Justice Programme 2014-2020

2011/0369(COD) - 15/11/2011 - Legislative proposal

PURPOSE: to establish for the period 2014-2020 the **Justice Programme** following on from the Fundamental Rights and Citizenship, Daphne III, The Sections "Antidiscrimination and Diversity" and "Gender Equality" of the Programme for Employment and Social Solidarity (PROGRESS) from 2007-2013.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: 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, 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', 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 Rights was mentioned as an example of the existing fragmentation, where action should be taken.

Within this framework and aiming at simplification and rationalisation, the Rights and Citizenship Programme is the successor of three current programmes:

- Fundamental Rights and Citizenship,
- Daphne III,
- The Sections "Antidiscrimination and Diversity" and "Gender Equality" of the Programme for Employment and Social Solidarity (PROGRESS).

The merge of these programmes will allow for a **comprehensive funding approach in this area**.

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 (Civil Justice Programme, the Criminal Justice Programme, the Fundamental Rights and Citizenship Programme, the Daphne III Programme, the Drug Prevention and Information Programme and the sections "Antidiscrimination and Diversity" and "Gender Equality" of the Programme for Employment and Social Solidarity (PROGRESS)).

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.;
- **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.

LEGAL BASIS: Article 81(1) and (2), Article 82(1) and Article 84 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: with this proposal, the Commission proposes to establish a new European Union programme on Justice 2014-2020.

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.

To achieve the general objective, the Programme shall have the following specific objectives:

- to promote effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters;
- to facilitate access to justice;
- to prevent and reduce drug demand and supply.

The proposal states that 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.

Actions financed: the Programme shall finance *inter alia* the following types of actions:

- **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;
- **training activities**, such as staff exchanges, workshops, seminars, train-the-trainers events;
- **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;
- **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; funding of experts' networks; funding of European level observatories.

European added value: 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.

Implementation: 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 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 programme may share resources with other Union instruments, in particular the Rights and Citizens Programme, in order to implement actions meeting the objectives of both programmes.

Participation of the programme: 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; (c) accession countries, candidate countries and potential candidates;(d) Denmark, on the basis of an international agreement. 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.

Monitoring and evaluation: the Commission shall monitor the Programme regularly. 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. 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.

Complementarity: the Commission 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.

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**.