) Whereas the Drug prevention and information programme was based on a public health legal basis and therefore covered health considerations, notably the reduction of health harms associated with drug use, the Justice programme should approach anti-drugs policy via the angle of crime prevention. Illicit drug trafficking and other illegal activities related to drugs should be the main focus of drug-related funding under the new programme.
- (8) The Commission Communications ‘The EU Budget Review’<sup>13</sup> and ‘A budget for Europe 2020’ also underline the importance of focusing funding on activities with clear European added value, i.e. where the Union intervention can bring additional value compared to action of Member States alone. Actions covered by this Regulation should contribute to the creation of a European area of justice by promoting the principle of mutual recognition, developing mutual trust between the Member States, increasing cross-border cooperation and networking and achieving correct, coherent and consistent application of Union law. Funding activities should also contribute to achieving effective and better knowledge of Union law and policies by all those concerned, and provide a sound analytical basis for the support and the development of Union legislation and policies. Union intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover the Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning.

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<sup>9</sup> COM(2011)500 of 29.6.2011.

<sup>10</sup> OJ L 257, 3.10.2007, p. 16.

<sup>11</sup> OJ L 58, 24.2.2007, p. 13.

<sup>12</sup> OJ L 257, 3.10.2007, p.23.

<sup>13</sup> COM(2010)700 of 19.10.2010.



- (9) In the field of drugs, demand and supply create a real threat that Member States cannot tackle sustainably on their own. Union intervention under this Regulation should support Member States' actions to prevent and reduce drug demand and supply, notably by supporting cross-border cooperation on enforcement.
- (10) In order to implement the principle of sound financial management, this Regulation should provide for appropriate tools to assess its performance. To that end, it should define general and specific objectives. To measure the achievement of those specific objectives, a set of indicators should be established which should remain valid for the whole duration of the Programme.
- (11) This Regulation lays down for the multiannual programme a financial envelope which is to constitute the prime reference, within the meaning of point 17 of the Interinstitutional Agreement of XX between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management, for the budgetary authority during the annual budgetary procedure.
- (12) This Regulation should be implemented in full compliance with Regulation (EU, Euratom) No XX/XX of XX on the financial rules applicable to the annual budget of the European Union. In particular, it should make use of the simplification tools introduced by the latter. Moreover, the criteria for identifying actions to be supported should aim at allocating the financial resources available on actions generating the highest impact in relation to the policy objective pursued.
- (13) Implementing powers should be conferred on the Commission in respect of the adoption of annual work programmes. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>14</sup>. Given the annual amounts concerned, the budgetary implications can be considered as non-substantial. Therefore, the advisory procedure should apply.
- (14) In order to ensure efficient allocation of funds from the Union budget, consistency, complementarity and synergies should be sought between funding programmes supporting policy areas with close links to each other, in particular between the Programme and the Rights and Citizenship programme established by Regulation (EU) No XX/XX of XX<sup>15</sup>, the Instrument for financial support for police cooperation, crime prevention and the fight against cross-border, serious and organised crime established by Regulation (EU) No XX/XX of XX<sup>16</sup>, the Health for Growth Programme established by Regulation (EU) No XX/XX of XX<sup>17</sup>, the Erasmus for all Programme established by Regulation (EU) No XX/XX of XX,<sup>18</sup> the Horizon 2020 Framework Programme established by Regulation (EU) No XX/XX of XX<sup>19</sup> and the Instrument for Pre-accession Assistance established by Regulation (EU) No XX/XX of XX<sup>20</sup>.

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<sup>14</sup> OJ L 55, 28.2.2011, p. 13.

<sup>15</sup> OJ L XX, XX, p. XX.

<sup>16</sup> OJ L XX, XX, p. XX.

<sup>17</sup> OJ L XX, XX, p. XX.

<sup>18</sup> OJ L XX, XX, p. XX.

<sup>19</sup> OJ L XX, XX, p. XX.

<sup>20</sup> OJ L XX, XX, p. XX.

- (15) Pursuant to Articles 8 and 10 of the Treaty on the Functioning of the European Union, the Programme should support the mainstreaming of equality between women and men and anti-discrimination objectives in all its activities. Regular monitoring and evaluation should be carried out to assess the way in which gender equality and anti-discrimination issues are addressed in the Programme's activities.
- (16) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties. The European Anti-fraud Office (OLAF) should be authorised to carry out on-the-spot checks and inspections on economic operators, in accordance with the procedures laid down in Regulation (Euratom, EC) No 2185/96<sup>21</sup> with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with Union funding under the Programme.
- (17) Since the objective of this Regulation, namely to contribute to the creation of a European area of justice, cannot be sufficiently achieved by the Member States and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (18) [In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Regulation] OR [Without prejudice to Article 4 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland will not take part in the adoption of this Regulation and will not be bound by it or be subject to its application].<sup>22</sup>
- (19) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

*Article 1*  
*Establishment and duration of the Programme*

1. This Regulation establishes the European Union programme on Justice, hereinafter referred to as 'the Programme'.

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<sup>21</sup> OJ L 292, 15.11.1996, p. 2.

<sup>22</sup> The final wording of this recital in the Regulation will depend on the actual position of the United Kingdom and Ireland taken in accordance with the provisions of protocol (No 21).

2. The Programme shall cover the period from 1 January 2014 to 31 December 2020.

*Article 2*  
*Definitions*

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

- (a) 'Member States' means the Member States with the exception of [Denmark] OR [Denmark, the United Kingdom and Ireland, without prejudice to Article 4 of the Protocol (No 21)];
- (b) 'members of the judiciary and judicial staff' means judges, prosecutors, advocates, solicitors, notaries, court officers, bailiffs, court interpreters and other professionals associated with the judiciary.

*Article 3*  
*European added value*

The Programme shall finance actions with European added value. To that effect, the Commission shall ensure that the actions selected for funding are intended to produce results with European added value and shall monitor whether European added value was actually achieved through the final results of the actions financed by the Programme.

*Article 4*  
*General objective*

The general objective of the Programme shall be to contribute to the creation of a European area of justice by promoting judicial cooperation in civil and criminal matters.

*Article 5*  
*Specific objectives*

To achieve the general objective set out in Article 4, the Programme shall have the following specific objectives:

- (a) to promote effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters.

The indicator to measure the achievement of this objective shall be, *inter alia*, the number of cases of trans-border cooperation.

- (b) to facilitate access to justice.

The indicator to measure the achievement of this objective shall be, *inter alia*, the European perception of access to justice.

- (c) to prevent and reduce drug demand and supply.

The indicator to measure the achievement of this objective shall be, *inter alia*, the number of cases of trans-border cooperation.

The Programme shall aim to promote equality between women and men and combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all its activities.

*Article 6*  
*Actions*

1. With a view to pursuing the objectives set out in Article 4 and Article 5, the actions of the Programme shall focus on the following areas of action:
  - (a) enhancing public awareness and knowledge of Union law and policies;
  - (b) supporting the implementation of Union law and policies in the Member States;
  - (c) promoting transnational cooperation and building up of mutual knowledge and mutual trust;
  - (d) improving the knowledge and understanding of potential issues affecting the smooth functioning of a European area of justice with a view to ensuring evidence-based policy making and legislation.
  
2. The Programme shall finance *inter alia* the following types of actions:
  - (a) analytical activities, such as collection of data and statistics; development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations and impact assessments; elaboration and publication of guides, reports and educational material; monitoring and assessment of the transposition and application of Union legislation and of the implementation of Union policies; workshops, seminars, experts meetings, conferences;
  - (b) training activities for members of the judiciary and judicial staff, such as staff exchanges, workshops, seminars, train-the-trainer events, development of online or other training modules;
  - (c) mutual learning, cooperation, awareness raising and dissemination activities, such as identification of, and exchanges on, good practices, innovative approaches and experiences, organisation of peer review and mutual learning; organisation of conferences and seminars; organisation of awareness-raising and information campaigns, media campaigns and events, including corporate communication of the political priorities of the European Union; compilation and publication of materials to disseminate information as well as results of the Programme; development, operation and maintenance of systems and tools using information and communication technologies;
  - (d) support for main actors, such as support for Member States when implementing Union law and policies; support for key European level networks whose activities are linked to

the implementation of the objectives of the Programme; networking among specialised bodies and organisations, national, regional and local authorities at European level; funding of experts' networks; funding of European level observatories.

*Article 7*  
*Participation*

1. Access to the Programme shall be open to all public and/or private bodies and entities legally established in:
  - (a) Member States;
  - (b) EFTA countries which are party to the EEA Agreement, in accordance with the conditions laid down in the EEA Agreement;
  - (c) accession countries, candidate countries and potential candidates, in accordance with the general principles and the general terms and conditions laid down in the framework agreements concluded with them on their participation in Union programmes;
  - (d) Denmark, on the basis of an international agreement.
2. Public and/or private bodies and entities legally established in other third countries, notably countries where the European Neighbourhood Policy applies, may be associated to actions of the Programme, if this serves the purpose of these actions.
3. Under the Programme, the Commission may cooperate with international organisations active in the areas covered by the Programme, such as the Council of Europe, the United Nations and the Hague Conference on Private International Law. Access to the Programme shall be open to those international organisations.

*Article 8*  
*Budget*

1. The financial envelope for the implementation of the Programme shall be EUR 472 million.
2. The financial allocation of the Programme may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of the Programme and the achievement of its objectives; in particular, studies, meetings of experts, information and communication actions, including corporate communication of the political priorities of the European Union, as far as they are related to the general objectives of this Regulation, expenses linked to IT networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the Programme.
3. The budgetary authority shall authorise the available annual appropriations within the limits of the Multiannual Financial Framework established by Council Regulation (EU, Euratom) No XX/XX of XX laying down the multiannual financial framework for the years 2014-2020.

*Article 9*  
*Implementing measures*

1. The Commission shall implement the Union financial support in accordance with Regulation (EU, Euratom) No XX/XX of XX on the financial rules applicable to the annual budget of the European Union.
2. In order to implement the Programme, the Commission shall adopt annual work programmes in the form of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 10(2).
3. The annual work programmes shall set out the measures needed for their implementation, the priorities of calls for proposals and all other elements required by Regulation (EU, Euratom) No XX/XX of XX on the financial rules applicable to the annual budget of the European Union.

*Article 10*  
*Committee procedure*

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

*Article 11*  
*Complementarity*

1. The Commission, in cooperation with the Member States, shall ensure overall consistency, complementarity and synergies with other Union instruments, *inter alia*, with the Rights and Citizenship Programme, the Instrument for financial support for police cooperation, crime prevention and the fight against cross-border, serious and organised crime, the Health for Growth Programme, the Erasmus for all Programme, the Horizon 2020 Framework Programme and the Instrument for Pre-accession Assistance.
2. The programme may share resources with other Union instruments, in particular the Rights and Citizenship Programme, in order to implement actions meeting the objectives of both programmes. An action for which funding has been awarded from the Programme may also give rise to the award of funding from the Rights and Citizenship Programme, provided that the funding does not cover the same cost items.

*Article 12*  
*Protection of the financial interests of the Union*

1. The Commission shall take appropriate measures ensuring that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by

effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and deterrent penalties.

2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds under the Programme.

The European Anti-fraud Office (OLAF) may carry out on-the-spot checks and inspections on economic operators concerned directly or indirectly by such funding in accordance with the procedures laid down in Regulation (Euratom, EC) No 2185/96 with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract concerning Union funding.

Without prejudice to the first and second sub-paragraphs, cooperation agreements with third countries and international organisations and grant agreements and grant decisions and contracts resulting from the implementation of this Regulation shall expressly empower the Commission, the Court of Auditors and OLAF to conduct such audits, on-the-spot checks and inspections.

### *Article 13* *Monitoring and evaluation*

1. The Commission shall monitor the Programme regularly in order to follow the implementation of actions carried out under it in the areas of actions referred to in Article 6 (1) and the achievement of the specific objectives referred to in Article 5. The monitoring will also provide a means of assessing the way in which gender equality and anti-discrimination issues have been addressed across the programme's activities. Where relevant, indicators should be disaggregated by sex, age and disability.
2. The Commission shall provide the European Parliament and the Council with:
  - (a) an interim evaluation report, by mid-2018 at the latest;
  - (b) an ex-post evaluation report.
3. The interim evaluation shall report on the achievement of the Programme's objectives, the efficiency of the use of resources and the Programme's European added value with a view to determining whether funding in areas covered by the Programme shall be renewed, modified or suspended after 2020. It shall also address the scope for any simplification of the Programme, its internal and external coherence, as well as the continued relevance of all objectives and actions. It shall take into account the results of the ex-post evaluations of the programmes mentioned in Article 14.
4. The ex-post evaluation shall report on the longer-term impact of the Programme and on the sustainability of effects of the Programme, with a view to feed into a decision on a subsequent programme.

*Article 14*  
*Transitional measures*

Actions which are initiated before 1 January 2014 on the basis of Decision 1149/2007/EC, Decision 2007/126/JHA or Decision 1150/2007/EC shall continue to be governed by the provisions of those Decisions, until their completion. In respect of those actions, reference to the Committees provided for in Article 10 and 11 of Decision 1149/2007/EC, in Article 9 of Decision 2007/126/JHA and in Article 10 of Decision 1150/2007/EC shall be interpreted as references to the Committee provided for in Article 10 of this Regulation.

*Article 15*  
*Entry into force*

This Regulation shall enter into force on the 20<sup>th</sup> day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*



## ANNEX

### LEGISLATIVE FINANCIAL STATEMENT

#### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned in the ABM/ABB structure
- 1.3. Nature of the proposal/initiative
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## LEGISLATIVE FINANCIAL STATEMENT

### 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

#### 1.1. Title of the proposal/initiative

Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme

#### 1.2. Policy area(s) concerned in the ABM/ABB structure<sup>23</sup>

Title 33 - Justice

#### 1.3. Nature of the proposal/initiative

- The proposal/initiative relates to **a new action**
- The proposal/initiative relates to **a new action following a pilot project/preparatory action**<sup>24</sup>
- The proposal/initiative relates to **the extension of an existing action**
- The proposal/initiative relates to **an action redirected towards a new action**

#### 1.4. Objectives

##### 1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

The Programme aims to contribute to the creation of a European area of freedom, security and justice, and in particular of a European area of justice, by promoting judicial cooperation in civil and criminal matters. A well-functioning area of justice, where obstacles in cross-border judicial proceedings are eliminated, will also support and promote the specific objectives and flagship initiatives of the Europe 2020 Strategy.

##### 1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

###### Specific objectives

To achieve the general objective of contributing to the creation of a European area of justice, the Programme has the following specific objectives:

- (a) to promote effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters;
- (b) to facilitate access to justice;

<sup>23</sup> ABM: Activity-Based Management – ABB: Activity-Based Budgeting.  
<sup>24</sup> As referred to in Article 49(6)(a) or (b) of the Financial Regulation.

(c) to prevent and reduce drug demand and supply.

ABM/ABB activity(ies) concerned

ABB 33 03 and 33 04.

1.4.3. *Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

The proposal will contribute to the enforcement of the acquis, allowing citizens and businesses in the Union to fully benefit from the existing legislation. They will be better aware of their rights, and Member States and stakeholders will have better tools to exchange information on best practices and to cooperate with each other. The effects of the proposal on beneficiaries/target groups is described in more detail in Section 4.1.2 of the Impact Assessment.

In addition, the changes to the funding programmes proposed will have a clear beneficial effect on the processes under which financial support will be managed. This would start from an integrated approach across the programmes in the applications processes, the documentation required and the IT-systems to be used. This in itself will constitute a concrete time-saving as many stakeholders which are active in fields covered by several of the current generations of programmes, would no longer have to address diverging requirements and could concentrate more on developing strong proposals from a content and quality point of view.

Furthermore, with a harmonised and streamlined single project selection process, the delays between submitting applications and receiving the results would be substantially reduced and this would leave applicant organisation with a shorter interval of uncertainty. This would bring the further added advantage of projects starting much shorter after their conception and therefore would respond much more effectively to the concrete needs they seek to address in line with Union policy priorities

1.4.4. *Indicators of results and impact*

*Specify the indicators for monitoring implementation of the proposal/initiative.*

The indicators to measure the achievement of the above-mentioned specific objectives, shall be, *inter alia*, the number of cases of trans-border cooperation for (a) and (c) and the European perception of access to justice for (b).

DG Justice does not have enough information about the current situation to establish meaningful long- or medium-term targets, but before implementation of the programme starts, DG Justice will try to collect more information on the current situation so that milestones and targets can be set.

## 1.5. Grounds for the proposal/initiative

### 1.5.1. Requirement(s) to be met in the short or long term

Whereas legislation is a key tool to implement the Union's objectives in the area of Justice, it needs to be complemented by other means. In this context, funding has an important role to play. In particular, funding should enhance the effectiveness of legislation by increasing knowledge, awareness and capacity of citizens, professionals and stakeholders, through supporting:

Information and public awareness raising, including support for national and European campaigns to inform people of their rights, as guaranteed under Union law, and how to enforce them in practice;

Training and capacity building for legal professionals (such as judges and prosecutors) and other practitioners, to equip them with the tools to effectively put Union rights and policies into practice.

Funding also has a central role in promoting cooperation at transnational level and developing mutual trust, through:

Strengthening networks, i.e. Union-wide organisations to assist with the preparation of future initiatives in this area, as well as to promote their consistent implementation across Europe;

Cross-border cooperation on enforcement, for example establishing missing child alert systems, coordination of operational and cross-border anti-drug cooperation.

Additionally, funding should support:

Research, analysis and other support activities, to provide to the legislator clear and detailed information on the problems and the situation on the ground. The results of these activities feed into the development and the implementation of Union policies and ensure that they are evidence-based, well targeted and well structured.

### 1.5.2. Added value of EU involvement

Funding covered by the Justice Programme concentrates on activities where the Union's intervention can bring additional value compared to action of Member States alone. Activities covered by this Regulation contribute to the effective application of the *acquis* by developing mutual trust between Member States, increasing cross-border cooperation and networking and achieving correct, coherent and consistent application of Union law across the Union. Only action at Union level can provide coordinated activities that can reach all Union Member States. The European Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning. Without Union support, stakeholders would tend to address similar problems in a fragmented and disconnected way. Collaboration and networking between them will lead to the dissemination of best practices, in particular innovative and integrated approaches in different Member States. The participants in these activities will then act as multipliers in their respective professional activities and disseminate wider the best practices within their Member State.

A sound analytical basis for the support and the development of policies will be supported. European Union intervention allows for these activities to be pursued consistently across the Union and brings economies of scale. Funding at national level would not provide the same results, but only a fragmented and limited approach not covering the needs of the European Union as a whole.

1.5.3. *Lessons learned from similar experiences in the past*

The mid-term evaluations carried out for the current programmes in the area of justice have confirmed the overall effectiveness of the programmes, but they have also identified a number of problems such as a dilution of funds ('saupoudrage') amongst many small-scale projects with limited impact. Despite the fact that funding is allocated to a multitude of projects, there is no balanced geographical spread among the organisations which receive funding. The mid-term evaluations agree that more should be done to improve the dissemination and exploitation of results and outputs of the funded activities. Improvement in dissemination goes hand in hand with improvement in the evaluation and monitoring. The mid-term evaluations and the public consultation highlighted in terms of efficiency the complex and bureaucratic procedures that the applicants are facing. From an administrative point of view the multiplication of procedures for the different programmes imposes a high administrative burden on the Commission. The multiplication of procedures and the high administrative burden contribute to increasing the length of procedures. Merging the programmes would address this issue and create synergies between the programmes.

1.5.4. *Coherence and possible synergy with other relevant instruments*

The Programme will seek synergies, consistency and complementarities with other Union instruments, *inter alia* with the programmes in the areas of home affairs, health and consumers, education and research. Duplication with activities under these other programmes will be avoided, and resources may be shared between the Justice programme and the Rights and Citizenship Programme to achieve common objectives.

## 1.6. Duration and financial impact

- Proposal/initiative of **limited duration**
  - Proposal/initiative in effect from 01/01/2014 to 31/12/2020
  - Financial impact from 2014 to 2020 and further
- Proposal/initiative of **unlimited duration**
  - Implementation with a start-up period from YYYY to YYYY,
  - followed by full-scale operation.

## 1.7. Management mode(s) envisaged<sup>25</sup>

- Centralised direct management** by the Commission
- Centralised indirect management** with the delegation of implementation tasks to:
  - executive agencies
  - bodies set up by the Communities<sup>26</sup>
  - national public-sector bodies/bodies with public-service mission
  - persons entrusted with the implementation of specific actions pursuant to Title V of the Treaty on European Union and identified in the relevant basic act within the meaning of Article 49 of the Financial Regulation
- Shared management** with the Member States
- Decentralised management** with third countries
- Joint management** with international organisations (*as specified below*)

*If more than one management mode is indicated, please provide details in the "Comments" section.*

### Comments

The possibility to use an existing executive agency for the full or partial implementation of the Programme is provided for in the Explanatory Memorandum. At this stage, no decision has been taken in this regard, and no cost/benefit analysis has been carried out, but the option should be kept open.

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<sup>25</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: [http://www.cc.cec/budg/man/budgmanag/budgmanag\\_en.html](http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html)

<sup>26</sup> As referred to in Article 185 of the Financial Regulation.

Joint management is another option that is not used at the moment, but could be envisaged in the future. This concerns in particular the international organisations named in Article 7(2): Council of Europe, United Nations and the Hague Conference on Private International Law.

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

The proposal includes monitoring and evaluation obligations. Achievement of the specific objectives will be monitored on the basis of the indicators contained in the proposal; on an annual basis.

Furthermore, an interim evaluation report on the achievement of the Programme's objectives, the efficiency of the use of resources and its European added value will be provided by the Commission by mid-2018 at the latest. An ex post evaluation on the longer-term impacts and the sustainability of the effects of the Programme will be provided after the end of the Programme.

### **2.2. Management and control system**

#### **2.2.1. Risk(s) identified**

DG Justice has not been facing important risks of errors in its spending programmes. This is confirmed by the recurrent absence of significant findings in the annual reports of the Court of Auditors as well as by the absence of residual error rate above 2% in the past years in DG Justice's (and former DG JLS) annual activity reports (with one single exception for the Daphne programme in 2009).

The main risks identified are the following:

- Risk of poor quality of selected projects and poor technical implementation of the project, reducing the programmes' impact; due to inadequate selection procedures, lack of expertise or insufficient monitoring;
- Risk of inefficient or non-economic use of funds awarded, both for grants (complexity of reimbursing actual eligible costs coupled with limited possibilities to check eligible costs at the desk) and for procurement (sometimes limited number of economic providers with the required specialist knowledge entailing insufficient possibilities to compare price offers);
- Risk relating to the capacity of (especially) smaller organisations to effectively control expenditure as well as to ensure the transparency of operations carried out;
- Reputational risk for the Commission, if fraud or criminal activities are discovered; only partial assurance can be drawn from the third parties' internal control systems due to the rather large number of heterogeneous contractors and beneficiaries, each operating their own control system, often rather small in size.

Most of these risks are expected to be reduced thanks to a better targeting of proposals and the use of simplified elements included in the Triennial revision of the Financial Regulation.



## 2.2.2. Control method(s) envisaged

### Description of internal control system

The control system envisaged for the future programme is a continuation of the current control system. It is composed of different building blocks: supervision of operations by the Programme Management Unit, the ex-ante control (financial verification) by the central Budget and Control Unit, the internal procurement committee (JPC), the ex-post controls for grants and the audits from the Internal Audit Capacity and/or the Internal Audit Service.

All transactions are subject to an ex ante verification by the Programme Management Unit and a financial verification by the Budget and Control Unit (except for low-risk prefinancings). For grants, cost claims are verified thoroughly, and supporting documents are requested when deemed necessary, based on a risk assessment. All open and restricted procurement procedures and all negotiated procedures above € 60.000 are submitted to the internal procurement committee for checks before the award decision is adopted.

The ex-post control sector applies a "detection strategy" aimed at detecting a maximum of anomalies in view of recovering undue payments. Based on this strategy, the audits are carried out on a sample of projects selected almost entirely on the basis of a risk analysis.

### Costs and benefits of controls

We estimate that between 50 and 70% of all staff involved in the management of the current financial programmes performs control functions in a broad sense (from the selection of beneficiaries/contractors to the implementation of audit results). This corresponds to a range between EUR 2,1 million (50% of 2014 Human resource costs set out in Section 3.2.3) and EUR 3,2 million (70% of 2020 Human resource costs set out in Section 3.2.3) In addition, externalisation of ex post audits produce costs in the range of between €75.000 and 100.000 per year, which are financed from administrative support appropriations. These costs represent between 6 and 3% of the total budget of the Programme, decreasing over the seven year period, due to the fact that the annual appropriations increase substantially between 2014 and 2020, whereas the costs of control remain quite stable.

Thanks to this combination of ex-ante and ex-post controls as well as desk checks and on-site audits, in the past years the quantifiable average residual error rate was lower than 2%, with one exception for the Daphne programme in 2009, where the error rate rose slightly above 2%. This was addressed the year after via an increase of ex post controls on the spot. These controls have detected and corrected the remaining errors in this population. Therefore, the internal control system as well as its cost is deemed adequate in DG Justice to achieve the objective of a low error rate.

However, within this framework, DG Justice will continue to explore possibilities to enhance the management and to increase simplification. With the reduction of the number of programmes, harmonised rules and procedures will apply, reducing the risk of error. In addition, the simplification tools made available in the Triennial revision of the Financial Regulation will be used as much as possible as it is expected that they will contribute to the reduction of administrative burden for beneficiaries and thus represent a simultaneous reduction of risks of error and of administrative burden for the Commission.

### Summary of nature and intensity of (current) controls.

| Summary of controls   | Amount MEUR | Number of beneficiaries/ transactions (% of total)   | Depth *(assessment 1-4)                    | Coverage (% of Value)  |
|---|-------------|--|--|--|
| Ex ante controls on all financial transactions                        | N/A         | 100%   | 1-4, based on risk and type of transaction | 100%   |
| Justice Procurement Committee controls on procurement award decisions | N/A         | 100% of procurement procedures above 125.000 € and of negotiated procedures above 60.000 € | 4  | 100% of procurement procedures above 125.000 € and of negotiated procedures above 60.000 € |
| Ex post controls on grants final payments                             | N/A         | At least 10%   | 4  | Between 5 and 10%  |

\*Depth of controls:

1. Minimal administrative/ arithmetic control with no reference to supporting documents
2. Control with reference to corroborative information incorporating an element of independent oversight (e.g. audit certificate or other verification), but no reference to underlying documents.
3. Control with reference to fully independent corroborative information (e.g., database which justifies certain elements of the claim, 3<sup>rd</sup> party or Commission assessment of milestones achieved, etc.)
4. Control with reference to and including access to the underlying documentation that is available at the stage of the process in question, for all inputs and outputs (e.g. timesheets, invoices, physical verification, etc.); i.e. control of the same intensity of transaction testing as those carried out by the ECA as part of the DAS.

### 2.3. Measures to prevent fraud and irregularities

*Specify existing or envisaged prevention and protection measures.*

Different measures are or will be put in place for the future Justice Programme to prevent fraud and irregularities. The proposal contains in its Article 12 a provision on the protection of the financial interests of the European Union. In line with the Commission Anti-fraud strategy (CAFS), adopted in June 2011, DG Justice is devising an anti-fraud strategy covering the whole expenditure cycle, having regard to the proportionality and cost-benefit of the measures to be implemented. This strategy is based on two pillars: prevention, based on effective checks, and appropriate response, if fraud or irregularities are detected, consisting in the recovery of amounts wrongly paid and where appropriate, by effective, proportionate and deterrent penalties. The anti-fraud strategy describes the system of ex ante and ex post checks,

based on a system of red flags, and specifies the procedures to be followed by staff when fraud or irregularities are detected. It also provides information on the working arrangements with OLAF.

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- New budget lines requested

*In order of multiannual financial framework headings and budget lines.*

| Heading of multiannual financial framework | Budget line                          | Type of expenditure | Contribution        |                          |                      |   |
|--|--------------------------------------|---------------------|---------------------|--------------------------|----------------------|---|
|  | Number<br>[Heading.....]             | Diff./non-diff.     | from EFTA countries | from candidate countries | from third countries | within the meaning of Article 18(1)(aa) of the Financial Regulation |
| [3...]                                     | [33 01 04.YY]<br>[Justice Programme] | [Non diff...]       | YES                 | YES                      | YES <sup>27</sup>    | NO  |
| [3...]                                     | [33 YY YY YY]<br>[Justice Programme] | [Diff...]           | YES                 | YES                      | YES                  | NO  |
|  |                                      |                     |                     |                          |                      |   |

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<sup>27</sup> Possibly DK

### 3.2. Estimated impact on expenditure

#### 3.2.1. Summary of estimated impact on expenditure

EUR million (to 3 decimal places)

|  |        |  |
|--|--------|--|
| <b>Heading of multiannual financial framework:</b> | Number | [Heading 3 – Security and citizenship] |
|--|--------|--|

| DG: Justice   |             |                 | Year 2014 <sup>28</sup> | Year 2015 | Year 2016 | Year 2017 | Year 2018 | Year 2019 | Year 2020 | Post 2020 | TOTAL |
|---|-------------|-----------------|-------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------|
| • Operational appropriations  |             |                 |                         |           |           |           |           |           |           |           |       |
| Number of budget line- 33 xx xx   | Commitments | (1)             | 45,800                  | 52,800    | 59,300    | 66,300    | 73,800    | 80,800    | 84,800    |           | 463,6 |
|   | Payments    | (2)             | 18,300                  | 30,400    | 43,600    | 53,700    | 64,400    | 71,500    | 77,100    | 104,600   | 463,6 |
| Appropriations of an administrative nature financed from the envelope for specific programmes <sup>29</sup> |             |                 |                         |           |           |           |           |           |           |           |       |
| Number of budget line 33 01 04 yy*  |             | (3)             | 1,200                   | 1,200     | 1,200     | 1,200     | 1,200     | 1,200     | 1,200     |           | 8,4   |
| <b>TOTAL appropriations for DG JUSTICE</b>  | Commitments | =1+1<br>a +3    | 47,000                  | 54,000    | 60,500    | 67,500    | 75,000    | 82,000    | 86,000    |           | 472,0 |
|   | Payments    | =2+2<br>a<br>+3 | 19,500                  | 31,600    | 44,800    | 54,900    | 65,600    | 72,700    | 78,300    | 104,600   | 472,0 |

The Commission may envisage (partially) externalising the implementation of the Programme to existing executive agencies. Amounts and imputations will be adjusted if necessary according to the results of the externalisation process.

<sup>28</sup> Year N is the year in which implementation of the proposal/initiative starts.

<sup>29</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.

|   |             |       |        |        |        |        |        |        |        |         |              |
|---|-------------|-------|--------|--------|--------|--------|--------|--------|--------|---------|--------------|
| • TOTAL operational appropriations  | Commitments | (4)   | 45,800 | 52,800 | 59,300 | 66,300 | 73,800 | 80,800 | 84,800 |         | <b>463,6</b> |
|   | Payments    | (5)   | 18,300 | 30,400 | 43,600 | 53,700 | 64,400 | 71,500 | 77,100 | 104,600 | <b>463,6</b> |
| • TOTAL appropriations of an administrative nature financed from the envelope for specific programmes |             | (6)   | 1,200  | 1,200  | 1,200  | 1,200  | 1,200  | 1,200  | 1,200  |         | <b>8,4</b>   |
| <b>TOTAL appropriations under HEADING 3</b><br>of the multiannual financial framework                 | Commitments | =4+ 6 | 47,000 | 54,000 | 60,500 | 67,500 | 75,000 | 82,000 | 86,000 |         | <b>472,0</b> |
|   | Payments    | =5+ 6 | 19,500 | 31,600 | 44,800 | 54,900 | 65,600 | 72,700 | 78,300 | 104,600 | <b>472,0</b> |

|  |          |                                |
|--|----------|--------------------------------|
| <b>Heading of multiannual financial framework:</b> | <b>5</b> | " Administrative expenditure " |
|--|----------|--------------------------------|

EUR million (to 3 decimal places)

|                                    | Year<br>2014   | Year<br>2015 | Year<br>2016 | Year<br>2017 | Year<br>2018 | Year<br>2019 | Year<br>2020 | Post 2020 | TOTAL         |
|------------------------------------|----------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|---------------|
| DG: JUSTICE                        |                |              |              |              |              |              |              |           |               |
| • Human resources                  | 4,185          | 4,247        | 4,165        | 4,254        | 4,344        | 4,433        | 4,522        |           | <b>30,150</b> |
| • Other administrative expenditure | 0,054          | 0,055        | 0,056        | 0,057        | 0,059        | 0,060        | 0,061        |           | <b>0,402</b>  |
| <b>TOTAL DG JUSTICE</b>            | <b>4,239</b>   | <b>4,302</b> | <b>4,221</b> | <b>4,311</b> | <b>4,403</b> | <b>4,493</b> | <b>4,583</b> |           | <b>30,552</b> |
|                                    | Appropriations |              |              |              |              |              |              |           |               |

|  |                                      |       |       |       |       |       |       |       |  |               |
|--|--------------------------------------|-------|-------|-------|-------|-------|-------|-------|--|---------------|
| <b>TOTAL appropriations under HEADING 5 of the multiannual financial framework</b> | (Total commitments = Total payments) | 4,239 | 4,302 | 4,221 | 4,311 | 4,403 | 4,493 | 4,583 |  | <b>30,552</b> |
|--|--------------------------------------|-------|-------|-------|-------|-------|-------|-------|--|---------------|

EUR million (to 3 decimal places)

|  | Year<br>2014 | Year<br>2015 | Year<br>2016 | Year<br>2017 | Year<br>2018 | Year<br>2019 | Year<br>2020 | Post 2020 | TOTAL   |                |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------|---------|----------------|
| <b>TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework</b> | Commitments  | 51,239       | 58,302       | 64,721       | 71,811       | 79,403       | 86,493       | 90,583    |         | <b>502,552</b> |
|  | Payments     | 23,739       | 35,902       | 49,021       | 59,211       | 70,003       | 77,193       | 82,883    | 104,600 | <b>502,552</b> |

### 3.2.2. *Estimated impact on operational appropriations*

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below. It is not possible for DG Justice to provide an exhaustive list of all outputs to be delivered by means of the financial intervention under the programme, their average costs and numbers, as requested by this section. There are no statistical tools at the moment allowing to produce average costs on the basis of the current programmes, and such a precise definition would be contrary to the principle that the future programme should provide enough flexibility to cater for political priorities between 2014-2020. However, this is a (non-exhaustive) list of outputs that are expected:
  - Number of persons in target group reached by awareness-raising activities;
  - Number of members of the judiciary and judicial staff in target group trained.
  - Number of legal practitioners participating inter alia in networking, exchanges, study visits;
  - Number of cases of trans-border cooperation, including via the use of IT tools and European procedures.
  - Policy initiatives designed on the basis of evaluations, impact assessments and drawing on comprehensive stakeholders' and experts' consultations;
  - Number of evaluations and impact assessments carried out as a result of the implementation of the programme.



Commitment appropriations in EUR million (to 3 decimal places)

| Indicate objectives and outputs<br><br>↓  |                              |                            | Year 2014         | Year 2015 | Year 2016         | Year 2017 | Year 2018         | Year 2019 | Year 2020         | TOTAL |                   |      |                   |      |                   |      |                         |            |
|---|------------------------------|----------------------------|-------------------|-----------|-------------------|-----------|-------------------|-----------|-------------------|-------|-------------------|------|-------------------|------|-------------------|------|-------------------------|------------|
|   | OUTPUTS                      |                            |                   |           |                   |           |                   |           |                   |       |                   |      |                   |      |                   |      |                         |            |
|   | Type of output <sup>30</sup> | Average cost of the output | Number of outputs | Cost      | Number of outputs | Cost      | Number of outputs | Cost      | Number of outputs | Cost  | Number of outputs | Cost | Number of outputs | Cost | Number of outputs | Cost | Total number of outputs | Total cost |
| SPECIFIC OBJECTIVE No 1 <sup>31</sup> ... |                              |                            |                   |           |                   |           |                   |           |                   |       |                   |      |                   |      |                   |      |                         |            |
| - Output                                  |                              |                            |                   |           |                   |           |                   |           |                   |       |                   |      |                   |      |                   |      |                         |            |
| - Output                                  |                              |                            |                   |           |                   |           |                   |           |                   |       |                   |      |                   |      |                   |      |                         |            |
| - Output                                  |                              |                            |                   |           |                   |           |                   |           |                   |       |                   |      |                   |      |                   |      |                         |            |
| Sub-total for specific objective N°1      |                              |                            |                   |           |                   |           |                   |           |                   |       |                   |      |                   |      |                   |      |                         |            |
| SPECIFIC OBJECTIVE No 2...                |                              |                            |                   |           |                   |           |                   |           |                   |       |                   |      |                   |      |                   |      |                         |            |
| - Output                                  |                              |                            |                   |           |                   |           |                   |           |                   |       |                   |      |                   |      |                   |      |                         |            |
| Sub-total for specific objective N°2      |                              |                            |                   |           |                   |           |                   |           |                   |       |                   |      |                   |      |                   |      |                         |            |
| <b>TOTAL COST</b>                         |                              |                            |                   |           |                   |           |                   |           |                   |       |                   |      |                   |      |                   |      |                         |            |

<sup>30</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).  
<sup>31</sup> As described in Section 1.4.2. "Specific objective(s)..."

### 3.2.3. Estimated impact on appropriations of an administrative nature

#### 3.2.3.1. Summary

- The proposal/initiative does not require the use of administrative appropriations
- The proposal/initiative requires the use of administrative appropriations, as explained below:

EUR million (to 3 decimal places)

|  | Year 2014 <sup>32</sup> | Year 2015 | Year 2016 | Year 2017 | Year 2018 | Year 2019 | Year 2020 | TOTAL |
|--|-------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-------|
|--|-------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-------|

| <b>HEADING 5 of the multiannual financial framework</b>          |              |              |              |              |              |              |              |               |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| Human resources  | 4,185        | 4,247        | 4,165        | 4,254        | 4,344        | 4,433        | 4,522        | <b>30,150</b> |
| Other administrative expenditure                                 | 0,054        | 0,055        | 0,056        | 0,057        | 0,059        | 0,060        | 0,061        | <b>0,402</b>  |
| <b>Subtotal HEADING 5 of the multiannual financial framework</b> | <b>4,239</b> | <b>4,302</b> | <b>4,221</b> | <b>4,311</b> | <b>4,403</b> | <b>4,493</b> | <b>4,583</b> | <b>30,552</b> |

| <b>Outside HEADING 5<sup>33</sup> of the multiannual financial framework</b> |              |              |              |              |              |              |              |              |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Human resources  |              |              |              |              |              |              |              |              |
| Other expenditure of an administrative nature                                | 1,200        | 1,200        | 1,200        | 1,200        | 1,200        | 1,200        | 1,200        | <b>8,400</b> |
| <b>Subtotal outside HEADING 5 of the multiannual financial framework</b>     | <b>1,200</b> | <b>1,200</b> | <b>1,200</b> | <b>1,200</b> | <b>1,200</b> | <b>1,200</b> | <b>1,200</b> | <b>8,400</b> |

|              |              |              |              |              |              |              |              |               |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| <b>TOTAL</b> | <b>5,439</b> | <b>5,502</b> | <b>5,421</b> | <b>5,511</b> | <b>5,603</b> | <b>5,693</b> | <b>5,783</b> | <b>38,952</b> |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|

The Commission may envisage (partially) externalising the implementation of the Programme to existing executive agencies. Amounts and imputations will be adjusted if necessary according to the results of the externalisation process.

<sup>32</sup> Year N is the year in which implementation of the proposal/initiative starts.

<sup>33</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.

### 3.2.3.2. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources
- The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

|   | Year<br>2014                    | Year<br>2015 | Year<br>2016 | Year<br>2017 | Year<br>2018 | Year<br>2019 | Year<br>2020 |
|---|---------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>Establishment plan posts (officials and temporary agents, in Full Time Equivalent unit: FTE)</b> |                                 |              |              |              |              |              |              |
| 33 01 01 01 (Headquarters and Commission's Representation Offices)                                  | 30,75                           | 30,75        | 29,75        | 29,75        | 29,75        | 29,75        | 29,75        |
| XX 01 01 02 (Delegations)   |                                 |              |              |              |              |              |              |
| XX 01 05 01 (Indirect research)   |                                 |              |              |              |              |              |              |
| 10 01 05 01 (Direct research)   |                                 |              |              |              |              |              |              |
| <b>External personnel (in Full Time Equivalent unit: FTE)<sup>34</sup></b>                          |                                 |              |              |              |              |              |              |
| 33 01 02 01 (CA, INT, SNE from the "global envelope")   | 0,5                             | 0,5          | 0            | 0            | 0            | 0            | 0            |
| XX 01 02 02 (CA, INT, JED, LA and SNE in the delegations)   |                                 |              |              |              |              |              |              |
| XX 01 04 yy <sup>35</sup>   | - at Headquarters <sup>36</sup> |              |              |              |              |              |              |
|   | - in delegations                |              |              |              |              |              |              |
| XX 01 05 02 (CA, INT, SNE - Indirect research)  |                                 |              |              |              |              |              |              |
| 10 01 05 02 (CA, INT, SNE - Direct research)  |                                 |              |              |              |              |              |              |
| Other budget lines (specify)  |                                 |              |              |              |              |              |              |
| <b>TOTAL</b>  | <b>31,25</b>                    | <b>31,25</b> | <b>29,75</b> | <b>29,75</b> | <b>29,75</b> | <b>29,75</b> | <b>29,75</b> |

**33** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints. Amounts and imputations will be adjusted depending on the results of the envisaged externalisation process.

Description of tasks to be carried out:

|                         |   |
|-------------------------|---|
| Officials and temporary | The tasks to be carried out comprise all tasks necessary to the |
|-------------------------|---|

<sup>34</sup> CA= Contract Agent; INT= agency staff ("Intérimaire"); JED= "Jeune Expert en Délégation" (Young Experts in Delegations); LA= Local Agent; SNE= Seconded National Expert;

<sup>35</sup> Under the ceiling for external personnel from operational appropriations (former "BA" lines).

<sup>36</sup> Essentially for Structural Funds, European Agricultural Fund for Rural Development (EAFRD) and European Fisheries Fund (EFF).

|                    |  |
|--------------------|--|
| agents             | <p>management of a financial programme, such as:</p> <ul style="list-style-type: none"> <li>- providing input to the budgetary procedure;</li> <li>- preparing annual work programmes/financing decisions, establishing annual priorities;</li> <li>- managing calls for proposals and calls for tenders and the subsequent selection procedures;</li> <li>- communicating with stakeholders (potential/actual beneficiaries, Member States, etc);</li> <li>- managing projects, operationally and financially;</li> <li>- performing controls, as described above (ex ante verification, procurement committee, ex post audits, internal audit) ;</li> <li>- accounting;</li> <li>- developing and managing grant management IT tools;</li> <li>- monitoring and reporting on achievement of objectives , including in AAR and AOS reports</li> </ul> |
| External personnel | <p>The tasks are similar to those of officials and temporary agents, except for tasks that cannot be fulfilled by external personnel</p>   |

#### 3.2.4. *Compatibility with the current multiannual financial framework*

- Proposal/initiative is compatible the *next* multiannual financial framework.
- Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

- Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework<sup>37</sup>.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

#### 3.2.5. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties
- The proposal/initiative provides for the co-financing estimated below:

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<sup>37</sup> See points 19 and 24 of the Interinstitutional Agreement.

Estimated impact on revenue

- Proposal/initiative has no financial impact on revenue.
- Proposal/initiative has the following financial impact:
  - on own resources
  - on miscellaneous revenue

EUR million (to 3 decimal places)

| Budget revenue line: | Appropriations available for the ongoing budget year | Impact of the proposal/initiative <sup>38</sup> |           |           |           |           |           |           |
|----------------------|--|---|-----------|-----------|-----------|-----------|-----------|-----------|
|                      |  | Year 2014                                       | Year 2015 | Year 2016 | Year 2017 | Year 2018 | Year 2019 | Year 2020 |
| Article 6xxxx.....   |  |   |           |           |           |           |           |           |

For miscellaneous assigned revenue, specify the budget expenditure line(s) affected.

[33 yyyyyy...] Revenue line

Specify the method for calculating the impact on revenue.

The revenues are not known at this stage and will depend on the participation of candidate countries to the programme.

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<sup>38</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25% for collection costs.