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

2005/0038(CNS) - 06/04/2005 - Legislative proposal

PURPOSE: to present a specific programme "Fundamental rights and citizenship" for the period 2007-2013.

PROPOSED ACT: Decision of the Council.

CONTEXT: The Communication establishing a 'Fundamental Rights and Justice' Framework Programme forms part of a coherent set of legislative proposals. The purpose of these proposals is to offer support to the development of an area of freedom, security, and justice within the context of the upcoming financial perspective, 2007-2013. For that reason, the European Council in November 2004 adopted what is known as the Hague Programme. Building upon the results of the 1999 Tampere programme, the programme adopted in The Hague presents a new agenda to enable the Union to build upon past achievements as well as being well placed to meet new challenges. It also emphasizes that the creation of a Europe for citizens requires not only the full respect of Fundamental Rights, but, in addition, the active promotion of those rights. 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. Political coherence will be ensured, as each specific programme reflects the objectives of a policy which, in association with the three others, will allow for the development of European citizenship and a genuine area of Justice. Furthermore, 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.

A key objective of the 'Fundamental Rights and Justice' Framework programme is to simplify and rationalise instruments both in legal and management terms, to streamline the budget structure, to increase coherence and consistency between programmes and to avoid duplication of instruments. It will be

managed directly by the Commission. The cost of the Framework Programme for the period 2007-2013 is EUR 543 million.

CONTENT: The aim of this specific programme of the general programme "Fundamental Rights and Justice" is to develop significantly the two existing preparatory actions (promotion of fundamental rights and support of civil society) introducing new objectives such as the fight against racism, xenophobia and anti-Semitism namely through the promotion of an inter-faith and a multicultural dialogue at EU level.

The support of civil society in respect of fundamental rights will be enlarged to cover all Member States while the present preparatory action only covers the ten new Member States. A special focus will be put on the rights deriving from citizenship of the Union, recognised as fundamental rights by the Charter, namely to encourage democratic participation. A significant increase in the financial envelope is planned to reflect the increasing importance of these issues and to respond positively to civil society actors.

This specific programme within the general "Fundamental Rights and Justice" programme is based on Article 308 of the Treaty establishing the European Community which foresees that an action by the Community is possible even if no powers are specifically envisaged in the Treaty if the action concerned is necessary to attain one of the objectives of the Community.

The objectives of this programme do not have a specific legal basis in the Treaty, since they concern promotion of the fundamental rights of the Charter generally and not merely promotion of the few specific fundamental rights for which specific legal bases exist. They will nevertheless contribute to the definition and implementation of EU competencies and policies by raising awareness among everyone in the European Union of their fundamental rights under Community law.

A series of actions under this specific "Fundamental Rights and Justice" programme are envisaged including:

- specific actions taken 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;

- actions providing financial support for specific projects of Community interest under the conditions set out in the annual work programmes;

- actions providing financial support for the activities of non-governmental organisations or other entities under the conditions set our in the annual work programmes;

- an operating grant to the Association of the Council of States and Supreme Administrative Jurisdictions of the European Union which pursues an objective of general European interest by promoting exchanges of views and experience on matters concerning the jurisprudence, organisation and functioning of its Members in the performance of their judicial and/or advisory functions, particularly with regard to Community Law.

Community funding may take the following legal forms: grants and public procurement contracts.

Access to this programme shall be open, *inter alia*, to institutions and public or private organisations, universities, research institutes, non-governmental organisations, national, regional and local authorities, international organisations and other not-for-profit organisations established in the European Union. The programme shall permit joint activities with international organisations competent in the field of

fundamental rights, such as the Council of Europe, on the basis of joint contributions and in accordance with the various rules prevailing in each institution or organisation, for the achievement of the objectives of this programme.

The Commission will ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties. It will ensure regular, external and independent evaluation of the programme. It will submit to the other institutions an interim evaluation report on the results obtained and on the qualitative and quantitative aspects of the implementation of the programme not later than 31/03/2011; a Communication on the continuation of the programme not later than 30/08/2012 and an ex-post evaluation report not later than 31 /12/2014. It is intended that the programme's activities cover the period 1 January 2007 – 31 December 2013.

Synergies and complementarity with other Community instruments will be sought, particularly the general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows", as well as the "Progress" programme. Complementarity with the Fundamental Rights Agency, built upon the European Monitoring Centre on Racism and Xenophobia will be actively pursued. The statistical element of information on fundamental rights and citizenship will be developed in collaboration with Member States, using as necessary the Community Statistical Programme. The programme may share resources with other Community instruments, in particular the general programmes "Security and Safeguards Liberties" and "Solidarity and Management of Migration Flows" in order to implement actions meeting the objectives of all programmes.

This programme does not attempt to intervene in the areas that are cover by national programmes developed by national authorities in each Member State but to focus on areas where European added-value can be engendered. To this extent, the great majority of the activities supported by the programme can be viewed as complementary to national actions and as attempting to exploit as far as possible the synergy from actions implemented at international and regional level.

The new programme proposal has been designed to incorporate the maximum possible simplification in terms not only of the form of the action – the definitions of actions in the legislative text are kept as generic as possible – but also in terms of the administrative and financial requirements that will apply to their implementation.

This specific programme will be allocated EUR 96.5 million over the 2007-2013 period.

FINANCIAL IMPACT:

- Budget lines: Financial Perspectives 2007-2013: Heading 3.

  – 1804 – Citizenship and Fundamental Rights,

  – 1806 – Establishing a genuine European area in criminal in civil matters and

  – 1807 – Coordination in the field of drugs.

- Period of application: 2007-2013.

- Financial resources 2007-2013: EUR 543 million (current prices). In addition, covering the same period, an amount of EUR 164.9 million is foreseen for the Fundamental Rights Agency, an amount of EUR 110.6 is foreseen for the European Monitoring Centre for Drugs and Drugs Addiction, while the amount foreseen for Eurojust is EUR 133.4 million.

- The EUR 543 million figure is broken down as follows:

– Specific programmes 'Fight against violence (Daphne)' and 'Drugs prevention and information' for the period 2007-2013 will be allocated EUR 135,4 million (please refer to procedure reference 2005/0037A and B (COD)).

– Specific programme 'Criminal justice' (2007-2013): EUR 196.2 million.

– Specific programme 'Civil justice' (2007-2013): EUR 106.5 million;

– Specific programme 'Fundamental Rights & Citizenship': EUR 93.8 million, which is broken down as follows: EUR 32,25 million for actions in the field of promoting European citizenship, EUR 26,4 for actions in the field of promoting civil dialogue and EUR 24,4 million for actions in the field of fighting racism and xenophobia.

– Technical and administrative assistance: EUR 11.1 million.

Plus administrative expenditure not included within the reference amount comprising EUR 35.424 million for human resources and associated expenditure and EUR 5.316 million for administrative costs other than human resources and associated costs, not included in the reference amount.

Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs): total staff in 2007 will be 37.5 rising to 54 by 2013.