Basic information

2005/0040(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
General Programme "Fundamental rights and justice": specific programme "Civil Justice", 2007-2013 **Subject** 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	SEGELSTRÖM Inger (PSE)	06/06/2005

Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	SEGELSTRÖM Inger (PSE)	06/06/2005

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	GILL Neena (PSE)	09/06/2005
JURI Legal Affairs	The committee decided not to give an opinion.	

Former committee for opinion on the legal basis	Former rapporteur for opinion	Appointed
JURI Legal Affairs	SPERONI Francesco Enrico (NI)	12/06/2006

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2746	2006-07-24
Justice and Home Affairs (JHA)	2818	2007-09-18
Justice and Home Affairs (JHA)	2807	2007-06-12
Justice and Home Affairs (JHA)	2794	2007-04-19
Justice and Home Affairs (JHA)	2652	2005-04-14

European Commission	Commission DG	Commissioner
	Justice and Consumers	FRATTINI Franco

Key events

Date	Event	Reference	Summary
06/04/2005	Legislative proposal published	COM(2005)0122	Summary
14/04/2005	Debate in Council		Summary
22/06/2005	Committee referral announced in Parliament, 1st reading		
22/11/2006	Vote in committee, 1st reading		
07/12/2006	Committee report tabled for plenary, 1st reading	A6-0452/2006	
14/12/2006	Decision by Parliament, 1st reading	T6-0580/2006	Summary
14/12/2006	Results of vote in Parliament		
13/06/2007	Council position published	08699/2/2007	Summary
21/06/2007	Committee referral announced in Parliament, 2nd reading		
27/06/2007	Vote in committee, 2nd reading		Summary
28/06/2007	Committee recommendation tabled for plenary, 2nd reading	A6-0262/2007	
11/07/2007	Decision by Parliament, 2nd reading	T6-0330/2007	Summary
11/07/2007	Results of vote in Parliament		
18/09/2007	Act approved by Council, 2nd reading		
25/09/2007	Final act signed		
25/09/2007	End of procedure in Parliament		
03/10/2007	Final act published in Official Journal		

Technical information

Procedure reference	2005/0040(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 067-p1 EC Treaty (after Amsterdam) EC 061-
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/50656

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE364.789	14/02/2006	
Committee opinion	JURI	PE382.205	21/11/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0452/2006	07/12/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0580/2006	14/12/2006	Summary
Committee draft report		PE390.766	20/06/2007	
Committee recommendation tabled for plenary, 2nd reading		A6-0262/2007	28/06/2007	
Text adopted by Parliament, 2nd reading		T6-0330/2007	11/07/2007	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	08699/2/2007	13/06/2007	Summary
Draft final act	03638/2007/LEX	25/09/2007	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0122	06/04/2005	Summary
Document attached to the procedure	SEC(2005)0434	06/04/2005	
Commission response to text adopted in plenary	SP(2007)0303	24/01/2007	
Commission communication on Council's position	COM(2007)0348	19/06/2007	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2007)0557	20/09/2007	Summary
Follow-up document	COM(2011)0351	15/06/2011	Summary
Follow-up document	COM(2017)0059	13/02/2017	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0032/2006 OJ C 069 21.03.2006, p. 0001-0005	19/01/2006	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2007/1149 OJ L 257 03.10.2007, p. 0016	Summary

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

2005/0040(COD) - 13/02/2017 - Follow-up document

The Commission presents an ex post evaluation report on the civil justice (JCIV) programme (2007-2013).

The main aspects evaluated are:

relevance;

coherence and compatibility;

effectiveness;

sustainability and transferability;

efficiency;

the scope for simplification and EU added value.

An independent external evaluator assisted by the Commission's staff carried out the evaluation.

To recall, the programme had the following **general objectives**:

promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence;

promote the elimination of obstacles to the good functioning of cross-border civil proceedings in Member States;

improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice;

improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support for judicial training, with the aim of better mutual understanding among such authorities and professionals.

The total budget earmarked for the programme from January 2007 to December 2013 was **EUR 109.3 million**.

Main conclusions:

1) Relevance of the programme: overall the priorities and funded actions can be considered relevant to the objectives of the programme. However, the process put in place to select the programme's priorities left little room for manoeuvre. This meant that in some cases, if a priority changed during the implementation of a project, its results were less useful.

Conversely, with regard to training, for example, needs could arise that did not fall under the set priorities. **Grant beneficiaries found that the calls and selected actions identified the needs of the target groups**, although the extent to which they adequately identified these needs varied.

2) Coherence and complementarity: overall, the JCIV achieved a certain degree of complementarity with other EU programmes in terms of certain objectives and thematic areas, the nature of the programme and the target groups, especially with the JPEN and FRC. At the same time, however, there is a risk of overlap with these programmes.

3) Effectiveness: the actions funded made a contribution to the programme objectives. However, **it is difficult to assess the effectiveness of the programme** because of the limited information on outcomes and impacts provided in the projects final reports and the interviews. Most of the projects were able to achieve their planned results on time and reach the expected target group.

4) Sustainability and dissemination: regarding short-term sustainability (i.e. through dissemination of project results), the Commission's efforts to disseminate (and monitor) project results have been limited, overall. In general, the JCIV programme generated sustainable results in the medium and long term (i.e. through the transfer of projects' results to other contexts, organisations and Member States with little or no additional funding). Most projects were considered innovative, particularly in targeting groups or tackling issues that had not been researched or addressed before, or through the development of new methodologies, approaches or tools.

5) Efficiency: the financial resources have been used efficiently overall, judging by the comparison of inputs and outputs between projects' budgets, and the total outputs and results produced. In the first years of implementation, absorption rates were relatively low, pointing to a lack of financial and administrative capacity of the potential beneficiaries, but this increased to an acceptable level after two years.

There is some scope for simplifying procedures for applicants and beneficiaries (e.g. improving technical/IT systems or simplifying accounting procedures and financial reporting). The Commission's monitoring arrangements were considered useful overall.

6) EU added value: the JCIV programme had a strong transnational dimension. The transnational partnerships resulted in specific benefits for the organisations involved in implementing JCIV activities.

The geographical coverage of action grants and operating grants was uneven, with a few Member States overly represented (Belgium, Germany, France and Italy) and others involved little or not at all.

Key recommendations: amongst the main recommendations made by the Commission following the evaluation of the programme are the following:

better define the priorities in order to ensure that the priorities can be adequately achieved within an earmarked budget;

make realistic assessments of **project risks** and better risk mitigation strategies, for example by asking for brief progress reports that identify any potential risks as they arise during the implementation of the project;

increase focus on assessment of impacts at all levels and not merely on outputs, as regards monitoring and evaluation;

explore ways of enhancing the uptake of project outputs, results and best practices by other organisations, including in other Member States, including **more resources for dissemination of results**;

sharpen the programme's intervention logic.

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

2005/0040(COD) - 24/07/2006

Pending the European Parliament's opinion, the Council reached a general agreement on a Decision establishing for the 2007-2013 period the specific programme "Civil Justice" as part of the general programme "Fundamental Rights and Justice". This Decision is aimed at facilitating the creation of a European area of justice in civil matters and lowering the barriers to the smooth functioning of cross border civil proceedings in the Member States.

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

2005/0040(COD) - 14/04/2005

The Commission submitted to the Council its new proposals promoting liberty, security and justice under the next financial framework for the period from 2007 to 2013.

The Council will return to this point at one of its forthcoming meetings. The Commission's approach towards achieving this objective is based on three framework programmes which will replace the plethora of instruments which the Commission is currently administering in this area.

In order to implement fully the concept of European citizenship, the Commission proposes establishing the framework programme on fundamental rights and justice. The incorporation of the Charter of Fundamental Rights into the Constitutional Treaty means that the Union is legally obliged to ensure not only respect for fundamental rights, but also the active promotion of such rights. The right to physical integrity should also be guaranteed by combating violence. For the purposes of public health protection, information on drugs and the prevention of narcotics consumption also play an important role.

The programme will enable actions to be developed which would be less effective at national level, (e.g. judicial cooperation in both civil and criminal matters), allow private individuals and undertakings to assert their civil and commercial interests in other Member States and guarantee that crime and criminals will never go unpunished. The framework programme on solidarity and migration management will support national measures aiming in particular to:

– improve the effectiveness of controls at the EU's external borders, while ensuring that *bona fide* travellers can cross the borders without hindrance;

– finance civic orientation courses, provide cross-cultural training and manuals for newcomers and (local) governments and facilitate the integration process;

– ensure appropriate reception conditions for persons seeking international protection in the EU and a fair and efficient examination of their applications for asylum;

– advise asylum applicants whose applications have been refused and illegal immigrants so that they can return with dignity to their country of origin.

The proposed framework programme on security and protection of freedoms pursues the following main objectives:

– to promote and develop prevention of crime (whether organised or not) and measures to combat this phenomenon, in particular terrorism, trafficking in human beings and crimes against children, drugs trafficking, arms trafficking, corruption and fraud;

– to protect citizens, their freedoms and society against terrorist attacks, and to protect the EU by promoting and developing the prevention of, preparation for and management of the consequences of terrorist attacks.

The budget proposed by the Commission for the area of justice, security and freedom is EUR 8,3 billion in 2004 prices (or EUR 9,5 billion if inflation projections are taken into account). This represents an increase of 228% between 2006 (the final year of budgetary programming) and 2013.

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

2005/0040(COD) - 14/12/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Inger **Segelström** (PES, Sweden) and made some amendments to the Commission's proposal. The main ones were as follows:

- Parliament clarified that the term "Member State" means Member States with the exception of Denmark;

- a new objective is the elimination of obstacles to the good functioning of cross-border (…) civil (…) proceedings in the Member States;

- participating countries include the acceding countries;

- access to the programme will include international organisations;

- a distinction is made between those measures which are subject to the regulatory procedure with scrutiny and those which are subject to the advisory committee procedure, the advisory committee procedure being in certain cases, with a view to increased efficiency, the more appropriate;

- operations financed under the Decision shall not receive financial support for the same purpose from other Union/Community financial instruments. It shall be ensured that the beneficiaries of the programme shall provide the Commission with information about funding received from the Community budget and from other sources, as well as information about ongoing applications for funding;

- the financial envelope is set at **EUR 109.3 million**;

- evaluation reports must include the following: an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme, including on the work carried out by the beneficiaries of operating grants, no later than 31 March 2011; and, an annual presentation on the implementation of the programme;

- each year the Commission shall publish the list of actions financed under this programme with a short description of each project;

- the Commission must lay down guidelines to ensure the visibility of the funding granted under this Decision.

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

2005/0040(COD) - 19/06/2007 - Commission communication on Council's position

The Council common position preserves the essence of the original Commission proposal and takes the European Parliament's main amendments at first reading into account. The differences of substance between the common position and the original Commission proposal are as follows:

- Article 4(b): a proposal for a specific project will be eligible for financing if it involves at least two Member States or one Member State and one acceding or applicant state (instead of three Member States, as originally proposed by the Commission).

- Article 4(d): operating grant for the whole period to the Network of the Presidents of the Supreme Judicial Courts of the European Union and the European Network of Councils for the Judiciary.

- Article 7: access to the programme opened to international organisations.

- Article 10: comitology: the double committee principle is introduced (management committee for the adoption of the annual work programme and advisory committee for other questions).

The common position is based on a compromise between the European Parliament, the Council and the Commission. The compromise concerns the text as a whole, except for the part on comitology, where there remains a difference of opinion between the Council and Commission on one side and Parliament on the other.

The European Parliament passed an amendment that would apply the new committee procedure (regulatory procedure with scrutiny); the Council and Commission consider that this procedure is not applicable in this case.

The Commission accepts the common position, which incorporates the main elements of its original proposal and the main amendments adopted by the European Parliament.

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

2005/0040(COD) - 13/06/2007 - Council position

The Council common position to a very large extent takes over the position of the European Parliament adopted at first reading on 14 December 2006. Most of the amendments adopted by the European Parliament have been incorporated in the common position which therefore meets the wishes of the European Parliament as expressed by the Parliament and accepted by the Council during the informal contacts leading up to the adoption of the European Parliament's position at first reading.

In fact, the only amendments which the Council has not accepted are the ones relating to the committee procedure, i.e. part of Recital 13 (new Recital 16), Article 9(3) and Article 10A (new Article 10). As already explained to the European Parliament in October 2006 the Council does not consider the regulatory procedure with scrutiny wanted by the European Parliament to be the appropriate committee procedure for the adoption of the annual work programmes. The implementing powers conferred on the Commission in that respect are not designed to make changes to the text of the basic instrument by deleting or replacing certain parts or supplementing it by the addition of new non-essential elements. On the contrary, they are designed to implement specific existing rules in the basic act without allowing the Commission to add new elements and thus "supplement" it. The Council therefore maintains in its common position the management procedure foreseen in the text of the general agreement confirmed by the JHA Council on 24 July 2006.

The Council considers the text of the common position to be a well balanced text and the best achievable compromise.

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

2005/0040(COD) - 25/09/2007 - Final act

PURPOSE: to establish for the period 2007-2013 the Specific Programme "**Civil Justice**" as part of the General Programme "Fundamental Rights and Justice".

LEGISLATIVE ACT: Decision No 1149/2007/EC of the European Parliament and of the Council establishing for the period 2007-2013 the Specific Programme "Civil Justice" 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" which is the subject of the present proposal; ii) "Criminal justice"; iv) "Daphne III"; v) "Drugs prevention and information" which is the subject of the present proposal;

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: this Decision, based Article 61(c) and Article 67(5) of the TEC, establishes the Specific Programme 'Civil Justice' as part of the General Programme 'Fundamental Rights and Justice', in order to contribute to the progressive establishment of the area of freedom, security and justice. It shall cover the period from 1 January 2007 to 31 December 2013.

General objectives: these are: a) to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence; b) to promote the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States; c) to improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice; d) to improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals.

Specific objectives: these are as follows:

a) **to foster judicial cooperation in civil matters** aiming at: (i) ensuring legal certainty and improving access to justice; (ii) promoting mutual recognition of decisions in civil and commercial cases; (iii) eliminating obstacles to cross-border litigation created by disparities in civil law and civil procedures and promoting the necessary compatibility of legislation for that purpose; (iv) guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction;

b) **to improve mutual knowledge of Member States' legal and judicial systems** in civil 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 Community instruments in the area of judicial cooperation in civil and commercial matters;

d) **to improve information on the legal systems** in the Member States and access to justice;

e) **to promote the training of legal practitioners** in Union and Community law;

f) **to evaluate the general conditions** necessary to reinforce mutual confidence, while fully respecting the independence of the judiciary;

g) **to facilitate the operation of the** European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC.

Eligible actions: with a view to pursuing the general and specific objectives, the Programme shall support the following types of action under the conditions set out in the annual work programmes:

1. ***specific actions initiated 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; or

2. ***specific transnational projects of Community interest*** presented by an authority or any other body of a Member State, an international organisation or a non-governmental organisation, and involving in any case at least two Member States or at least one Member State and one other State which may be either an acceding country or a candidate country; or

3. ***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

4. ***operating grants*** to co-finance expenditure associated with the permanent work programmes of the European Network of Councils for the Judiciary and the Network of the Presidents of the Supreme Judicial Courts of the European Union.

Target groups: the Programme is targeted at, inter alia, legal practitioners, national authorities and the citizens of the Union in general.

Access to the programme: access to the 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, international organisations and NGOs of the Member States. The acceding countries, the candidate countries and the Western Balkan countries may participate. Projects may associate legal practitioners from Denmark, from candidate countries not participating in the Programme where this would contribute to their preparation for accession, or from other third countries not participating in the Programme where this serves the aim of the projects.

Implementation: the Commission shall implement the Community financial support in accordance with the Financial Regulation. To implement the Programme, the Commission shall, within the limits of the general objectives, adopt **an annual work programme** taking into account the technical expertise of the Centre. The Programme shall set out the specific objectives, thematic priorities, a description of accompanying measures and, if necessary, a list of other actions.

Complementarity: synergies and complementarity shall be sought with other Community instruments, in particular the Specific Programme 'Criminal Justice' with which it will share resources as part of the General Programme 'Fundamental Rights and Justice', in order to implement actions meeting the objectives of both Programmes. Operations financed under this Decision shall not receive financial support for the same purpose from other Union or Community financial instruments.

Budgetary resources:the financial envelope for the implementation of this Decision shall be set at **EUR 109 300 000**, please refer to the financial statement). The Commission shall ensure that, when actions financed under this Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts wrongly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties.

Evaluation: the Commission shall provide the European Parliament and the Council with: 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 not later than 31 March 2011; a Communication on the continuation of the Programme not later than 30 August 2012; and an ex-post evaluation report not later than 31 December 2014.

Territorial application: the Programme shall not apply to Denmark.

ENTRY INTO FORCE: 23 October 2007. The Programme applies from 1 January 2007.

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

2005/0040(COD) - 11/07/2007 - Text adopted by Parliament, 2nd reading

In adopting the recommendation for the second reading of the report by Inger **SEGELSTRÖM** (PES, SE), the European Parliament did not fully accept the recommendations of the committee responsible and rejected the only amendment adopted in committee requesting that all of the necessary information should be made available by the Commission to the European Parliament concerning each stage of the implementation of the "Civil Justice" Programme, particularly as regards the intended priorities thereof for the year in question (refer to the summary dated 27/06/2007).

On the other hand, the Parliament adopted an amendment tabled by the PES requesting that in accordance with Article 7(3) of Decision 1999/468/EEC (comitology decision), the European Parliament should be informed by the **Commission of committee proceedings** relating to the implementation of this programme. In particular, the European Parliament should receive the **draft annual programme** when it is submitted to the management committee. In addition, the European Parliament should receive the results of voting and summary records of the meetings of that committee.

The Parliament has decided to adopt this approach in order to speed up the adoption of this report which should have entered into force on 1 January 2007.

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

2005/0040(COD) - 20/09/2007 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts **the sole amendment** adopted at second reading by the European Parliament.

It adds a new recital to the preamble, the text of which was negotiated with the Council and the Commission, on the information to be provided to the European Parliament on the work of the management committee provided for by the Decision.

The Commission also made the following declaration when the vote was taken at the plenary session: "as regards the measures for implementing the Decision of the European Parliament and the Council establishing for 2007-2013 the specific programme "Civil Justice", the Commission undertakes, by way of exception, to transmit as rapidly as possible to the chair of the appropriate Parliamentary Committee the draft annual work programmes relating to the abovementioned specific programme, as well as transmitting these drafts via the comitology register. The Commission will also inform Parliament, as quickly as possible, of any amendment made following the meetings of the committee".

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

2005/0040(COD) - 19/04/2007

The Council reached a political agreement on a draft Decision establishing for the period 2007-2013 the specific programme "**Civil Justice**" as part of the general programme "Fundamental Rights and Justice". (See Council document: *8021/07*).

The Council will adopt its common position at one of its forthcoming meetings and it will submit it to the European Parliament for a second reading in the framework of the codecision procedure.

The Civil Justice Programme is aimed at improving mutual understanding of the legal and judicial systems of the Member States, lowering the barriers to judicial cooperation in civil matters whereby improving the functioning of the internal market.

The financial envelope allocated to the programme amounts to **EUR 109.3 million** for the 2007-2013 period.

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.

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

2005/0040(COD) - 15/06/2011 - Follow-up document

In accordance with Decision No 1149/2007/EC which establishes for the period 2007-2013 the Specific Programme **'Civil Justice'**, the Commission presents an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of the Programme. The report describes progress on the programme since its adoption in September 2007 and summarises its main achievements.

The Commission notes that the programme started up little more than three years ago and few of the initiatives financed have been completed. **It is thus still too early to make an in-depth analysis of the programme's impact and results**. However, the projects financed, both those undertaken at the initiative of the Commission and specific projects, are contributing to the fulfilment of the programme's objectives and, more generally, respond to the Commission's desire to promote knowledge of European law in the field of civil justice and its correct implementation. Major Commission initiatives already under way (the Judicial Atlas, database, information campaigns, conferences and studies) are designed to keep legal professionals, and even the general public, informed about recent developments in European civil law in various complementary ways. Particular emphasis is laid on practical and relevant information that can be accessed using new communication technologies.

The possibility of cofinancing the work programmes of NGOs did not attract many offers in the first three years (19), of which only a few were selected (six different organisations were selected in the first three years, one three times and another twice).

There is no doubt about the relevance of the objectives of the Civil Justice Programme, which extends the impact of the legislative work of the Commission and sometimes provides inputs upstream. Like previous programmes, the Civil Justice Programme plays an important role in supporting European justice policy. The activities financed with quite modest grants help civil society organisations and Member States to make an effective contribution to the formulation and smooth implementation of European law.

In addition, the programme is efficiently managed, despite the limited human resources, as the Commission's partners generally agree.

Recommendations: there are still some improvements to make the programme even more effective, however.

Making the programme more attractive: while the quality of the projects financed appears indisputable, it must be admitted that not many proposals are received and their geographic spread is not very wide. Whilst organisations of 19 of the 26 Member States participating in the programme (Denmark does not take part) have submitted proposals for specific projects and had at least one proposal selected, organisations of just five countries (Germany, Italy, Spain, Belgium and France) accounted for a little over two thirds of the proposals received since 2007 and of the selected projects. The Commission has received just over 150 proposals in four years whereas it was expecting between 100 and 150 in the first year (this figure, given in the work programmes under the heading 'expected results', was revised downwards after three years).

There are various explanations for this, the main ones being:

- the very technical nature of the topics covered by the programme (much more technical than Daphne III, Fundamental Rights and Justice or even Criminal Justice), which means that only the 'initiated' submit proposals;
- small organisations have difficulty in finding partners and their own sources of cofinancing;
- the programme is little known outside the inner circle of 'clients';
- potential candidates' fear of complex procedures.

While the first of these difficulties is intrinsic to the very nature of the programme, it is possible to deal with the three others by doing two things:

- better publicising the programme, particularly through presentations in the Member States to reach more grassroots organisations and tell them how to apply, how to design a good project and how to find partners. The Commission works in partnership with the national authorities concerned, which are responsible for bringing together the relevant associations. Visits of this type to several Member States since 2008 have raised participation from these States;
- simplifying procedures: desired by all stakeholders, simplification is an exercise that must unite the requirements of transparency, sound financial management and equal treatment of partners. Current procedures lead to unacceptably long delays between the publication of calls for proposals and the start-up of projects. They are caused by a plethora of administrative steps that are disproportionate to the amounts involved (deadline for submitting proposals, internal procedures of the Commission, discussions on budgets with the recipients, committee procedures, etc.);

Better defined priorities that are more in line with the Commission's policy priorities: the setting of priorities should focus more on political activities and promote projects that meet these priorities. More attention should be paid to the dissemination of project results in order to ensure better visibility of both the results and the programme as a whole.

More European added value: financing should be concentrated on projects that have a real European dimension and offer the most significant European added value. To achieve this objective we should finance larger projects. To do this the necessary provisions should be incorporated in the annual work programmes and the next basic decision. The Commission's proposed basic decision for the current programme required the participation of at least three States, while the final text provides for no more than two (and even 'national' projects may be accepted under the Criminal Justice programme).

Operating grants: the operating grants component of the programme has so far produced disappointing results. As not enough of the funds earmarked for such actions were committed (approximately 30%, 50% and 60% of the funds available during the first three years of the programme), the Commission radically cut the indicative allocation from 2011 on (down to EUR 150 000 instead of EUR 500 000). This may be attributable to declining enthusiasm for this type of grant, but another reason is the fact that most of the proposals received tend to be closer to specific projects than annual work programmes. In addition, the European dimension is very difficult to identify in this type of activity (except for the true European networks which were the main target of the Commission's proposal). Given the workload created by the publication of an annual call for proposals for operating grants and the results obtained, the Commission should consider discontinuing this in 2014.

Links between the programmes: various ways of reforming the programme may be considered with an eye to the next financial programming period starting in 2014, including a merger with the twin Criminal Justice programme. The programmes were kept separate in 2007 because of their different legal bases, which called for different adoption procedures, but this is no longer the case since the entry into force of the Lisbon Treaty. Accordingly, the Commission might consider proposing a 'Justice' programme bringing together the current Civil and Criminal Justice programmes.