

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

2005/0039(CNS) - 12/02/2007 - Final act

PURPOSE: in the context of the framework programme on "Fundamental Rights and Justice" 2007-2013, to adopt a specific programme on "Criminal Justice".

LEGISLATIVE ACT: Council Decision 2007/126/JHA establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme "Criminal Justice".

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) "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](#)";
- 2) "Security and safeguarding Liberties" comprising of 2 specific programmes : i) the programme on [prevention of terrorism](#); ii) the specific programme on the "[Prevention and the fight against crime](#)";
- 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 '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;
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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. 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.

CONTENT: based on Article 31 and Article 34(2)(c) of the TEU, the specific programme "**Criminal Justice**" aims to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters based on mutual recognition and mutual confidence between Member States.

The Programme shall have the following specific objectives:

- a) **to foster judicial cooperation in criminal matters** aiming at: i) promoting mutual recognition of judicial decisions and judgments; ii) eliminating obstacles created by disparities between the judicial systems of Member States and promoting the necessary approximation of substantive criminal law concerning serious crime, in particular with cross border dimension; iii) further enhancing the establishment of minimum standards concerning aspects of procedural criminal law with the view to promoting the practical aspects of judicial cooperation; iv) guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction; v) improving the exchange of information, through the use of computerised systems, in particular information extracted from national criminal records; vi) promoting rights of the accused as well as social and legal assistance to victims; vii) encouraging Member States to step up cooperation with Eurojust in combating of cross-border organised and other serious crime; viii) promoting measures aiming at effective re-socialisation of offenders, in particular of juvenile offenders;
- b) **to improve mutual knowledge** of Member States' legal and judicial systems in criminal matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices;
- c) **to ensure the sound implementation**, the correct and concrete application and the evaluation of Union instruments in the areas of judicial cooperation in criminal matters;
- d) **to improve information on legal systems** in the Member States and access to justice;
- e) **to promote training** in Union and Community law for the judiciary, lawyers and other professionals involved in the work of the judiciary;
- f) **to evaluate the general conditions necessary to develop mutual confidence** by improving mutual understanding between judicial authorities and different legal systems, in particular regarding the implementation of EU policies in the field of justice;
- g) **to develop and implement a computerised system of exchange of information on criminal records** and to support studies to develop other types of exchange of information.

Eligible actions: the Programme shall support under the conditions set out in the annual work programme the following types of actions:

a) specific actions taken by the Commission, such as studies and research, creation and implementation of specific projects like the creation of a computerised system of exchange of information on criminal records, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and experts meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information materials, support for and development of networks of national experts, analytical, monitoring and evaluation activities; or

b) specific transnational projects of Union interest presented by at least two Member States or by at least one Member State and one other country which may either be an acceding or a candidate country under the conditions set out in the annual work programmes; or

c) support for the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the Programme under the conditions set out in the annual work programmes; or

d) an operating grant to co-finance expenditure associated with the permanent work programme of the European Judicial Training Network which pursues an aim of general European interest in the field of training of the judiciary;

e) national projects within Member States, which: i) prepare transnational projects and/or Union actions (starter measures); ii) complement transnational projects and/or Union actions (complementary measures); iii) contribute to developing innovative methods and/or technologies with a potential for transferability to actions at Union level, or develop such methods or technologies with a view to transferring them to other Member States and/or other country which may either be an acceding or a candidate country.

Target groups: the Programme is destined for inter alia, legal practitioners, representatives of victims' assistance services, and other professionals involved in the work of the judiciary, the national authorities and the citizens of the Union in general.

Access to the Programme: it shall be open to institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training/further training institutes for legal practitioners, non-governmental organisations of the Member States. Bodies and organisations which are profit oriented shall have access to the Programme only in conjunction with non profit oriented or state organisations. Transnational projects may not be presented by third countries or by international organisations but they may participate as partners.

Types of intervention: Community funding may take the following legal forms: a) grants; b) public procurement contracts. Community grants shall normally be awarded further to calls for proposals, save in duly substantiated exceptional cases of urgency or where the characteristics of the beneficiary leave no other choice for a given action, and shall be provided through operating grants and grants for actions. The annual work programme, mentioned below, shall specify the minimum rate of the annual expenditure to be awarded to grants. This minimum rate shall be at least 65 %. The maximum rate of co-financing of the costs of the projects shall be specified in the annual work programme. Furthermore, provision is made for expenditure for accompanying measures, through public procurement contracts, in which case Community funds shall cover the purchase of services and goods. This shall cover, inter alia, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Implementing measures: the Commission shall implement the Community financial support in accordance with the Financial Regulation (No 1605/2002). To implement the Programme, the Commission shall adopt **an annual work programme**, by the end of September specifying its specific

objectives, thematic priorities, a description of accompanying measures and if necessary a list of other actions. The annual work programme for 2007 shall be adopted three months after taking of effect of this Decision.

Complementarity: synergies and complementarity shall be sought with other Union and Community instruments, inter alia, with the Specific Programme "[Civil Justice](#)", as part of the General Programme on Fundamental Rights and Justice, and the general programmes on Security and Safeguarding Liberties and Solidarity and Management of Migration Flows. The Programme may share resources with other Union and Community instruments, in particular the Specific Programme "Civil Justice", as part of the General Programme on Fundamental rights and Justice, in order to implement actions meeting the objectives of both programmes. It shall be ensured that the beneficiaries of this Decision shall provide the Commission with information about funding received from the general budget of the European Union and from other sources, as well as information about ongoing applications for funding. The budgetary resources allocated to the actions provided for in the Programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

Monitoring: the Programme shall be monitored regularly in order to follow the implementation of activities carried out under the Programme. The Commission shall ensure the regular, independent, external evaluation of the Programme. The Commission shall submit to the European Parliament and the Council: a) an annual presentation on the implementation of the Programme; b) 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 2011; c) a communication on the continuation of the Programme no later than 30 August 2012; d) an ex-post evaluation report no later than 31 December 2014.

ENTRY INTO FORCE: this Decision shall take effect on 24 February 2007. It shall apply from 1 January 2007.