

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

2005/0039(CNS) - 11/05/2011 - Follow-up document

This interim report covers the implementation to date of the Criminal Justice Programme 2007-2013.

This report will serve as a basis for a communication on the continuation of the programme to be drawn up not later than 30 August 2012 and provides an overview of the results obtained so far and presents the qualitative and quantitative aspects of implementation of the programme.

The evaluation analysed in particular the strengths and weaknesses of the programme and examined i) the relevance of the programme (how far the programme objectives succeed in meeting needs and resolving problems); ii) the effectiveness of the programme (how far the programme's objectives have been achieved); and iii) its efficiency (whether the effects were obtained at a reasonable cost).

Effectiveness: The report indicates that from 2007 to 2010, the Commission financed the following actions: i) development of the European e-Justice Portal, information campaigns on the Portal and feasibility studies relating to European e-Justice; ii) organisation of the Crystal Scales of Justice Prize awarded jointly by the European Commission and the Council of Europe in an effort to identify and promote innovative and effective practices either in court organisation or in the conduct of judicial proceedings in the courts; iii) organisation and regular meetings of the Justice Forum, created in 2008 to provide a mechanism for consulting the parties concerned on EU justice policies and practice; iv) studies and IT development with a view to the European interconnection of criminal records and the exchange of information between judicial authorities on previous convictions, (preparations for introducing ECRIS in 2012). Contracts were also concluded for other studies and seminars on topical issues in criminal law between 2007 and 2010.

A total of 64 contracts were signed amounting to EUR 8.3 million, out of a planned budget of EUR 13.8 million, meaning that 60% of the allocated amounts were used.

The report, however, considers that, during the period under consideration, the proportion of projects financed compared to the available budget was unsatisfactory. Several factors explain the programme's lack of effectiveness: a lack of familiarity with the programme; a level of contribution deemed to be too low and requiring too high a percentage of co-financing; over-complex implementation, leading to legal uncertainty and administrative delays. The recent upturn (2010) in the number of applications for funding is undoubtedly the result of publicity campaigns by the Commission in 2009 and 2010. It can also be attributed to the better funding terms. As regards the programme's efficiency, during the period under consideration, 11 calls for proposals were completed and 155 grants awarded, making an average of 14 grants per call for proposals. This efficiency rate is low compared with other programmes of the same size. The time lag between the decision to award the grant being taken by the authorising officer and the entry into force of the grant agreements is long (on average 5-6 months), compared with other programmes.

Main observations: the evaluation of the programme concludes that there is a need to continue this funding, insofar as the actions supported tackle specific and genuine problems and make a positive contribution to and complement the national measures implemented in this field. However, it has also identified several weaknesses that need to be addressed if European actions are to be even more effective.

In pursuit of the objective of promoting judicial cooperation, the programme should group together measures supporting cooperation in civil and criminal matters, to ensure better coordination between these two areas of law, particularly following the entry into force of the Lisbon Treaty in December 2009, which abolished the pillar structure. Other links could be considered with other DG Justice programmes, particularly Daphne and Fundamental Rights.

It is not clear from the evidence that the programme is the most appropriate instrument for supporting projects involving the purchase of equipment for interconnecting criminal records systems. Given that such projects are expensive and are national in nature, they could be funded more effectively through the Structural Funds.

The following list of **recommendations** can be drawn up on the basis of the comments in this report:

1. **European added value:** the Commission plans to encourage a debate to define this criterion more clearly and to determine how much of a role it should play in relation to national funding instruments. The European added value criterion could be given greater weight in the selection procedure.
2. **Simplification of procedures:** in order to make the programme more effective without any extra human resources, the Commission plans to continue to harmonise and simplify the guidelines (a practical guide for applicants will be updated annually), the grant application forms and the evaluation criteria. Grant applicants should also be informed clearly and in good time about the current procedures and given sufficient time to prepare their proposals. The Commission should plan to publish only one call for proposals for grants for actions every two years. It is to consider no longer using operating grants because they have not proved effective. In the interests of economies of scale, **the Commission should try to channel its financial support towards larger projects.** Lastly, in the interests of harmonisation with other DG Justice programmes and efficient management, certain tasks should be outsourced (e.g. evaluation of the award criteria).

Visibility of the programme: the programme's internet site should be improved to give it greater visibility, for example by sending messages to alert the programme's natural partners (former beneficiaries, members of the programme committee, active networks, etc.). This would be a way of disseminating more widely the results of calls for proposals, announcements of new calls and the list of organisations eligible to take part in the project. Special efforts (e.g. information sessions, FAQs) should be targeted at Member States that are under-represented in the programme (CY, DK, IR, LT, SK, SE, EE, FI, GR, LU and PL), to raise awareness about the programme and help improve the quality of the proposals. Lastly, other types of cooperation through partnership or joint management should be envisaged with organisations with an established reputation in the field, such as the Council of Europe and OECD.