

General Programme "Fundamental rights and justice": specific programme "Civil Justice", 2007-2013

2005/0040(COD) - 25/09/2007 - Final act

PURPOSE: to establish for the period 2007-2013 the Specific Programme "**Civil Justice**" as part of the General Programme "Fundamental Rights and Justice".

LEGISLATIVE ACT: Decision No 1149/2007/EC of the European Parliament and of the Council establishing for the period 2007-2013 the Specific Programme "Civil Justice" as part of the General Programme "Fundamental Rights and Justice".

BACKGROUND: the framework programmes in the area of Justice, Freedom and Security, under the [new Financial Perspectives 2007-2013](#) have been established to provide coherent support to an area of freedom, security and justice under the financial perspectives 2007 - 2013. 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 the three key objectives is supported by a Framework programme underpinning and linking each policy area. This structure represents a major simplification and rationalisation of existing financial support.

The three framework programmes are:

- 1) "Fundamental rights and Justice" which includes 5 specific measures: i) "[Fundamental rights and citizenship](#)"; ii) "[Civil justice](#)" which is the subject of the present proposal; iii) "[Criminal justice](#)"; iv) "[Daphne III](#)"; v) "[Drugs prevention and information](#)" which is the subject of the present proposal;
- 2) "Security and safeguarding Liberties" comprising of 2 specific programmes : i) the programme on [prevention of terrorism](#); ii) the specific programme on the "[Prevention and the fight against crime](#)";
- 3) "Solidarity and Management of Migration Flows" includes 4 specific funds: i) [the European Fund for the Integration of Third-country nationals](#); ii) [External Borders Fund](#); iii) [Refugee Fund](#); iv) [Return Fund](#).

Each of these framework programmes have been given an overall financial envelope covering the 2007-2013 period which will be broken between each specific programme, except for the Funds which have individual budgets.

The 'Fundamental Rights and Justice' Framework Programme has several specific objectives. They are:

- to promote the development of a European society based on the European Union citizenship and respectful of the fundamental rights provided for in the Charter of Fundamental Rights; to fight anti-Semitism, racism and xenophobia and to strengthen civil society in the field of fundamental rights;
- to combat all forms of public or private violence against children, young people and women;
- to contribute to the setting-up of an area of freedom, security and justice by providing information on and preventing the use of drugs;

- to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil and commercial matters;
- to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters.

As these objectives have **different legal bases in the Treaties**, the programme is composed of several separate legislative instruments. The grouping together of these complementary policy areas under the same Framework programme will not only enhance their overall coherence but will also ensure a better response to citizens' needs. It will enable new, unexpected problems to be tackled with increased flexibility.

CONTENT: this Decision, based Article 61(c) and Article 67(5) of the TEC, establishes the Specific Programme 'Civil Justice' as part of the General Programme 'Fundamental Rights and Justice', in order to contribute to the progressive establishment of the area of freedom, security and justice. It shall cover the period from 1 January 2007 to 31 December 2013.

General objectives: these are: a) to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence; b) to promote the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States; c) to improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice; d) to improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals.

Specific objectives: these are as follows:

- a) **to foster judicial cooperation in civil matters** aiming at: (i) ensuring legal certainty and improving access to justice; (ii) promoting mutual recognition of decisions in civil and commercial cases; (iii) eliminating obstacles to cross-border litigation created by disparities in civil law and civil procedures and promoting the necessary compatibility of legislation for that purpose; (iv) guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction;
- b) **to improve mutual knowledge of Member States' legal and judicial systems** in civil matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices;
- c) **to ensure the sound implementation**, the correct and concrete application and the evaluation of Community instruments in the area of judicial cooperation in civil and commercial matters;
- d) **to improve information on the legal systems** in the Member States and access to justice;
- e) **to promote the training of legal practitioners** in Union and Community law;
- f) **to evaluate the general conditions** necessary to reinforce mutual confidence, while fully respecting the independence of the judiciary;
- g) **to facilitate the operation of the [European Judicial Network](#)** in civil and commercial matters established by Council Decision 2001/470/EC.

Eligible actions: with a view to pursuing the general and specific objectives, the Programme shall support the following types of action under the conditions set out in the annual work programmes:

1. ***specific actions initiated by the Commission***, such as studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities; or
2. ***specific transnational projects of Community interest*** presented by an authority or any other body of a Member State, an international organisation or a non-governmental organisation, and involving in any case at least two Member States or at least one Member State and one other State which may be either an acceding country or a candidate country; or
3. ***the activities of non-governmental organisations*** or other entities pursuing an aim of general European interest in accordance with the general objectives of the Programme under the conditions set out in the annual work programmes; or
4. ***operating grants*** to co-finance expenditure associated with the permanent work programmes of the European Network of Councils for the Judiciary and the Network of the Presidents of the Supreme Judicial Courts of the European Union.

Target groups: the Programme is targeted at, inter alia, legal practitioners, national authorities and the citizens of the Union in general.

Access to the programme: access to the Programme shall be open to institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training institutes for legal practitioners, international organisations and NGOs of the Member States. The acceding countries, the candidate countries and the Western Balkan countries may participate. Projects may associate legal practitioners from Denmark, from candidate countries not participating in the Programme where this would contribute to their preparation for accession, or from other third countries not participating in the Programme where this serves the aim of the projects.

Implementation: the Commission shall implement the Community financial support in accordance with the Financial Regulation. To implement the Programme, the Commission shall, within the limits of the general objectives, adopt **an annual work programme** taking into account the technical expertise of the Centre. The Programme shall set out the specific objectives, thematic priorities, a description of accompanying measures and, if necessary, a list of other actions.

Complementarity: synergies and complementarity shall be sought with other Community instruments, in particular the Specific Programme '[Criminal Justice](#)' with which it will share resources as part of the General Programme 'Fundamental Rights and Justice', in order to implement actions meeting the objectives of both Programmes. Operations financed under this Decision shall not receive financial support for the same purpose from other Union or Community financial instruments.

Budgetary resources: the financial envelope for the implementation of this Decision shall be set at **EUR 109 300 000**, please refer to the financial statement). The Commission shall ensure that, when actions financed under this 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 wrongly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties.

Evaluation: the Commission shall provide the European Parliament and the Council with: an annual presentation on the implementation of the Programme; an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of the Programme not later than 31 March 2011; a Communication on the continuation of the Programme not later than 30 August 2012; and an ex-post evaluation report not later than 31 December 2014.

Territorial application: the Programme shall not apply to Denmark.

ENTRY INTO FORCE: 23 October 2007. The Programme applies from 1 January 2007.