



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.12.2000
COM(2000) 828 final

2000/0339 (CNS)
2000/0340 (CNS)
2000/0341 (CNS)

Proposal for a

COUNCIL DECISION

establishing a second phase of the programme of incentives and exchanges, training and cooperation for legal practitioners (Grotius II - General and Criminal)

Proposal for

COUNCIL DECISION

establishing a second phase of the programme of incentives, exchanges, training and cooperation for law enforcement authorities (Oisin II)

Proposal for

COUNCIL DECISION

establishing a second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children (Stop II)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. INTRODUCTION

On 31 December 2000, three of the multiannual financing programmes adopted through Joint Actions on the basis of Article K.3 of the Treaty on European Union will expire. The three Joint Actions are:

- Joint Action 96/636/JAI of 29 October 1996 establishing a programme of incentives and exchanges for legal practitioners (Grotius);¹
- Joint Action 96/700/JAI of 29 November 1996 establishing an incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children (Stop);²
- Joint Action 97/12/JAI of 20 December 1996 establishing a common programme for the exchange and training of, and cooperation between, law enforcement authorities (Oisin).³

The programmes were set up with financial references of €8.8 million for Grotius, €6.5 million for Stop, and €8 million for Oisin respectively. For each year of implementation, annual programmes setting objectives and thematic priorities, describing procedures and inviting organisers to submit projects for possible co-financing have been adopted and subsequently published in the Official Journal. Numerous projects have been adopted for co-financing. The Committees set up to assist the Commission in the implementation of the programmes, comprising representatives from each Member State, have usually met twice a year during the period of implementation, in particular to discuss and give their opinions on the annual programmes and the Commission's proposals on which projects to adopt for co-financing.

The Commission has reported three times (1996 and 1997 in one report) to the European Parliament and the Council on the implementation of the programmes. The reports show that the programmes have achieved their objectives and given value for money by supporting the numerous projects the reports have been based on. The report to be transmitted to the European Parliament and the Council on the implementation of the programmes in the financial year 2000 will offer an opportunity to draw further conclusions on the effectiveness and impact of the programmes.

An external evaluation carried out at the beginning of 2000 has confirmed that the programmes have achieved their objectives and made a positive contribution at European level in the fields of law enforcement and judicial cooperation in criminal matters. The effectiveness of the programmes, measured in terms of the resources deployed, was also found to be satisfactory.

However, the external evaluation suggested a number of avenues to be explored for improving the impact of the co-financed projects, for example fewer seminars and conferences, better preparation of projects, and broader dissemination of the results. These conclusions have been taken into account in the proposals for renewing the programmes.

¹ OJ L 287, 8.11.1996, p. 3.

² OJ L 322, 12.12.1996, p. 7.

³ OJ L 7, 10.1.1997, p. 5.

On 1 May 1999 the Amsterdam Treaty entered into force and introduced the notion of an area of freedom, security and justice. The conclusions from the European Council in Tampere on 15-16 October 1999 then made this notion a core concept for the European Union. In addition, the Commission adopted a Scoreboard to review progress in setting up this area.

It is clear that the programmes can have a continuing and significant role in law enforcement and judicial cooperation at European level, after the entry into force of the Amsterdam Treaty, with the overall objective of contributing to the creation of an area of freedom, security and justice. Consequently, the Commission has concluded that the programmes should be renewed so as to allow for a continuation of the support for projects at European level, which plays an important role in creating this area. In the case of the Stop Programme, this conclusion is also supported by the European Parliament in its Resolution of 19 May 2000 on the Commission's second Communication "For further actions in the fight against trafficking in women".

For the future, however, it will be necessary to strategically re-orientate the way the programme operate and are managed in the context of co-financing in the field of police and judicial cooperation. For instance, all the Title VI programmes may be merged into a "Framework Programme".

2. THE PROPOSALS FOR COUNCIL DECISIONS: DEVELOPMENTS

The proposals for Council decisions establishing second phases of the Grotius (general and criminal), Stop and Oisin programmes build on the experience gained over the five-year implementation period of the current programmes. One of the conclusions reached during the exercise of renewing the programmes is that a future strategic re-orientation including all programmes supporting projects in the field of law enforcement and judicial cooperation will be necessary. A re-orientation creating a single "Title VI Framework Programme" would be in line with the Commission's general trend towards focusing on larger programmes and could possibly lead to an increase in the available resources. A Framework Programme would also simplify the budgetary procedures, raise the profile of the activities and allow for greater synergy between the currently separate four Title VI programmes, even if a separation in terms of content is maintained through having separate chapters.

The re-orientation to come is the reason why the renewal has been limited to two years. It will thus be possible to carry out a strategic re-orientation of all the Title VI programmes at the same time, as the programme of exchanges, training and cooperation for persons responsible for action to combat organised crime (Falcone) also comes to an end on 31 December 2002.

Although the structure and, to some extent, the wording of the proposals is different from the Joint Actions establishing the original programmes, there is no intention of changing the programmes' scope, with the exception of Grotius, which has been divided into two programmes, Grotius "General and Criminal" and Grotius "Civil". A separate proposal on Grotius "Civil" has been adopted by the Commission.⁴

The reason is that the current Grotius programme was established in 1996 by a joint action on judicial co-operation both in civil and in penal matters. At that time, all judicial cooperation in civil and criminal matters was governed by the former article K.1 of the Treaty on European Union.

⁴ COM(2000) 516 final, 5.9.2000.

The Amsterdam Treaty that came into force on 1 May 1999 modified the provisions on judicial cooperation. Judicial cooperation in civil matters now falls under Articles 61 and 65 of the Treaty establishing the European Community, while judicial cooperation in penal matters falls under Articles 29 and 34 of the Treaty on European Union. This different legal basis has required two separate decisions.

The scope of the Grotius, Oisín and Stop programmes mainly covers specialised professions, such as judges, prosecutors, legal practitioners, police departments, law enforcement services, public officials, and persons responsible for assistance to victims. However, training bodies, universities, voluntary associations and other research centres are also eligible.

The main objectives are to contribute to the creation of an European area of freedom, security and justice in order to offer a high degree of protection to citizens, and to help fight organised crime.

To this end, Grotius is expected to pursue the specific objectives of cooperation between legal practitioners, increasing the knowledge of the different legal and judicial systems and facilitating judicial cooperation between the Member States.

Oisín will encourage cooperation between the law enforcement services of the Member States to allow them to achieve a better knowledge of the working methods of their counterparts in other Member States and constraints by which they may be bound.

Stop will develop initiatives to combat the trade in human beings and the sexual exploitation of children, including child pornography and the violence associated with it, and to help the victims of these criminal activities.

The proposed instruments are:

- Training programmes on legislation, operational procedures and good practice in the Member States,
- Exchanges and mobility programmes in institutions of the Member States,
- Seminars, colloquia and conferences,
- Research and studies on law and new working methods,
- Dissemination of information and building on achievements.

The proposed structures reflect the general trend in Community programmes, e.g. the Daphne Programme. The restructuring has also led to the introduction of some new terminology and types of project, for example:

- the proposals refer to an Annual Work Programme rather than an Annual Programme,
- they introduce specific actions and complementary measures on subjects indicated in the Annual Work Programme,
- they seek to express more clearly the criteria for the evaluation and selection of projects.

The proposed financial reference amount for the programmes has been increased in view of the growing interest shown in the programmes and the more ambitious objectives. The

proposals indicate a financial reference of €4 million for Grotius, €4 million for Stop, and €8 million for Oisin respectively. It is proposed that, henceforth, co-financing be limited to 70% instead of 80%, the purpose being to achieve more accurate estimates of the costs by the organisers and to mobilise more national co-financing for the benefit of the programmes.

As for the objectives of the proposed programmes, they have been more closely linked to the Treaties, now the Amsterdam Treaty, and the Europe-wide policies and action plans under Title VI of the Treaties. The special importance of involving the applicant countries in the actions under the programmes is also stressed as an objective. Increased participation of public services and organisations from the applicant countries in projects under the current programmes should be further encouraged, not least in view of the future enlargement of the European Union. The Commission therefore also proposes that the specific projects (described below) could be used for fields in which applicant countries have expressed an explicit interest in taking action. A Member State or an organisation from a Member State will, however, remain formally responsible for introducing a proposal and for the proper implementation of the adopted action. But, in order to inform the applicant countries on the proceedings and, hence, the activities under the programme, the Commission could invite representatives of the applicant countries, as observers, to information meetings, to be held after the official meetings of the Committees set up to help the Commission implement the programmes.

This information will facilitate the preparatory work on the agreements that have to be reached with each applicant country on a contribution to the budget of the programmes.

Turning to another development in the proposals, the experience gained in implementing the programmes in the past show that there are sometimes gaps in the topics covered by the proposals submitted to the Commission, i.e. they do not fully cover the thematic priorities set in the annual programmes. Focused and targeted projects could also be designed to respond to specific needs in specific areas. It is therefore proposed that the Annual Work Programme identify a few specific projects, indicating their form (campaign, conference, exchange programme, research), and a clearly defined topic and target. These specific projects would qualify for 100% financing. The Commission, in its proposal for the Annual Work Programmes, will be able to specify these projects and invite organisers to submit proposals on how they will carry them out. The proposals received will be evaluated on the same criteria as any other proposal.

On the basis of past experience, as well as the conclusions of the external evaluation, it was also felt that the programmes should include complementary measures to achieve their objectives more effectively. These are envisaged as support for projects already co-financed under the programmes. In other words, the Commission could indicate in the Annual Work Programme subjects and themes (for instance, publishing a booklet setting out the results of a project, or further development of websites or databases concerning the programme's activities, or meetings of experts dealing with a specific topic) on which the co-financing for promoters may also reach 100%.

However, the proposals limit the percentage of the annual appropriations that can be used for these fully financed specific projects and complementary measures to 10% each.

The proposals for committee procedures for the implementation of the programmes are modelled on the Council Decision of 28 June 1999 laying down the procedures for the

exercise of implementing powers conferred on the Commission,⁵ the "Comitology Decision". This Decision applies only to the Committees working within the Community sphere of the Treaties, but the procedures set out in the Decision and used as a model in the proposals are, in practice, similar to the procedures that have been applied in the implementation of the programmes since 1996.

It is proposed that the measures implementing the programmes be adopted in accordance with two different procedures, the advisory procedure and the management procedure. The proposals do not require a different procedure to be selected depending on the amount of the co-financing requested, i.e. above or below €50 000, taking into account the fact that, on average, the projects rarely exceed €100 000 in terms of total investment. It is therefore proposed that the decision to co-finance all projects proposed by promoters as well as the decision to finance complementary measures should be adopted under the advisory procedure, the reason being that the Commission is responsible for the selection process and asks the Committee for an opinion on the overall list, including the complementary measures.

The adoption of the Annual Work Programme and specific projects will, by contrast, follow the management procedure. This is because this instrument is much more important, particularly in terms of defining the priorities for potential tendering organisations and in calling for specific projects.

The advisory procedure means that the Commission is obliged to take the utmost account of the opinion of the Committee and to inform the Committee of the manner in which this is done. The management procedure means that the Commission can adopt the measure unless there is a qualified majority in the Committee against it.

3. THE PROPOSALS FOR COUNCIL DECISIONS: ARTICLES

Article 1

Article 1 establishes the second phase of the programmes and states that they are established for a two-year period beginning on 1 January 2001.

Article 2

Article 2 sets the objectives of the programme. It indicates a close link to the overall objective set in the Amsterdam Treaty and therefore also to the action plans etc. in place for the work creating an area of freedom, security and justice. Thereafter, the objectives for each of the programmes are defined, within the context of the overall objective. The involvement of applicant countries is also given particular prominence here.

Article 3

Article 3 states who can receive co-financing from the programmes. Organisations falling within the scope of the programmes are identified and target groups thereby defined. It also indicates what is understood by "European dimension" and, hence, how many partners from Member States and applicant countries need to be involved.

⁵ OJ L 184, 17.7.1999, pp. 23-26.

Article 3 also introduces the specific projects and complementary measures that can be financed up to 100% to fully achieve the programmes' objectives.

Article 4

Article 4 defines actions covered by the programme and includes those implemented under the current programmes.

Article 5

The first paragraph of Article 5 concerns the budgetary rules of the programmes, while the following paragraphs indicate the basic principles for financing projects.

Article 6

Article 6 deals with the programmes' implementation. Paragraph 1 states that implementation is to be carried out in cooperation between the Commission and the Member States. The following two paragraphs indicate one basic rule to observe and three steps to be taken by the Commission in implementing the programme. Paragraph 4 identifies which measures the Committee established by Article 7 should examine and deliver an opinion on.

Paragraph 5 sets out the general criteria for the evaluation and selection of actions to be financed under the programme. The Commission has tried to be very clear on this point as it is of the utmost importance that applicant organisers know on what basis their proposals will be evaluated. The Commission will base its grounds for the selection or rejection of proposals on these criteria.

Article 7

The first paragraph of Article 7 provides that the Commission will be assisted in the implementation of the programme by a Committee composed of representatives from the Member States. Paragraph 2 introduces the internal rules of procedure. Paragraph 3 introduces the possibility for the Commission to invite representatives from the applicant countries to information meetings.

Article 8

Article 8 describes the advisory procedure. It is indicated in Article 6(4) that the procedure shall apply to the adoption of actions received from organisers identified in Article 3(1) and complementary measures referred to in Article 3(4).

Article 9

Article 9 describes the management procedure. Article 6(4) states that the procedure will apply to the adoption of an Annual Work Programme and the adoption of specific projects under the Annual Work Programme.

Article 10

Article 10 imposes an obligation on the Commission to ensure that the programme is evaluated and monitored. It also requires the Commission to report annually to the European Parliament and the Council on the results of its evaluation and monitoring.

Article 11

Article 11 states that the decision to establish the programme enters into force on the date of its publication in the Official Journal of the European Communities.

Proposal for a

COUNCIL DECISION

establishing a second phase of the programme of incentives and exchanges, training and cooperation for legal practitioners (Grotius II - General and Criminal)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 34(2)(c) thereof,

Having regard to the proposal from the Commission of 2000,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) Article 29 of the Treaty on European Union states that the Union's objective is to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters.
- (2) The conclusions of the Tampere European Council call for cooperation in the fight against crime to be stepped up in order to achieve a genuine European area of justice.
- (3) The Grotius programme, set up by Joint Action 96/636/JAI of 29 October 1996,⁶ has helped step up cooperation between the Member States' judiciaries and improve mutual understanding of their legal and judicial systems.
- (4) The renewal of the programme, expressly provided for by that Joint Action, would enable this cooperation to be improved.
- (5) The entry into force of the Amsterdam Treaty brings judicial cooperation in civil matters under Article 61 of the Treaty establishing the European Community and, consequently, support for cooperation activities in this field has become the subject of a separate Commission initiative on the renewal of the Grotius "Civil" programme.
- (6) It is desirable to ensure continuity for the general and criminal projects supported by the Grotius programme and to renew the programme for a second phase of two years.
- (7) The Grotius general and criminal programme must be opened up further to the applicant countries by facilitating their participation in the projects supported by the programme,

⁶ OJ L 287, 8.11.1996, p. 3.

- (8) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁷, the measures needed to implement this Decision as referred to in Article 3(1) and the second subparagraph of Article 3(4) should be adopted in accordance with the advisory procedure laid down in Article 3 of Decision 1999/468/EC.
- (9) Since the measures needed to implement this Decision as referred to in the first subparagraph of Article 3(4) and the first subparagraph of Article 6(3) are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999, these measures should be adopted in accordance with the management procedure provided for in Article 4 of the latter Decision,

HAS ADOPTED THIS DECISION:

Article 1 - Establishment of the programme

1. This Decision establishes, for general and criminal matters, the second phase of the Grotius cooperation programme set up by Joint Action 96/636/JAI of 29 October 1996.
2. The programme is hereby renewed for the period from 1 January 2001 to 31 December 2002 and may be extended beyond the latter date.

Article 2 - Programme objectives

1. The programme shall contribute to the general objective of providing citizens with a high level of protection in an area of freedom, security and justice. Within this framework, it is intended to stimulate mutual knowledge of legal and judicial systems and to facilitate general judicial and criminal cooperation between the Member States.
2. The specific objectives of the programme are:
 - preparation of projects in the field of criminal judicial cooperation;
 - help in implementing the instruments adopted;
 - support for better mutual understanding on general topics of shared interest for the Member States;
 - local ad hoc projects with the aim of improving cooperation on the ground;
 - setting up networks between certain organisations and professions.
3. The applicant countries may participate in projects in order to familiarise themselves with the Union *acquis* in this area and help them prepare for accession. Other third countries may also participate where this serves the aims of the projects.

⁷ OJ L 184, 17.7.1999, p. 23.

Article 3 - Access to the programme

1. The programme shall co-finance projects submitted by the institutions and public or private organisations, including professional organisations, research institutes and legal and judicial training/further training institutes for legal practitioners.
2. For the purposes of this Decision, "legal practitioners" means judges, public prosecutors, lawyers, law officials, criminal investigation officers, bailiffs, experts, court interpreters, other professionals associated with the judiciary and researchers.
3. To be eligible for co-financing, the projects must involve at least three Member States, or two Member States and one applicant country, and have the objectives mentioned in Article 2.
4. The programme may also finance:
 - specific projects of particular interest in terms of the programme's priorities or cooperation with the applicant countries;
 - complementary measures such as seminars, meetings of experts or other activities to disseminate the information obtained under the programme.

Article 4 - Activities under the programme

The programme shall comprise the following types of project which apply to all fields of judicial cooperation with the exception of judicial cooperation in civil matters:

- Training;
- Exchanges and work experience placements;
- Studies and research;
- Meetings and seminars;
- Dissemination of the results obtained within the framework of the programme.

Article 5 - Financing the programme

1. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.
2. The co-financing of a project by the programme shall be exclusive of any other financing by another programme financed by the budget of the European Communities.
3. Financing decisions shall be followed by grant contracts between the Commission and the organisers. The financing decisions and contracts arising therefrom shall be subject to financial control by the Commission and to audits by the Court of Auditors.

4. The proportion of financial support from the Community budget shall not exceed 70% of the cost of the project.
5. However, the specific projects and complementary measures mentioned in Article 3(4) can be financed to 100%, up to a ceiling of 10% of the total financial package allocated annually to the programme for each of the two categories.

Article 6 - Implementation of the programme

1. The Commission shall be responsible for the management and implementation of the programme, in cooperation with the Member States.
2. The programme shall be managed by the Commission in accordance with the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities.
3. To implement the programme, the Commission shall:
 - prepare an Annual Work Programme comprising specific objectives, thematic priorities and, if necessary, a list of specific projects and complementary measures;
 - evaluate and select the projects presented by the organisers mentioned in Article 3;
4. The Commission shall submit to the Committee mentioned in Article 7 the draft measures to be taken to implement the project. Examination of the drafts presented by the organisers and of the complementary measures shall be carried out in accordance with the advisory procedure mentioned in Article 8. Examination of the Annual Work Programme and the specific projects shall be carried out in accordance with the management procedure mentioned in Article 9.
5. The Commission shall evaluate and select projects submitted by the organisers on the basis of the following criteria:
 - conformity with the programme's objectives;
 - European dimension of the project and scope for participation by the applicant countries;
 - compatibility with the work undertaken or planned within the framework of the European Union's political priorities on judicial cooperation in general and criminal matters;
 - complementarity with other past, present or future cooperation projects;
 - ability of the organiser to implement the project;
 - inherent quality of the project in terms of its conception, organisation, presentation and expected results;

- amount of the subsidy requested under the programme and proportionality with the expected results;
- impact of the expected results on the programme's objectives.

Article 7 - Committee

1. The Commission shall be assisted by a Committee entitled "Grotius - General and Criminal", consisting of representatives of the Member States and chaired by the Commission's representative.
2. This Committee shall adopt its rules of procedure on a proposal by the chair and in accordance with the conditions specified in Article 7(1) of Council Decision 1999/468/EC.
3. The Commission may invite representatives from the applicant countries to information meetings after the Committee's meetings.

Article 8 - Advisory procedure

If reference is made to this Article, the advisory procedure provided for in Article 3 of Decision 1999/468/EC shall apply, in accordance with the provisions of Article 7(3) of that Decision.

Article 9 - Management procedure

1. If reference is made to this Article, the management procedure provided for in Article 4 of Decision 1999/468/EC shall apply, in accordance with the provisions of Article 7(3) of that Decision.
2. The period specified in Article 4(3) of Decision 1999/468/EC shall be set at three months.

Article 10 - Evaluation

1. The Commission shall undertake each year an evaluation of the actions carried out in implementing the programme for the previous year.
2. Each year the Commission shall report each year to the European Parliament and the Council on the implementation of the programme. The first report shall be presented before 31 July 2002.

Article 11 - Entry into force

1. This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.
2. This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Proposal for a Council Decision establishing a second phase of the programme of incentives and exchanges, training and cooperation for legal practitioners (Grotius II - General and Criminal).

2. BUDGET HEADING(S) INVOLVED

B5-820

3. LEGAL BASIS

Article 34 TEU

4. DESCRIPTION OF OPERATION

4.1 General objective

The aim of the operation is to continue the Grotius programme, which comes to an end at the end of 2000.

The Grotius II programme is intended to promote mutual understanding of the legal and judicial systems and to facilitate judicial cooperation between the Member States on general and criminal matters.

Grotius II promotes the financing of training, exchange and work experience programmes, the organisation of meetings, studies and research and the distribution of information within a coherent structure which enables the results to be disseminated at European level.

These activities are important resources for attaining the objectives of creating a European judicial area and combating organised crime at Union level.

The programme is in accordance with the following political instruments:

- The The Council and Commission action plan, presented to the Vienna European Council on 11 and 12 December 1998, on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice. In paragraph 84 it states that "*the European Council calls for particular attention to be paid to the creation of a European Judicial Area, in accordance with the Treaty of Amsterdam, endowed with the necessary instruments for effective judicial and police cooperation ...*";

- The Tampere European Council conclusions of 15 and 16 October 1999; within the framework of the fight against crime at the level of the Union, in paragraph 42 it states that "*the exchange of best practices should be developed [and] the network of*

competent national authorities for crime prevention and cooperation between national crime prevention organisations should be strengthened ...".

4.2 Period covered and arrangements for renewal

The programme is envisaged for a period of two years (2001-02). This is in order to study the feasibility of merging the existing programmes (Grotius, Oisin and Stop) into a single programme governed by Title VI of the EU Treaty.

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

5.1 Non-compulsory expenditure

5.2 DA

5.3 EXPENDITURE: 4 m

6. TYPE OF EXPENDITURE OR REVENUE

- subsidy for co-financing with other public or private sector sources, up to 70% of the cost of the projects concerned
- 100% subsidy for specific projects implemented by the Commission on priority aspects of European interest and for supplementary measures, up to a limit of 10% of the annual budget for each of the two categories.

7. FINANCIAL IMPACT

7.1 Method of calculating total cost of operation (relation between individual and total costs)

The financial reference amount for the implementation of the programme for the period 2001 to 2002 shall be €4 million.

It corresponds to the previous Grotius programme's budgetary allocation of 2 million for the year 2000, multiplied by two (duration of the action).

7.2 Itemised breakdown of cost

Commitment appropriations (EUR million at current prices)

Breakdown	Year 2001	Year 2002	n+2	n+3	n+4	n+5 and subs. years	Total
Seminars, conferences, training meetings	1.05	1.05					2.10
Exchange and work experience programmes	0.55	0.55					1.10
Studies and research	0.30	0.30					0.60
Documentation and information	0.10	0.10					0.20
Total	2.00	2.00					4.00

7.3 Operational expenditure for studies, experts etc. included in Part B of the budget

Commitment appropriations (EUR million at current prices)

	Year	n+1	n+2	n+3	n+4	n+5 and subs. years	Total

7.4 Schedule of commitment and payment appropriations

Commitment appropriations (EUR million)

	Year 2001	Year 2002	n+2	n+3	n+4	n+5 and subs. years	Total
Commitment appropriations	2.00	2.00					4.00
Payments appropriations	4.4						
year n n+1 n+2 n+3 n+4 n+5 n+5 and subs. years	1.00	2.00	1.00				4.00
Total	1.00	2.00	1.00				4.00

8. FRAUD PREVENTION MEASURES

- The general anti-fraud provisions apply. In addition, on-the-spot sampling checks are planned.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 Specific and quantified objectives; target population

- **Specific objectives:** to increase knowledge of the legal language and comprehension of the legal terminology of the other Member States and applicant countries,
 - to promote awareness of the shared values of the Member States' legal systems,
 - to promote familiarity with the legal and judicial institutions and systems of the other Member States and the applicant countries,
 - to establish working relations and mutual trust between legal practitioners,
 - to promote discussions on improving judicial cooperation and on experiments in working methods,
 - to compare trends in reforming the justice system,
 - to disseminate information on the results of projects at European level.
- **Target population:** the programme is aimed at legal practitioners, namely judges, prosecutors, advocates, academic and scientific personnel, ministry officials,

criminal investigation officers, bailiffs, court interpreters and other professionals associated with the judiciary.

9.2 Grounds for the operation

- **Need for Community budgetary intervention, particularly in view of the subsidiarity principle:** to facilitate networking of promoters, ensure transnationality and disseminate the results at European level.
- **Choice of ways and means**
 - * *advantages compared with the alternative measures (comparative advantages):* Europe-wide dissemination of results, response at European level to the needs of operators, greater coordination between the target populations.
 - * *analysis of similar projects that may have been carried out at Community or national level:* at Community level there are no other specific projects; at national level there is a limited number of projects, so that it is not possible to set up a network and disseminate good practice throughout the European area.
 - * *expected secondary and multiplier effects:* synergy and added value at European level.
- **Main factors of uncertainty which could affect the specific results of the operation.** Previous experience with the earlier projects proves that there are none. On the contrary, there is an increased awareness at European level and a growing demand from legal practitioners for this type of action with a view to creating an area of freedom, security and justice in Europe.

9.3 Monitoring and evaluation of the operation

- Performance indicators
 - * *output indicators (measuring activities used):* analysis and dissemination of the results of the projects; creation of transnational partnerships;
 - * *impact indicators (measuring performance against objectives):* increased training of legal practitioners in knowledge of the legal systems of the different countries, including legal language, and greater awareness of the need to understand different national practices;
- *Details and frequency of planned evaluation:* annual comprehensive internal evaluation; comprehensive external evaluation;
- *Assessment of the results obtained (where the operation is to be continued or renewed).* Independent favourable internal and external evaluation, results in line with the objectives, need to continue the activities undertaken, increasing demand from the promoters.

10. ADMINISTRATIVE EXPENDITURE (SECTION III, PART A OF THE BUDGET)

The necessary human and administrative resources are to be covered from within the managing DG's allocation.

10.1 Effect on the number of posts

Type of post		Staff to be assigned to managing the operation		Source		Duration
		Permanent posts	Temporary posts	Using existing resources in the DG or department concerned	Drawing on additional resources	
Officials or temporary staff	A	0.5		0.5		2 years
	B	1		1		2 years
	C	1		1		2 years
Other resources						
Total		2.5		2.5		2 years

For additional resources, indicate at what rate they would need to be made available.

10.2 Overall financial impact of additional human resources

EUR

	Amounts	Method of calculation
Officials	0	
Temporary staff	0	
Other resources (indicate budget heading)	0	
Total		

The amounts are the total cost of additional posts for the entire duration of the operation, if this duration is predetermined, or for 12 months if it is indefinite.

10.3 Increase in other administrative expenditure as a result of the operation, especially costs relating to meetings of committees and groups of experts

EUR

Budget heading (number and heading)	Amounts	Method of calculation
A0 7031	48 000	15 experts x 2 Committee meetings x 800 x 2 years
A0 7030	240 000	30 experts x 5 days evaluation x 800 x 2 years
	288 000	

An external evaluation of the project proposals by two experts per Member State is provided for. In other words, each proposal will be examined separately by two experts in order to have an objective, independent evaluation.

Proposal for

COUNCIL DECISION

establishing a second phase of the programme of incentives, exchanges, training and cooperation for law enforcement authorities (Oisin II)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 34(2)(c) thereof,

Having regard to the proposal from the Commission of 2000,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) Article 29 of the Treaty on European Union states that the Union's objective is to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police and judicial cooperation.
- (2) The conclusions of the Tampere European Council call for closer cooperation between the authorities responsible for combating crime.
- (3) The Oisin programme, set up by Joint Action 97/12/JAI of 20 December 1996,⁸ has helped step up cooperation between the Member States' law enforcement authorities.
- (4) The renewal of the programme, expressly provided for by that Joint Action, would enable this cooperation to be improved.
- (5) It is desirable to ensure continuity for the projects supported by the Oisin programme and to renew the programme for a second phase of two years.
- (6) The Oisin programme must be opened up further to the applicant countries by facilitating their participation in the projects supported by the programme.
- (7) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁹, the measures needed to implement this Decision as referred to in Article 3(1) and the second subparagraph of Article 3(4) should be adopted in accordance with the advisory procedure laid down in Article 3 of Decision 1999/468/EC.

⁸ OJ L7, 10.01.1997, p.5.

⁹ OJ L 184, 17.07.1999, p. 23.

- (8) Since the measures needed to implement this Decision as referred to in the first subparagraph of Article 3(4) and the first subparagraph of Article 6(3) are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999, these measures should be adopted in accordance with the management procedure provided for in Article 4 of the latter Decision,

HAS ADOPTED THIS DECISION:

Article 1 - Establishment of the programme

1. This Decision establishes the second phase of the Oisín cooperation programme set up by Joint Action 97/12/JAI of 20 December 1996.
2. The programme is hereby renewed for the period from 1 January 2001 to 31 December 2002 and may be extended beyond the latter date.

Article 2 - Programme objectives

1. The programme shall contribute to the general objective of providing citizens with a high level of protection in an area of freedom, security and justice. Within this framework, it is intended to encourage cooperation between the Member States' law enforcement authorities and provide such authorities with a greater insight into the working methods of their counterparts in other Member States and constraints by which they may be bound.
2. The applicant countries may participate in projects in order to familiarise themselves with the Union *acquis* in this area and help them prepare for accession. Other third countries may also participate where this serves the aims of the projects.

Article 3 - Access to the programme

1. The programme shall co-finance projects submitted by the law enforcement authorities of the Member States of the European Union with the aim of achieving the objectives referred to in Article 2.
2. For the purposes of this Decision, "law enforcement authorities" means the public bodies in the Member States which are responsible under national law for preventing, detecting and combating criminal offences.
3. To be eligible for co-financing, the projects must involve at least three Member States, or two Member States and one applicant country, and have the objectives mentioned in Article 2.
4. The programme may also finance:
 - specific projects of particular interest in terms of the programme's priorities or cooperation with the applicant countries;

- complementary measures such as seminars, meetings of experts or other activities to disseminate the information obtained under the programme.

Article 4 - Activities under the programme

The programme shall comprise the following types of project:

- Training;
- Exchanges and work experience placements;
- Studies and research;
- Meetings and seminars;
- Dissemination of the results obtained within the framework of the programme.

Article 5 - Financing the programme

1. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.
2. The co-financing of a project by the programme shall be exclusive of any other financing by another programme financed by the budget of the European Communities.
3. Financing decisions shall be followed by grant contracts between the Commission and the organisers. The financing decisions and contracts arising therefrom shall be subject to financial control by the Commission and to audits by the Court of Auditors.
4. The proportion of financial support from the Community budget shall not exceed 70% of the cost of the project.
5. However, the specific projects and complementary measures mentioned in Article 3(4) can be financed to 100%, up to a ceiling of 10% of the total financial package allocated annually to the programme for each of the two categories.

Article 6 - Implementation of the programme

1. The Commission shall be responsible for the management and implementation of the programme, in cooperation with the Member States.
2. The programme shall be managed by the Commission in accordance with the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities.
3. To implement the programme, the Commission shall:

- prepare an Annual Work Programme comprising specific objectives, thematic priorities and, if necessary, a list of specific projects and complementary measures;
 - evaluate and select the projects presented by the organisers mentioned in Article 3;
4. The Commission shall submit to the Committee mentioned in Article 7 the draft measures to be taken to implement the project. Examination of the drafts presented by the organisers and of the complementary measures shall be carried out in accordance with the advisory procedure mentioned in Article 8. Examination of the Annual Work Programme and the specific projects shall be carried out in accordance with the management procedure mentioned in Article 9.
5. The Commission shall evaluate and select projects submitted by the organisers on the basis of the following criteria:
- conformity with the programme's objectives;
 - European dimension of the project and scope for participation by the applicant countries;
 - compatibility with the work undertaken or planned within the framework of the European Union's political priorities on police and customs cooperation;
 - complementarity with other past, present or future cooperation projects;
 - ability of the organiser to implement the project;
 - inherent quality of the project in terms of its conception, organisation, presentation and expected results;
 - amount of the subsidy requested under the programme and proportionality with the expected results;
 - impact of the expected results on the programme's objectives.

Article 7 - Committee

1. The Commission shall be assisted by a Committee, entitled "Oisin", consisting of representatives of the Member States and chaired by the Commission's representative.
2. This Committee shall adopt its rules of procedure on a proposal by the chair and in accordance with the conditions specified in Article 7(1) of Council Decision 1999/468/EC.
3. The Commission may invite representatives from the applicant countries to information meetings after the Committee's meetings.

Article 8 - Advisory procedure

If reference is made to this Article, the advisory procedure provided for in Article 3 of Decision 1999/468/EC shall apply, in accordance with the provisions of Article 7(3) of that Decision.

Article 9 - Management procedure

1. If reference is made to this Article, the management procedure provided for in Article 4 of Decision 1999/468/EC shall apply, in accordance with the provisions of Article 7(3) of that Decision.
2. The period specified in Article 4(3) of Decision 1999/468/EC shall be set at three months.

Article 10 - Evaluation

1. The Commission shall undertake each year an evaluation of the actions carried out in implementing the programme for the previous year.
2. Each year the Commission shall report each year to the European Parliament and the Council on the implementation of the programme. The first report shall be presented before 31 July 2002.

Article 11 - Entry into force

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels,

*For the Council
The President*

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Proposal for a Council Decision establishing a second phase of the programme for the exchange and training of, and cooperation between, law enforcement authorities (Oisin II).

2. BUDGET HEADING(S) INVOLVED

B5-820

3. LEGAL BASIS

Article 34 TEU

4. DESCRIPTION OF OPERATION

4.1 General objective

The aim of the operation is to continue the Oisin programme, which comes to an end on 19 December 2000.

The objective of the Oisin programme is encourage cooperation between the law enforcement authorities of the Member States and provide them with a greater insight into the working methods of their counterparts in other Member States and constraints by which they may be bound. "Law enforcement authorities" is taken to mean the public bodies in the Member States responsible under national law for preventing, detecting and combating criminal offences, i.e. essentially the police and customs services.

Oisin co-finances training, exchange and work experience programmes, the organisation of meetings, conferences and seminars, study or research projects and the dissemination of the results of the projects financed at European level.

These activities are important resources for attaining the objectives of creating a European area of justice through closer and more effective cooperation between the Member States' law enforcement authorities. They are in accordance with the Tampere European Council conclusions of 15 and 16 October 1999, which call for closer cooperation between the authorities responsible for combating crime.

4.2 Period covered and arrangements for renewal

The programme is envisaged for a period of two years (2001-02). This will make it possible to study the feasibility of merging existing programmes (such as Grotius, Oisin, Falcone or Stop) into a single framework programme governed by Title VI of the EU Treaty.

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

5.1 Non-compulsory expenditure

5.2 DA

5.3 EXPENDITURE: 8m

6. TYPE OF EXPENDITURE

- subsidy for co-financing with other public or private sector sources for projects submitted by organisers in the Member States up to 70% of the total cost of the project.
- 100% subsidy for specific projects on priority aspects of European interest and for supplementary measures, up to a limit of 10% of the annual budget for each of the two categories.

7. FINANCIAL IMPACT

7.1 Method of calculating total cost of operation (relation between individual and total costs)

The financial reference amount for the implementation of the programme for the period 2001 to 2002 shall be €8 million.

It corresponds to the previous Oisin programme's budgetary allocation of 3 million for the year 2000, multiplied by two (duration of the action), with an increase of 33%. There are two reasons for this increase:

- cooperation between the law enforcement authorities of the Member States has been stepped up owing to the entry into force of the Treaty of Amsterdam on 1 May 1999, and priorities in justice and home affairs were adopted by the Tampere European Council of October 1999;
- the number of cooperation projects has grown since the programme entered into force, and there has been a constant improvement in their quality. There is therefore a risk that it will not be possible to finance many high-quality projects in the European Union's priority areas for police cooperation without an increase in the programme's financial resources. The external report evaluating the so-called "Title VI" programmes which was submitted to the Commission in April 2000 concludes that the appropriations available should be increased in order to encourage quality projects which it would otherwise not be possible to select.

7.2 Itemised breakdown of cost

The itemised breakdown of costs will depend on the projects submitted by the Member States. However, the programme will be managed by means of Annual Work Programmes, which will try to stress the need to finance fewer seminars and conferences and more exchanges and study or research projects, in accordance with

the conclusions of the evaluation of the first phase of the programme carried out in 1999/2000. Under these conditions, the indicative breakdown for 2001/2002 could be as follows:

Commitment appropriations (EUR million at current prices)

Breakdown	Year 2001	Year 2002	n+2	n+3	n+4	n+5 and subs. years	Total
Seminars, conferences, training meetings	2.0	2.0					4.00
Exchange and work experience programmes	1.0	1.0					2.00
Studies and research	0.50	0.50					1.00
Documentation and information	0.50	0.50					1.00
Total	4.0	4.0					8.00

7.3 Operational expenditure for studies, experts etc. included in Part B of the budget

Not applicable

7.4 Schedule of commitment and payment appropriations

Commitment appropriations (EUR million)

	Year 2001	Year 2002	n+2	n+3	n+4	n+5 and subs. years	Total
Commitment appropriations	4.0	4.0					8.00
Payments appropriations	8.00						
year n							
n+1	2.0						
n+2		4.0					
n+3			2.0				
n+4							
n+5							
n+5 and subs. years							
Total	2.0	4.0	2.0				8.00

8. FRAUD PREVENTION MEASURES

- The general anti-fraud provisions apply. In addition, on-the-spot sampling checks are planned.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 Specific and quantified objectives; target population

- **Specific objectives:** over and above the general objective of promoting cooperation between law enforcement authorities, the Oisín programme will set priorities in its Annual Work Programme which will be linked as closely as possible to the scoreboard in order to examine the progress made with a view to the creation of an area of freedom, security and justice in the European Union (communication from the Commission to the Council and Parliament). Without prejudice to the work programme for 2001, which will have to be decided on by the programme's management committee, the following can be seen as guideline objectives:
 - to increase knowledge of the functioning of the law enforcement authorities of the other Member States and the applicant countries,
 - to promote awareness of the shared values of the law enforcement systems of the Member States,
 - to establish working relations and mutual trust between law enforcement authorities,
 - to promote discussions on improving police cooperation and on experiments in working methods,
 - to compare trends in public security and the fight against crime,
 - to disseminate information on the results of projects at European level.
- **Target population:** the law enforcement authorities of the Member States, i.e. the Member States' police and customs services, with the possibility of involving the law enforcement authorities of the applicant countries or services or experts from other Member States whose participation is necessary to implement the project. For seminars or conferences, the final beneficiary is, in general, a public organisation of a Member State of the Union or, in exceptional cases, a public organisation of an applicant country, in association with organisers from two Member States. For study or research projects, the final beneficiary may be a public or private institute, or even an independent expert. In this case, the procedures applicable to public contracts determine the beneficiary of the financing.

9.2 Grounds for the operation

- Need for Community budgetary intervention, particularly in view of the subsidiarity principle: to contribute to achieving the objectives set by the Treaty of Amsterdam and the Tampere European Council for police cooperation, promote

the development of professional relations between Member States' services which are not directly involved in managing Community policies, facilitate networking of promoters, ensure transnationality and disseminate the results at European level.

– Choice of ways and means

* *advantages compared with the alternative measures (comparative advantages)*: Europe-wide dissemination of results, response at European level to the needs of operators, greater coordination between the target populations.

* *analysis of similar projects that may have been carried out at Community or national level*: at Community level there are no other specific projects; at national level there is a limited number of projects, so that it is not possible to set up a network and disseminate good practice throughout the European area.

* *expected secondary and multiplier effects*: synergy and added value at European level.

- **Main factors of uncertainty which could affect the specific results of the operation.** Previous experience with the earlier projects proves that there are none. On the contrary, there is an increased awareness at European level and growing demand from the Member States' law enforcement services for this type of action with a view to creating an area of freedom, security and justice in Europe.

9.3 Monitoring and evaluation of the operation

– Performance indicators

* *output indicators (measuring activities used)*: analysis and dissemination of the results of the projects; creation of transnational partnerships;

* *impact indicators (measuring performance against objectives)*: increased training of the law enforcement authorities in knowledge of the police and customs systems of the other Member States, increase in practical cooperation activities (number of training sessions, exchanges, conferences or seminars), and effective dissemination of the results of the projects financed by the programme.

- *Details and frequency of planned evaluation*: annual comprehensive internal evaluation; comprehensive external evaluation;

- *Assessment of the results obtained (where the operation is to be continued or renewed)*. Independent favourable internal and external evaluation, results in line with the objectives, need to continue the activities undertaken, increasing demand from the promoters.

10. ADMINISTRATIVE EXPENDITURE (SECTION III, PART A OF THE BUDGET)

The necessary human and administrative resources are to be covered from within the managing DG's allocation.

10.1 Effect on the number of posts

Type of post		Staff to be assigned to managing the operation		Source		Duration
				Using existing resources in the DG or department concerned	Drawing on additional resources	
Officials or temporary staff	A	0.5		0.5		2 years
	B	1		1		2 years
	C	1		1		2 years
Other resources						
Total		2.5		2.5		2 years

For additional resources, indicate at what rate they would need to be made available.

10.2 Overall financial impact of additional human resources

EUR

	Amounts	Method of calculation
Officials		
Temporary staff		
Other resources (indicate budget heading)		
Total		

The amounts are the total cost of additional posts for the entire duration of the operation, if this duration is predetermined, or for 12 months if it is indefinite.

10.3 Increase in other administrative expenditure as a result of the operation, especially costs relating to meetings of committees and groups of experts

EUR

Budget heading (number and heading)	Amounts	Method of calculation
A0 7031	48 000	15 experts x 2 Committee meetings x 800 x 2 years
Total	48 000	

The projects financed by the Oisin programme do not, by their nature, involve any expenditure for experts, since the project evaluations are carried out partly by internal experts from the Commission and partly by external public organisations such as Europol or the Association of European Police Colleges, which give their support to the Commission free of charge. The amounts correspond to total expenditure on the project if it is for a fixed period or for the expenditure over 12 months if it is of unlimited duration.

Proposal for

COUNCIL DECISION

establishing a second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children (Stop II)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 34(2)(c) thereof,

Having regard to the proposal from the Commission of 2000,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) Article 29 of the Treaty on European Union states that the Union's objective is to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters, and that this objective is to be achieved by preventing and combating trade in human beings and the sexual exploitation of children,
- (2) The conclusions of the Tampere European Council call for action against trade in human beings and the sexual exploitation of children,
- (3) The nature of the questions addressed makes it essential to have a coordinated, multidisciplinary approach involving the various parties responsible for combating these crimes at European Union level; creating a framework for training, information, study and exchange programmes for persons responsible for combating trade in human beings and the sexual exploitation of children in all its forms is likely to enable these phenomena to be prevented and combated more effectively.
- (4) It is important, in view of the international dimension of trade in human beings and sexual exploitation of children, to confront the phenomenon at every stage in the chain: recruiters, transporters, exploiters, other intermediaries and clients.
- (5) The Stop programme, set up by Joint Action 96/700/JAI of 29 November 1996,¹⁰ has helped increase awareness within the European Union and step up cooperation between persons in the Member States responsible for combating trade in human beings and the sexual exploitation of children.

¹⁰ OJ L 322, 12.12.1996, pp. 7-10.

- (6) The Stop Programme has made clear that the European Union's objectives in combating trade in human beings and the sexual exploitation of children are attained more effectively at European level than by the individual Member States as a result of the exchange of experience, economies of scale and the cumulative impact of the actions undertaken.
- (7) The renewal of this programme, expressly envisaged by the Joint Action mentioned above and expressly requested by Parliament in its resolution of 19 May 2000, "On Further Actions in the Fight against Trafficking in Women", will enable this cooperation to be further improved.
- (8) It is desirable to ensure continuity for the general and criminal projects supported by the Stop programme and to renew it for a second phase of two years.
- (9) The programme's activities must be tied in with those carried out under the Daphne programme, which aims to combat violence against children, adolescents and women.
- (10) It is necessary to take action at Community level to ensure coordination between the projects and facilitate networking between the promoters while respecting the subsidiarity principle.
- (11) The Stop programme must be opened up further to the applicant countries by facilitating their participation in the projects supported by the programme.
- (12) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹¹, the measures needed to implement this Decision as referred to in Article 3(1) and the second subparagraph of Article 3(4) should be adopted in accordance with the advisory procedure laid down in Article 3 of Decision 1999/468/EC.
- (13) Since the measures needed to implement this Decision as referred to in the first subparagraph of Article 3(4) and the first subparagraph of Article 6(3) are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999, these measures should be adopted in accordance with the management procedure provided for in Article 4 of the latter Decision,

HAS ADOPTED THIS DECISION:

Article 1 - Establishment of the programme

1. This decision establishes the second phase of the Stop programme for the exchange and training of, and cooperation between, persons responsible for combating trade in human beings and the sexual exploitation of children set up by Joint Action 96/700/JAI of 29 November 1996.
2. The programme is hereby renewed for the period from 1 January 2001 to 31 December 2002 and may be extended beyond the latter date.

¹¹ OJ L 184, 17.07.1999, p. 23.

Article 2 - Programme objectives

The programme shall contribute to the general objective of providing citizens with a high level of protection in an area of freedom, security and justice. Within this framework, it is intended to prevent and combat trade in human beings and all forms of sexual exploitation of children, including child pornography and the violence associated with it, and to help the victims of these criminal activities. It aims, in particular, to:

- develop, implement and evaluate a European policy in this field;
- encourage and strengthen networking and practical cooperation such as the exchange and dissemination of information, experience and good practice, and the improvement and adaptation of training and scientific and technical research;
- give particular attention to participation in the projects developed by this programme to the public or private organisations, institutions or associations concerned in the applicant countries;
- encourage the stepping up of cooperation with third countries and the competent regional and international organisations;

Article 3 - Access to the programme

1. The programme shall co-finance projects submitted by any public or private organisations, institutions or associations in the Member States of the European Union involved in helping victims and preventing and combating trade in human beings and sexual exploitation of children.
2. The programme is intended for persons responsible for assisting victims and for preventing and combating trade in human beings and the sexual exploitation of children, such as judges, public prosecutors, law enforcement authorities, public immigration and social service authorities, researchers and representatives of charitable organisations.
3. To be eligible for co-financing, the projects must involve at least three Member States, or two Member States and one applicant country, and have the objectives mentioned in Article 2.
4. The programme may also finance:
 - specific projects of particular interest in terms of either the programme's priorities or cooperation with the applicant countries;
 - complementary measures such as seminars, meetings of experts or other activities to disseminate the information obtained under the programme.

Article 4 - Activities under the programme

The programme shall comprise the following types of project:

- Training;

- Exchanges and work experience placements;
- Studies and research;
- Meetings and seminars;
- Dissemination of the results obtained under the programme.

Article 5 - Financing the programme

1. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.
2. The co-financing of a project by the programme shall be exclusive of any other financing by another programme financed by the budget of the European Communities.
3. Financing decisions shall be followed by grant contracts between the Commission and the organisers. The financing decisions and contracts arising therefrom shall be subject to financial control by the Commission and to audits by the Court of Auditors.
4. The proportion of financial support from the Community budget shall not exceed 70% of the cost of the project.
5. However, the specific projects and complementary measures mentioned in Article 3(4) can be financed to 100%, up to a ceiling of 10% of the total financial package allocated annually to the programme for each of the two categories.

Article 6 - Implementation of the programme

1. The Commission shall be responsible for the management and implementation of the programme, in cooperation with the Member States.
2. The programme shall be managed by the Commission in accordance with the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities.
3. To implement the programme, the Commission shall:
 - prepare an Annual Work Programme comprising specific objectives, thematic priorities and, if necessary, a list of specific projects and complementary measures;
 - evaluate and select the projects presented by the organisers mentioned in Article 3;
4. The Commission shall submit to the Committee mentioned in Article 7 the draft measures to be taken to implement the project. Examination of the drafts presented by the organisers and of the complementary measures shall be carried out in accordance with the advisory procedure mentioned in Article 8. Examination of the

Annual Work Programme and the specific projects shall be carried out in accordance with the management procedure mentioned in Article 9.

5. The Commission shall evaluate and select projects submitted by the organisers on the basis of the following criteria:
 - conformity with the programme's objectives;
 - European dimension of the project and scope for participation by the applicant countries;
 - compatibility with the work undertaken or planned within the framework of the European Union's political priorities on justice and home affairs and, in particular, the priority relating to police and judicial cooperation in criminal matters;
 - complementarity with other past, present or future cooperation projects;
 - Ability of the organiser to implement the project;
 - multidisciplinary aspects of the project;
 - inherent quality of the project in terms of its conception, organisation, presentation and expected results;
 - amount of the subsidy requested under the programme and proportionality with the expected results;
 - impact of the expected results on the programme's objectives.

Article 7 - Committee

1. The Commission shall be assisted by a Committee, entitled "Stop", consisting of representatives from the Member States and chaired by the Commission's representative.
2. This Committee shall adopt its rules of procedure on a proposal by the chair and in accordance with the conditions specified in Article 7(1) of Council Decision 1999/468/EC.
3. The Commission may invite representatives from the applicant countries to information meetings after the Committee's meetings.

Article 8 - Advisory procedure

If reference is made to this Article, the advisory procedure provided for in Article 3 of Decision 1999/468/EC shall apply, in accordance with the provisions of Article 7(3) of that Decision.

Article 9 - Management procedure

1. If reference is made to this Article, the management procedure provided for in Article 4 of Decision 1999/468/EC shall apply, in accordance with the provisions of Article 7(3) of that Decision.
2. The period specified in Article 4(3) of Decision 1999/468/EC shall be set at three months.

Article 10 - Evaluation

1. The Commission shall undertake each year an evaluation of the actions carried out in implementing the programme for the previous year.
2. Each year the Commission shall report each year to the European Parliament and the Council on the implementation of the programme. The first report shall be presented before 31 July 2002.

Article 11 - Entry into force

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels,

*For the Council
The President*

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Proposal for a Council Decision establishing a second phase of the programme for the exchange and training of, and cooperation between, persons responsible for combating trade in human beings and the sexual exploitation of children (Stop II).

2. BUDGET HEADING(S) INVOLVED

B5-820

3. LEGAL BASIS

Article 34 TEU

4. DESCRIPTION OF OPERATION

4.1 General objective

The aim of the operation is to continue the Stop programme, which comes to an end at the end of 2000.

The programme contributes to the general objective of providing citizens with a high level of protection in an area of freedom, security and justice. Within this framework, it is intended to prevent and combat trade in human beings and all forms of sexual exploitation of children, including child pornography and the violence associated with it, and to help the victims of these criminal activities.

The programme aims specifically to:

- develop, implement and evaluate a European policy in this field;
- encourage and strengthen networking and practical cooperation such as the exchange and dissemination of information, experience and good practice, the improvement and adaptation of training and scientific and technical research;
- give particular attention to participation in the projects developed by this programme to the public or private organisations, institutions or associations concerned in the applicant countries;
- encourage the stepping up of cooperation with third countries and the competent regional and international organisations;

Stop promotes the financing of training, exchange and work experience programmes, the organisation of meetings, studies and research and the distribution of information within a coherent structure which enables the results to be disseminated at European level.

These activities are important resources for attaining the objectives of creating a European judicial area and combating organised crime at Union level.

4.2 Period covered and arrangements for renewal

The programme is envisaged for a period of two years (2001-02). This is in order to study the feasibility of merging the existing programmes (Grotius, Oisin and Stop) into a single programme governed by Title VI of the EU Treaty.

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

5.1 Non-compulsory expenditure

5.2 DA

5.3 EXPENDITURE: 4 m

6. TYPE OF EXPENDITURE OR REVENUE

- subsidy of up to 70% of the cost of the project for co-financing with other public or private sector sources.
- 100% subsidy for specific projects on priority aspects of European interest and for supplementary measures, up to a limit of 10% of the annual budget for each of the two categories.

7. FINANCIAL IMPACT

7.1 Method of calculating total cost of operation (relation between individual and total costs)

The financial reference amount for the implementation of the programme for the period 2001 to 2002 shall be €4 million.

It corresponds to the previous Stop programme's budgetary allocation of 5 million for the year 2000, multiplied by two and increased by 33% in the light of the growing interest in achieving the objectives of the fight against trafficking in human beings and the sexual exploitation of children.

7.2 Itemised breakdown of cost

Commitment appropriations (EUR million at current prices)

Breakdown	Year 2001	Year 2002	n+2	n+3	n+4	n+5 and subs. years	Total
Seminars, conferences, training meetings	0.60	0.60					1.20
Exchange and work experience programmes	0.65	0.65					1.30
Studies and research	0.65	0.65					1.30
Documentation and information	0.10	0.10					0.20
Total	2.00	2.00					4.00

7.3 Operational expenditure for studies, experts etc. included in Part B of the budget

Commitment appropriations (EUR million at current prices)

	Year	n+1	n+2	n+3	n+4	n+5 and subs. years	Total

7.4 Schedule of commitment and payment appropriations

Commitment appropriations (EUR million)

	Year 2001	Year 2002	n+2	n+3	n+4	n+5 and subs. years	Total
Commitment appropriations	2.00	2.00					4.00
Payments appropriations	4.0						
year n n+1 n+2 n+3 n+4 n+5 n+5 and subs. years	1.0	2.00	1.00				4.00
Total	1.0	2.00	1.00				4.00

8. FRAUD PREVENTION MEASURES

- The general anti-fraud provisions apply. In addition, on-the-spot sampling checks are planned.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 Specific and quantified objectives; target population

– **Specific objectives:**

- (a) to organise programmes of exchanges between public bodies, non-governmental organisations and persons responsible in the Member States and applicant countries,
- (b) to create, develop and maintain networks (using, inter alia, modern technologies such as the Internet) with a view to strengthening and improving cross-border cooperation,
- (c) to organise training courses with a view to improving and adapting the tools for and knowledge of cross-border cooperation, including judicial procedures,
- (d) to organise multilateral European conferences and seminars,
- (e) to launch studies and research on good practice, including comparative research, preliminary analysis and feasibility studies;
- (f) to disseminate information on the results of the activities under the programme.

- **Target population:** the programme is intended for persons responsible for assisting victims and for preventing and combating trade in human beings and

the sexual exploitation of children, such as judges, public prosecutors, law enforcement authorities, public immigration and social service authorities, researchers and representatives of charitable organisations.

9.2 Grounds for the operation

- **Need for Community budgetary intervention, particularly in view of the subsidiarity principle:** to facilitate networking of promoters, ensure transnationality and disseminate the results at European level.

- **Choice of ways and means**

- * *advantages compared with the alternative measures (comparative advantages):* Europe-wide dissemination of results, response at European level to the needs of operators, greater coordination between the target populations.

- * *analysis of similar projects that may have been carried out at Community or national level:* at Community level there are no other specific projects; at national level there is a limited number of projects, so that it is not possible to set up a network and disseminate good practice throughout the European area.

- * *expected secondary and multiplier effects:* synergy and added value at European level.

- **Main factors of uncertainty which could affect the specific results of the operation.** Previous experience with the earlier projects proves that there are none. On the contrary, there is a keen awareness at European level and a growing demand from public and private organisations, institutions and associations in the Member States of the European Union for this type of action with a view to creating an area of freedom, security and justice in Europe.

9.3 Monitoring and evaluation of the operation

- Performance indicators

- * *output indicators (measuring activities used):* analysis and dissemination of the results of the projects; creation of transnational partnerships;

- * *impact indicators (measuring performance against objectives):* increased training of and provision of information to public and private organisations, institutions and associations in the Member States of the European Union on preventing and combating trade in human beings and all forms of sexual exploitation of children, including child pornography.

- *Details and frequency of planned evaluation:* annual comprehensive internal evaluation; comprehensive external evaluation;

- *Assessment of the results obtained (where the operation is to be continued or renewed).* Independent favourable internal and external evaluation, results in line with the objectives, need to continue the activities undertaken, increasing demand from the promoters.

10. ADMINISTRATIVE EXPENDITURE (SECTION III, PART A OF THE BUDGET)

The necessary human and administrative resources are to be covered from within the managing DG's allocation.

10.1 Effect on the number of posts

Type of post		Staff to be assigned to managing the operation		Source		Duration
		Permanent posts	Temporary posts	Using existing resources in the DG or department concerned	Drawing on additional resources	
Officials or temporary staff	A	0.5		0.5		2 years
	B	1		1		2 years
	C	1		1		2 years
Other resources						
Total		2.5		2.5		2 years

For additional resources, indicate at what rate they would need to be made available.

10.2 Overall financial impact of additional human resources

EUR

	Amounts	Method of calculation
Officials	0	
Temporary staff	0	
Other resources (indicate budget heading)	0	
Total		

The amounts are the total cost of additional posts for the entire duration of the operation, if this duration is predetermined, or for 12 months if it is indefinite.

10.3 Increase in other administrative expenditure as a result of the operation, especially costs relating to meetings of committees and groups of experts

EUR

Budget heading (number and heading)	Amounts	Method of calculation
A0 7031	48 000	15 experts x 2 Committee meetings x 800 x 2 years
A0 7030	240 000	30 experts x 5 days evaluation x 800 x 2 years
	288 000	

An external evaluation of the project proposals by two experts per Member State is provided for. In other words, each proposal will be examined separately by two experts in order to have an objective, independent evaluation.