Judicial cooperation: exchange programme for legal practitioners, Grotius II general and criminal

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This Commission staff working document consists of a report on the ex post evaluation of Grotius II, Oisin II, Stop II, Falcone and Hippokrates Programmes and the interim evaluation of the AGIS Programme.

To recall, since January 2003, the five former Programmes established under Title VI (Grotius, Oisin, Stop, Falcone and Hippokrates), that ran from 1996 until 2002, were brought together into a single Programme - the AGIS Framework Programme (2003-2007).

The main objectives of this document are as follows:

- to present a summary of the main results and conclusions of this evaluation;
- to assess the main recommendations;
- to present concrete proposals for the next programming period and, notably, to draw conclusions relevant to the implementation of the Programmes that are to replace the AGIS Programme.

The Commission has already presented to the Council and the European Parliament proposals for Programmes to replace the AGIS Programme (the Security Programme and, to some extent, the Justice Programme) in the next programming period. It must be underlined that the recommendations both general and specific that are discussed in this paper can be fully implemented under the new legal framework.

As regards the former Title VI Programmes, the ex post evaluation was centred on the last 2 years of implementation – 2001 and 2002. The evaluation exercise therefore focused on STOP II, Oisin II and Grotius II, which are the so-called second generation of Programmes, as well as in Hippokrates (2001 /2002) and Falcone (2001/2002).

In the case of the interim evaluation of the AGIS Programme, the analysis focused on the 2 first years of implementation – 2003 and 2004**,** where a majority of grant-aided projects was still ongoing.

In geographical terms, the study covered all the countries that participated in the Programme - Member States (then 15), candidate countries (now the new 10 Member States) and third countries.

The main overall conclusions of the evaluation are as follows:

- the former Title VI programmes as well as the AGIS programme have been useful programmes that have made a very positive contribution to increasing knowledge, understanding and trust among target groups, which are crucial factors for increasing cross-national co-operation in the area, and ultimately to creating an area of justice, freedom and security;
- all programmes have led to the implementation of effective projects that in most cases would not have existed without the financial support of the programmes, or would have existed in a different format, where less focus would have been on the transnational aspects. While most stakeholders recognise the need and the benefits arising from transnational co-operation projects, there are few alternative funding opportunities that allow similar projects to take place;
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the transnational element is strong in most of the projects that have been implemented. It has, however, been more predominant or better integrated under the AGIS programme, as compared to the former Title VI programmes. The main explanation for this could be the strengthened requirements concerning partnerships;

- the programmes have led to the creation and strengthening of many formal and informal networks and this can be said to be one of their main merits. For the former Title VI programmes, it can be concluded that sustainable benefits do arise from these networks and that networks are generally found to be useful beyond the scope and lifetime of projects.
- the programmes were generally not found to be demand driven, in the sense that policy priorities and objectives do not determine the portfolio of projects. Objectives are broad and not clearly prioritised, allowing applicants to claim that most of their ideas match the programme objectives. Rather than being EU demand driven, most projects are thus supply driven, resulting from the specific interest of possible promoters;
- related to the previous point, Member States (programme committees) generally play a limited role in the formulation of specific objectives for annual work programmes, despite a specific AGIS Committee meeting every year being devoted to an examination of the annual work programme. Instead, the role of Member States' representatives in the committees is mainly found to be as advocates for national interests in the selection of particular projects.

The report concludes that the aim of the external evaluation and, even more so, of this paper is to feed into the implementation of the remainder of the AGIS Programme as well as the new programmes after 2006. The proposals from the Commission for new programmes from 2007 are compatible with the conclusions and recommendations of this document, as the former set quite a broad legislative framework and the latter pertain more to the policy use of the programmes and their implementation mechanisms.

As concerns the specific recommendations on implementing mechanisms, there is no doubt that they have to be applied during the next programming period.

Furthermore, the selection criteria for objectives and priority areas for the funding programmes need to be defined and agreed by all involved in the management of the programme. It is clear that founding documents, such as the Hague Programme and Action Plan, provide commonly agreed overall political objectives, which then need to be translated into concrete milestones for programme implementation. It is suggested that this is an iterative process between the Commission and the relevant management structures of the programmes, once views from relevant stakeholders have been collected and integrated.

In conclusion, all-embracing programmes as they currently exist would give way to much more specific ones, with outcomes, results and eventually impacts being more systematically disseminated and monitored.