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

2005/0040(COD) - 06/04/2005 - Legislative proposal

PURPOSE: to present a specific programme ‘Civil justice’ for the period 2007-2013.

PROPOSED ACT: Decision of the European Parliament and 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: Various types of action are envisaged under the 'Civil justice' specific programme. These include:

- 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.

Access to this 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, non-governmental organisations of the Member States. "Legal practitioners" means, inter alia, judges, prosecutors, advocates, solicitors, academic and scientific personnel, ministry officials, court officers, bailiffs, court interpreters and other professionals associated with the judiciary in the area of civil law.

The programme is open to parties in the following countries: EU Member States (except Denmark), candidate countries associated to the EU, as well as the western Balkans. Projects may associate practitioners from Denmark, from the candidate countries not participating in this programme where this would contribute to their preparation for accession, or from other third countries not participating in this programme where this serves the aim of the projects.

Synergies and complementarity will be sought with other Community instruments, particularly the criminal justice specific programme of the general programme "Fundamental rights and Justice", and the general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows". The statistical element of information on civil justice 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 criminal justice specific programme of the general programme "Fundamental rights and Justice", in order to implement actions meeting the objectives of both programmes.

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 preventative 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.

This specific programme is based in Art. 61(c) of the Treaty establishing the European Community which states that in order to establish progressively an area of freedom, security and justice, the Council shall adopt measures in respect of judicial cooperation in civil matters. Art. 67(1) of the Treaty establishing the European Community determines the procedure to be used when adopting such measures.

This 'Civil justice' specific programme will be allocated EUR 109.3 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 programme 'Civil justice' (2007-2013): EUR 106.5 million, of which: EUR 26,5 for the promotion of judicial co-operation, EUR 16 million to adapt the existing judicial situation, EUR 9,9 million to improve the daily life of individuals and businesses and EUR 41 million to improve contacts between legal systems, judicial and administrative authorities information and the legal professions.

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

  – 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 'Fundamental Rights & Citizenship': EUR 93.8 million;

  – 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.