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

2005/0038(CNS) - 19/04/2007 - Final act

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

LEGISLATIVE ACT: Council Decision 2007/252/JHA establishing for the period 2007-2013 the specific programme "Fundamental rights and citizenship" as part of the General programme "Fundamental Rights and 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;

- 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 308 of the TEC, this Decision establishes the programme "Fundamental Rights and Citizenship", as part of the general programme "Fundamental Rights and Justice", covering the period from 1 January 2007 to 31 December 2013.

General objectives: these are the following:

- to promote the development of a European society based on respect for fundamental rights as recognised in Article 6(2) of the Treaty on European Union, including rights derived from citizenship of the Union;
- to strengthen civil society and to encourage an open, transparent and regular dialogue with it in respect of fundamental rights;
- to fight against racism, xenophobia and anti-Semitism and to promote a better interfaith and intercultural understanding and improved tolerance throughout the EU;
- to improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support to judicial training, with the aim of better mutual understanding among such authorities and professionals.

These general objectives of the programme are complementary to the objectives pursued by the European Union Agency for Fundamental Rights (see CNS/2005/0124) established by Regulation (EC) No 168 /2007.

Specific objectives: these are the following

- to promote fundamental rights and to inform all persons of their rights including those derived from citizenship of the Union, in order to encourage Union citizens to participate actively in the democratic life of the Union;
- to examine, where necessary, respect for specific fundamental rights in the EU and its Member States when implementing Community law, and to obtain opinions on specific questions related to fundamental rights within this scope;
- to support NGOs and other bodies from civil society in order to enhance their capability to participate actively in the promotion of fundamental rights, the rule of law and democracy;
- to create relevant structures in order to foster an interfaith and multicultural dialogue at the level of the EU.

Actions: the programme will support the following types of actions:

a) specific actions taken by the Commission, such as studies and research, opinion polls and surveys, formulation of indicators and common methodologies, 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 networks of national experts, analytical, monitoring and evaluation activities;

b) specific trans-national projects of Community interest involving at least two Member States or at least one Member State and one other state which may either be an acceding country or a candidate country, under the conditions set out in the annual work programmes;

c) support to the activities of NGOs under the conditions set out in the annual work programmes;

d) operating grants to co-finance expenditure associated with the permanent work programme of the Conference of the European Constitutional Courts and the Association of the Councils of State and Supreme Administrative Jurisdictions of the EU, which maintains certain databases providing for a European-wide collection of national judgments relating to the implementation of Community law.

Access to the programme: this is open to, inter alia, to institutions and public or private organisations, universities, research institutes, NGOs, national, regional and local authorities, international organisations and other not-for-profit organisations established in the EU or in one of the countries participating, as defined. The programme will 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.

Complementarity: synergies and complementarity with other Community instruments shall be sought, particularly the Framework programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows", as well as the programme "Progress". Complementarity with the European Union Agency for Fundamental Rights shall be secured. The statistical element of information on fundamental rights and citizenship shall be developed in collaboration with Member States, on the basis of available data using as necessary the Community Statistical Programme. The programme may share resources with other Community instruments, in particular the general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows", in order to implement actions meeting the objectives of all programmes.

Community funding may take the form of grants or public procurement contracts. The programme may share resources with other Community instruments, in particular the general programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows", in order to implement actions meeting the objectives of all programmes.

Evaluation: the Commission shall ensure the 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, including on the work carried out by the beneficiaries of operating grants referred to in Article 4(d), (i.e)operating grants to co-finance expenditure associated with the permanent work programme of the Conference of the European Constitutional Courts and the Association of the Councils of State and Supreme Administrative Jurisdictions of the EU as above) not later than 31 March 2011;

- a Communication on the continuation of the programme not later than 30 August 2012;

- an ex post evaluation report not later than 31 December 2014.

ENTRY INTO FORCE: the Decision shall take effect on 28/04/2007. It shall apply from 01/01/2007.