

General programme "Security and Safeguarding Liberties": specific programme "Prevention and fight against crime, 2007-2013

2005/0035(CNS) - 12/02/2007 - Final act

PURPOSE: in the context of the framework programme on "Security and Safeguarding Liberties", to adopt a specific programme "Prevention of and Fight against Crime".

LEGISLATIVE ACT : Council Decision 2007/125/JHA [establishing for the period 2007 to 2013, as part of General Programme on Security and Safeguarding Liberties, the Specific Programme "Prevention of and Fight against Crime"](#)

BACKGROUND: the framework programmes in the area of Justice, Freedom and Security, under the [new Financial Perspectives 2007-2013](#) have been established to provide coherent support to an area of freedom, security and justice under the financial perspectives 2007 - 2013. The three key objectives of freedom, security and justice are to be developed in parallel and to the same degree of intensity, thus allowing for a balanced approach, based on the principles of democracy, respect for fundamental rights and freedoms and the rule of law. Each of the three key objectives is supported by a Framework programme underpinning and linking each policy area. This structure represents a major simplification and rationalisation of existing financial support.

The three framework programmes are:

- 1) "Security and safeguarding Liberties" comprising of 2 specific programmes: i) the programme on the prevention of terrorism which is the subject of the present procedure file and ii) the specific programme on the "[Prevention and the fight against crime](#)";
- 2) "Fundamental rights and Justice" which includes 5 specific measures: i) "[Fundamental rights and citizenship](#)"; ii) "[Civil justice](#)". Iii) "[Criminal justice](#)"; iv) "[Daphne III](#)"; v) "[Drugs prevention and information](#)";
- 3) Solidarity and Management of Migration Flows includes 4 specific funds: i) [the European Fund for the Integration of Third-country nationals](#); ii) [External Borders Fund](#); iii) [Refugee Fund](#); iv) [Return Fund](#).

Each of these framework programmes have been given an overall financial envelope covering the 2007-2013 period which will be broken between each specific programme, except for the Funds which have individual budgets.

The main objectives of the Security and Safeguarding Liberties framework programme are to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related EU bodies; to place more emphasis on promoting and developing public-private partnerships and strategies on crime prevention, statistics and criminology, and on protection of crime victims and witnesses; create conditions for a coordinated approach across Member States towards prevention, preparedness, crisis and consequence management with regard to potential and actual terrorist threats.

These objectives, however, have **different legal bases in the Treaties**. On the one hand, law enforcement, police cooperation and crime prevention in general are subject to Title VI of the Treaty on European Union. On the other hand, preparedness and consequence management with regard to terrorist attacks are to be considered a specific strand, which is complementary to general civil protection measures, which is a matter to be dealt with under the Treaty establishing the European Community (Art. 3(1)(u)). Given these fundamentally different legal regimes, the framework programme will have to be composed of *two different legal instruments* based on Arts. 30 and 34(2)(c) of the Treaty on European Union.

The first legal instrument will cover the prevention of and the fight against crime (the present procedure file), and will be based on Articles 30 and 34(2)(c) of the Treaty on European Union. The second legal instrument will deal with prevention, preparedness and consequence management of terrorist attacks, and will be based on Article 308 of the Treaty establishing the European Community (see [CNS/2005/0034](#)).

CONTENT : this Decision establishes the Specific Programme "Prevention of and Fight against Crime", as part of the General Programme on Security and safeguarding liberties in order to contribute to the strengthening of the area of Freedom, Security and Justice. The Programme covers the period from 1 January 2007 to 31 December 2013.

General objectives: the Programme will contribute to a high level of security for citizens by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud.

Themes and specific objectives: these are: (a) crime prevention and criminology; (b) law enforcement; (c) protection and support to witnesses; (d) protection of victims.

Within the general objectives, the Programme contributes to the following specific objectives:

- to develop horizontal methods and tools for strategically preventing and fighting crime and guaranteeing security and public order such as the work carried out in the EU Crime Prevention Network, public-private partnerships, best practices in crime prevention, comparable statistics, applied criminology and an enhanced approach towards young offenders;
- to develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related Union bodies in respect of the priorities identified by the Council in particular as set out by the Europol's Organised Crime Threat Assessment;
- to develop best practices for the protection and support witnesses; and
- to develop best practices for the protection of crime victims.

Whilst the Programme does not deal with judicial cooperation, it may cover actions which aim at encouraging cooperation between judicial authorities and law enforcement authorities.

Eligible actions under the Programme include projects managed by the Commission with a:

- European dimension;
- transnational projects, which involve partners in at least two Member States, or at least one Member State and one other country which may either be an acceding or a candidate country; national projects within Member States which meet certain criteria: and operating grants for NGOs pursuing on a non-profit basis objectives of the Programme on a European dimension. In particular, **financial support** may be provided for the following: actions improving operational cooperation and coordination (strengthening networking, mutual confidence and understanding, exchange and dissemination of information, experience and best practices);
- analytical, monitoring and evaluation activities;

- development and transfer of technology and methodology;
- training, exchange of staff and experts;
- awareness and dissemination activities.

Access to the Programme: the Programme is destined for law enforcement agencies, other public and/or private bodies, actors and institutions, including local, regional and national authorities, social partners, universities, statistical offices, non-governmental organisations, public-private partnerships and relevant international bodies.

EU financial support may take the form of grants or public procurement contracts. The annual work programme will specify the minimum rate of the annual expenditure to be awarded to grant, which must be at least 65 %. The maximum rate of co-financing of the costs of the projects will also be specified in the annual work programme.

The Decision specifies the Programme may share resources with other Union and Community instruments, in particular the Specific Programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks" programme.

Evaluation: the Commission must ensure regular, independent and external evaluation of the Programme, and submit the following to the European Parliament and the Council:

- an annual presentation on the implementation of the Programme;
- an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of the Programme no later than 31 March 2010;
- a communication on the continuation of the Programme no later than 31 December 2010;
- an ex-post evaluation report no later than 31 March 2015.

ENTRY INTO FORCE: 24/02/2007. It shall apply from 01/01/2007. It should be noted that it will take over from the framework programme on police and judicial cooperation in criminal matters (AGIS) (see [CNS/2001/0262](#)).