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REPORT

on the proposal for a Council decision establishing a framework programme on the basis of Title VI of the Treaty on European Union – Police and judicial cooperation in criminal matters
(COM(2001) 646 – C5-0694/2001 – 2001/0262(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Carlos Coelho

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 21 December 2001 the Council consulted Parliament, pursuant to Article 39(1) of the EC Treaty, on the proposal for a Council decision on establishing a framework programme on the basis of Title VI of the Treaty on European Union – Police and judicial cooperation in criminal matters (COM(2001) 646 – 2001/0262(CNS)).

At the sitting of 16 January 2002 the President of Parliament announced that he had referred this proposal to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, and to the Committee on Budgets, the Committee on Budgetary Control, the Committee on Legal Affairs and the Internal Market and the Committee on Women's Rights and Equal Opportunities for their opinions (C5-0694/2001).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Carlos Coelho rapporteur at its meeting of 18 December 2001.

It considered the Commission proposal and the draft report at its meetings of 21 January 2002, 19 February 2002 and 19 March 2002.

At the last meeting it adopted the draft legislative resolution by 36 votes to 1, with 2 abstentions.

The following were present for the vote: Ana Palacio Vallelersundi, chairman; Robert J.E. Evans, Lousewies van der Laan and Giacomo Santini, vice-chairmen; Carlos Coelho, rapporteur; Maria Berger (for Ozan Ceyhun), Hans Blokland (for Ole Krarup, pursuant to Rule 153(2)), Christian Ulrik von Boetticher, Mario Borghezio, Mogens N.J. Camre (for Niall Andrews), Marco Cappato (for Maurizio Turco), Michael Cashman, Charlotte Cederschiöld, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Jorge Salvador Hernández Mollar, Pierre Jonckheer, Anna Karamanou (for Carmen Cerdeira Morterero), Margot Keßler, Timothy Kirkhope, Eva Klamt, Baroness Sarah Ludford, Lucio Manisco (for Fodé Sylla), Luís Marinho (for Sérgio Sousa Pinto), Hartmut Nassauer, Arie M. Oostlander (for The Lord Bethell), Elena Ornella Paciotti, Paolo Pastorelli (for Thierry Cornillet), Hubert Pirker, Martine Roure, Heide Rühle, Olle Schmidt (for William Francis Newton Dunn), Ilka Schröder, Patsy Sørensen, The Earl of Stockton (for Mary Elizabeth Banotti), Joke Swiebel, Anna Terrón i Cusí, Christos Zacharakis (for Giuseppe Brienza) and Olga Zrihen Zaari (for Adeline Hazan).

The opinion of the Committee on Budgets is attached; the Committee on Budgetary Control, the Committee on Legal Affairs and the Internal Market and the Committee on Women's Rights and Equal Opportunities decided on 23 January, 19 February and 26 February 2002 respectively not to deliver an opinion.

The report was tabled on 20 March 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Proposal for a Council decision on establishing a framework programme on the basis of Title VI of the Treaty on European Union – Police and judicial cooperation in criminal matters (COM(2001) 646 – C5-0694/2001 – 2001/0262(CNS))

The proposal is amended as follows:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 Recital 2

(2) The conclusions of the Tampere European Council call for cooperation to be stepped up on preventing and fighting crime, including crime using new information and communication technologies, in order to achieve a genuine European area of justice.

(2) The conclusions of the Tampere European Council call for cooperation to be stepped up on preventing and fighting crime, including crime using new information and communication technologies, in order to achieve a genuine European area of justice. ***The importance of cooperation in this area has again been emphasised in the action plan entitled ‘the prevention and control of organised crime: a European strategy for the beginning of the new millennium’².***

Justification

As this plan of action contains important ideas on joint action against crime it deserves mention here.

Amendment 2 Recital 3 a (new)

Article 12 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal

¹ Not yet published in the Official Journal.

² OJ C 124, 3.5.2000, p. 1.

proceedings¹ calls for cooperation between Member States in order to facilitate more effective protection of victims' interests in criminal proceedings.

OJ L 82, 22.3.2001, p. 1.

Justification

As this programme is intended, among other things, to co-finance projects relating to cooperation on the protection of victims, the existing EU legislation should be included in the recitals.

Amendment 3

Recital 8

(8) It is desirable to ensure the continuity of the activities supported by the programme, by providing for their coordination within a single frame of reference that rationalises procedures and improves management and economies of scale.

(8) It is desirable to ensure the continuity of the activities supported by the programme, by providing for their coordination within a single frame of reference that rationalises procedures and improves management and economies of scale. ***In view of the increasing interest in cooperation in this field and the ambitious new goals included in this programme, it may however be necessary to make further appropriations available for the purpose.***

Justification

With total funding of € 65 million the programme seems generously endowed, but as Member States are showing increasing interest in judicial cooperation in the criminal field, and as in addition this programme is to be extended to cover drugs and the protection of victims, it may prove necessary to increase that funding.

Amendment 4

Recital 8 a (new)

(8a) The expenditure of the new framework programme shall be compatible with the current ceiling under heading 3 of the financial perspective, with no restriction being placed on other currently funded programmes under the same heading.

Justification:

The amount proposed for the multiannual programme should be compatible with the ceiling under the Financial Perspective. If, at a later stage, other amounts were to be proposed by the legislative authority, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.

Amendment 5
Recital 8 b (new)

(8b) The annual appropriations of the programme shall be decided upon by the budgetary authority during the budgetary procedure.

Justification

It should be pointed out that while the legislative authority decides upon the multiannual allocation, the annual amounts for the programme will be decided upon in the context of the budgetary procedure.

Amendment 6
Article 1, paragraph 2

2. The programme is hereby established for the period from 1 January 2003 to 31 December **2007** *and* may be extended beyond the latter date.

2. The programme is hereby established for the period from 1 January 2003 to 31 December **2006**. **It** may be extended beyond the latter date **following the approval of the budgetary and legislative authority**.

Justification

The budgetary authority cannot accept a proposal for a multiannual programme which exceeds the current financial perspective. Hence, the decision on extending the programme for a further period can be made only once an agreement on the next financial perspective has been reached. In that case, the Committee on Budgets would have to reconsider the impact of the programme on the ceiling under the new financial perspective.

Amendment 7

Article 2, paragraph 1, introductory phrase

The programme shall contribute to the general objective of providing European Union citizens with a high level of protection in an area of freedom, security and justice. In this context, it aims, in particular, to:

The programme shall contribute to the general objective of providing European Union citizens with a high level of protection, ***legal security and rights*** in an area of freedom, security and justice. In this context, it aims, in particular, to:

Justification

Strengthening legal security and the rights of the individual within the EU should be a priority for police and judicial cooperation.

Amendment 8

Article 2, paragraph 1, subparagraph (a)

(a) develop, implement and evaluate European policies in this field;

(a) press ahead with transposing European policy on this matter, expose any shortcomings which may be identified and, if necessary, make proposals for improvements;

Justification

European policy in this field has already been created by the Vienna Action Plan and the Tampere conclusions. It is now a question of pressing ahead with its implementation.

Amendment 9
Article 2, paragraph 1, subparagraph (b)

(b) promote and strengthen networking, ***mutual cooperation on general subjects of common interest to the Member States***, the exchange and dissemination of information, experience and best practice, ***local and regional*** cooperation, and the improvement and adaptation of training and technical and scientific research;

(b) promote and strengthen networking, the exchange and dissemination of information, experience and best practice, ***intergovernmental, regional and local*** cooperation, and the improvement and adaptation of training and technical and scientific research;

Justification

As projects submitted will have to be examined for conformity with objectives, it is important that the wording should be precise. Empty phrases should therefore be avoided.

Amendment 10
Article 2, paragraph 2, subparagraph (a)

(a) judicial cooperation ***in general and criminal matters, including*** the ongoing training of the judiciary;

(a) judicial cooperation ***in the investigation of criminal cases, prosecution and the execution of penalties, and*** the ongoing training of the judiciary;

Justification

Precision (see justification to Am. 9).

Amendment 11
Article 2, paragraph 2, subparagraph (c)

(c) cooperation between law enforcement authorities and other public or private organisations in the Member States involved in preventing and fighting crime, organised or otherwise;

(c) cooperation between law enforcement authorities and other public or private organisations in the Member States involved in preventing and fighting crime, organised or otherwise, ***in particular terrorism***,

or otherwise;

trafficking in persons and offences against children, illegal drug trafficking and illicit arms trafficking, corruption and fraud;

Justification

The programme applies to the whole of Title VI of the Treaty on European Union, for which reason an explicit reference to the crimes referred to in Article 29 of the EU Treaty is called for.

Amendment 12

Article 2, paragraph 2, subparagraph (d)

(d) assistance to victims ***of crime***

(d) cooperation between Member States to achieve effective protection of the interests of victims in criminal proceedings, including the establishment of a network of contact points for assistance to victims.

Justification

Precision (see justification to Am. 9).

Amendment 13

Article 2, paragraph 2, subparagraph (da) (new)

(da) promotion of the rights of the defence and of procedural guarantees, in particular assistance to persons involved in criminal proceedings, in the framework of transnational judicial cooperation.

Justification

While cooperation at this level is essential, it must never be allowed to undermine or diminish

respect for basic human rights, such as the right to a fair trial. Projects in this area (e.g. establishment of an interpreters' network) should therefore be included as part of the programme.

Amendment 14
Article 3, paragraph 1

1. The programme shall co-finance projects of a maximum duration of two years presented by public or private institutions and bodies, including professional organisations, non-governmental organisations, associations, organisations representing business, research and basic and further training institutes, and law enforcement services in the Member States and the applicant countries; the projects shall be directed at the target groups set out in paragraph 2.

1. The programme shall co-finance projects of a maximum duration of two years presented by public or private institutions and bodies, including professional organisations, non-governmental organisations, associations, organisations representing business, research and basic and further training institutes (***such as universities or police academies***), and law enforcement services in the Member States and the applicant countries; the projects shall be directed at the target groups set out in paragraph 2.

Justification

To be more specific and make it clear that this training may be at academic level.

Amendment 15
Article 3, paragraph 2, subparagraph (da) (new)

(da) other relevant organisations relating to the protection and safeguarding of defendant's rights in criminal proceedings.

Justification

Self-explanatory

Amendment 16

Article 3, paragraph 3

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.

3. To be eligible for co-financing, the projects must involve at least three Member States, or two Member States and one applicant country ***in drawing up the project and in carrying it out***, and have the objectives mentioned in Article 2.

The right of applicant countries to take part shall depend on the conditions laid down in the Europe Agreements and the additional protocols and in the decisions of the relevant Association Councils.

Justification

It must be made clear that all three countries have to take part in drawing up the project and carrying it out; taking part merely as a 'consumer' is not enough. The applicant countries which may take part also have to be specified.

Amendment 17 Article 5, paragraph 5

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.

5. However, the specific projects and complementary measures mentioned in Article 3(4) can be financed to 100%, ***provided that they are in the very best interests of the European Union, and cannot be properly carried out with a lower rate of finance***, up to a ceiling of 10% of the total financial package allocated annually to the programme for each of the two categories.

Justification

100% finance can be justified only in exceptional cases. This possibility is not provided in comparable programmes (for example ARGO).

Amendment 18
Article 6, paragraph 3, subparagraph (a)

(a) prepare an annual work programme comprising specific objectives, thematic priorities and, if necessary, a list of specific projects and complementary measures;

(a) prepare an annual work programme comprising specific objectives, thematic priorities and, if necessary, a list of specific projects and complementary measures; ***the European Parliament shall be notified of the planned work programme in good time before the decisions are taken, so that if necessary it may lend further impetus;***

Justification

Parliament does not ask for consultation but would like to be kept informed.

Amendment 19
Paragraph 10 a (new)

Publication

The results of any studies and research which have been cofinanced under this programme shall be published on the Internet and may be made available in the form of a copy or a transcription, in which case a fee shall be charged which may not exceed actual production and postage costs.

Justification

The general public must have the right of access to the results of any studies and research which are cofinanced under this programme using Community funds. It must also be ensured that any associated costs are reasonable and that they do not exceed actual production and postage costs.

Amendment 20
Article 11, paragraph 1, introductory phrase

1. The Commission shall regularly monitor the programme and shall present to Parliament and the Council:

1. The Commission shall regularly monitor the programme. ***It shall inform the European Parliament of the work programme adopted and the list of projects co-financed*** and shall present to Parliament and the Council:

Justification

If Parliament is to perform its task as an arm of the budgetary authority as effectively as possible, it has to be kept informed of the implementation of the programme.

Amendment 21

Article 11, paragraph 1, subparagraph (a)

(a) an interim evaluation of the implementation of this programme by 30 June **2005**;

(a) an interim evaluation of the implementation of this programme by 30 June **2004**;

Justification

2005 as the date of submission of the first report is too late.

Amendment 22

Article 11, paragraph 1, subparagraph (c)

(c) a final evaluation of the entire programme by 30 June **2008**.

(c) a final evaluation of the entire programme by 30 June **2007**.

Justification

The rapporteur considers that the reduction of the timeframe for the multiannual programme requires a similar adjustment to the timetable for the final evaluation of the programme.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council decision establishing a framework programme on the basis of Title VI of the Treaty on European Union – Police and judicial cooperation in criminal matters (COM(2001) 646 – C5-0694/2001 – 2001/0262(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2001) 646¹),
 - having regard to Articles 31 and 34(2) of the EC Treaty,
 - having been consulted by the Council pursuant to Article 39(1) of the EC Treaty (C5-0694/2001),
 - having regard to Rules 106 and 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Budgets (A5-0082/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and Commission.

¹ OJ C ... (not yet published in the Official Journal).

EXPLANATORY STATEMENT

General

If the European citizen is to be offered an area of freedom, security and justice, we have to ensure that criminal investigations, prosecution and the execution of penalties can take place efficiently across borders. This calls for close cooperation between police officers and the judiciary in various states. Close cooperation has the additional advantage of allowing Member States to profit from the experience of others and allowing a uniformly high level to be achieved throughout the Community in this field.

Various programmes have been set up in recent years, reflecting the importance of cooperation between Member States in the fight against crime. For the most part they have been concerned with incentives and exchanges, training and cooperation for persons in individual occupations: legal practitioners (GROTIUS II), law enforcement authorities (OISIN II), persons responsible for combating trade in human beings and the sexual exploitation of children (STOP II) and persons responsible for action to combat organised crime (FALCONE). In addition there has also been a separate programme for crime prevention in general (HIPPOCRATES). The existence of all these parallel programmes has led in some cases to overlaps and in others has left gaps. Parliament therefore called on the Commission to draw up a proposal before the end of 2001 to create a consolidated framework for all schemes on the basis of Title VI of the EU Treaty.

The Commission proposal

The approach

This proposal now meets Parliament's wishes as it groups all measures on the basis of Title VI of the EU Treaty in a single legislative and operational framework, from which there should emerge greater overall coherence of projects supported and a greater impact for the money spent. This approach is thus fundamentally correct, but a number of remarks on its implementation are called for:

Aims

The real aim of the programme, which is to provide citizens with a high level of safety within an area of freedom, security and justice, is one of the main concerns of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the proposal is therefore welcome.

The lack of clarity and precision in the wording of some of the detailed objectives does, however, call for some criticism. The fact that these same woolly expressions have found their way into other programmes does not alter the fact that their quality is poor. The Vienna Action Plan and the Tampere conclusions set clear political goals. We are therefore now concerned with pursuing these existing targets and possibly also in uncovering shortcomings in implementation and the drafting of proposals for improvement. The thrust of the programme has to be clear. Another reason why we must insist on precise wording is that projects submitted are to be evaluated for conformity with the programme's objectives (Article 6(4)(a)). In these circumstances vague, meaningless terms such as 'general subjects of common interest to

Member States' have to be rejected.

As regards the inclusion in the programme of projects concerning cooperation on assistance to victims of crime, it seems right that they should take their place alongside support for judicial and police cooperation. The Council framework decision of 15 March on the standing of victims in criminal proceedings¹, issued in response to point 32 of the Tampere conclusions, provides in Article 12 that Member States shall cooperate in order to facilitate the more effective protection of victims' interests in criminal proceedings, 'whether in the form of networks directly connected to the judicial system or of links between victim support organisations'. Cross-border programmes in this area too should be supported under the Title VI EU Treaty programme. It might also make sense to commission an independent study into the progress on implementing the framework decision with proposals for improvements in individual countries.

Access to the programme

The proposal allows projects to be co-financed if at least three Member States or two Member States plus one accession country are participating. It seems right to involve accession countries but it should be made clear that all three countries must play a part in drawing up and carrying out the project. Merely taking part in the project as what amounts to a 'consumer', which could be open to far more countries, cannot be allowed to count as fulfilling this criterion. This without prejudice to the standard practice that there is just one project leader acting as the Commission's partner.

The proposal should also specify which states may emit proposals for projects and who may make them. It would be reasonable not to confine the latter to the public sector in the Member States and accession countries if they have decided to take part in the programme, but to allow NGOs, universities and other interested parties to take part.

Activities of the programme

As regards possible activities under the programme, it is right to provide for a whole spectrum, but selection should be guided by experience with the efficiency and effectiveness of specific activities gained in the 1999 external evaluation of cooperation projects under Title VI of the EU Treaty.

Financing the programme

Co-financing up to 70% and in the case of specific projects and complementary measures up to 100% is provided for. It is surprising that the Commission is providing higher rates for projects under Title IV of the EU Treaty than in other instruments such as the proposal for a decision for an action programme in the fields of external borders, visas, asylum and immigration (ARGO), Article 11(4) of which provides for financing at 60% and in exceptional cases up to 80%, or the proposal for a regulation establishing a general framework in civil matters, in which financing of a maximum of 50% was originally provided for,² but later increased by COREPER to up to 60% and in exceptional cases 80%.

However, as maximum rates are involved and the Commission usually provides far lower levels

¹ OJ L 82, 22.3.2001, p. 1.

² Article 7(3) COM(2001) 221.

of finance, this might do. However, 100% finance from the Community budget could be justified only in the case of projects which were in the very best interests of the European Union and which could not be carried out with a lower rate of funding.

Implementation of the programme

This is very much open to criticism in that it completely omits any role for Parliament. Establishing an area of freedom, security and justice has always been one of Parliament's prime concerns and it is therefore more than regrettable to be involved in such a peripheral way in police and judicial cooperation in criminal matters, which is so important to the European public.

Article 11 merely provides for the Commission to provide Parliament and the Council with an interim evaluation in 2005, a communication on the continuation of the programme in 2006 and a final evaluation in 2008. It has to be said that the initial report in 2005 will at all events be too late. The programme is starting in 2003 with appropriations amounting to € 11 780 000 for the first year. An initial report should therefore be drawn up and submitted in 2004 so that Parliament can if necessary react in the procedure for adopting the 2005 budget.

It is also unsatisfactory that the Commission wishes to avoid any involvement of Parliament in the implementation of the programme. While here under the third pillar the consultation procedure and the management procedure pursuant to comitology decision 1999/468/EC¹ may be applied, the corresponding rights of the European Parliament have not been included. We must call for Parliament to be notified in good time before the planned work programme is adopted so that if necessary it can propose improvements. We are not calling for consultation, but we do want information in good time. Secondly, Parliament must be provided with the necessary documentation on the current programme and the list of projects being financed in order to perform its task as a branch of the budgetary authority as effectively as possible.

On the basis of these amendments the rapporteur would advise approval of the programme.

¹ OJ L 184, 28.6.1999, p. 23.

26 February 2002

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the proposal for a Council decision on establishing a framework programme on the basis of Title VI of the Treaty on European Union - Police and judicial cooperation in criminal matters (COM(2001) 646 – C5-0694/2001 – 2001/0262(CNS))

Draftsman: Anne Elisabet Jensen

PROCEDURE

The Committee on Budgets appointed Anne Elisabet Jensen draftsman at its meeting of 21-22 January 2002.

It considered the draft opinion at its meeting of 25 February 2002.

At the last meeting it adopted the following amendments unanimously.

The following were present for the vote: Terence Wynn, chairman; Reimer Böge, vice-chairman; Anne Elisabet Jensen, vice-chairman/draftsman; Francesco Turchi, vice-chairman; Herbert Bösch (for Joan Colom i Naval), Carlos Costa Neves, Den Dover, Bárbara Dührkop Dührkop, Göran Färm, Salvador Garriga Polledo, María Esther Herranz García (for Encarnación Redondo Jiménez, pursuant to Rule 153(2)), Wolfgang Ilgenfritz, Jan Mulder, Guido Podestà, Esko Olavi Seppänen (for Chantal Cauquil), Per Stenmarck, Kyösti Tapio Virrankoski and Ralf Walter.

SHORT JUSTIFICATION

1. Background

The Commission has presented a proposal for the creation of a single framework programme to ensure greater coherence and impact of projects in the field of police and judicial cooperation. The new framework programme would cover the activities of five existing programmes (Grotius II, Oisin II, Stop II, Hippocrates and Falcone), as well as the preparatory measures to combat drug trafficking which were launched as a result of the Feira European Council.¹

The objective of the programme is to provide citizens with a high level of protection in the area of freedom, security and justice. It would support judicial cooperation between law enforcement authorities and other public or private organisations involved in the prevention of crime. The programme would comprise of training, expert mobility, studies and research, dissemination of results, the establishment of networks, as well as conferences and seminars. It would be accessible also to the applicant countries, which could participate in the projects funded under the programme through their public departments and organisations.

The framework programme would have a financial impact of EUR 65 million in 2003-2007, out of which EUR 63.5 million would be earmarked for operational appropriations and EUR 1.5 million for support expenditure (see table below). In addition, the programme would require an estimated EUR 5.4 million in human resources, which would be covered from the Commission's administrative expenditure.

Breakdown of expenditure in 2003-2007 (EUR million)

	2003	2004	2005	2006	2007	Total
Operational expenditure	11.78	12.27	12.615	13.26	13.575	63.5
Support expenditure	0.22	0.23	0.385	0.24	0.425	1.5
Total	12.0	12.5	13.0	13.5	14.0	65.0

Community co-financing would be limited to a maximum of 70% except for specific projects and complementary measures, which could receive funding up to 100%. However, the proportion of appropriations dedicated to specific projects would be restricted to 10% of the annual budget, with an additional 10% set aside for complementary measures.

2. Financial and legislative remarks

The rapporteur considers that the proposal is consistent with the Tampere European Council conclusions² and the EU strategy for the prevention and control of organised crime³. According to this strategy paper, the measures taken so far have remained disparate, and they do not constitute a clear and coherent strategy for the European Union in the fight against crime. This position was

¹ Paragraph 51, Santa Maria da Feira European Council conclusions, 19-20 June 2000.

² Paragraph 42, Tampere European Council conclusions, 15-16 October 1999.

³ OJ C 124, 3.5.2000, p. 1.

later endorsed by the European Parliament, which called for "a consolidated framework covering all the initiatives that aim at the development of an area of freedom, security and justice".¹

Regarding the financial implications of the proposal, the rapporteur notes that the framework programme would not lead to savings despite the fact that it should bring about economies of scale (see table below). The Commission justifies the slight increase of EUR 1 million per year in the financial allocation by the more ambitious objectives assigned to the framework programme and the growing interest shown in this kind of cooperation. Under the previous programmes, on average only 25% of the projects submitted were able to benefit from Community funding, whereby worthwhile projects had to be turned down due to the lack of financial resources.

An increase in funding could also result from the new emphasis on crime prevention caused by the tragic events of September 11, 2001. This was later confirmed at the Laeken European Council, which restated its commitment to the policy guidelines and objectives defined at Tampere, and called for a new impetus to make up for delays in these areas.²

The rapporteur considers that the Commission's proposal is consistent with the Parliament's desire to provide greater support for projects promoting the creation of an area of freedom, security and justice. On the other hand, it is clear that the budgetary authority should not accept a proposal which exceeds the existing financial perspective. The framework programme should be restricted to 2003-2006 and its financial envelope should be reduced by EUR 14 million. As a result, the revised financial envelope would amount to EUR 51 million instead of EUR 65 million proposed by the Commission.

As to comitology, the Commission suggests to use two different procedures. The adoption of the annual work programme, specific projects and complementary measures would follow the management procedure, whereas the decisions on co-financing would be taken according to the advisory procedure. The rapporteur reminds that a similar approach was approved by the Committee on Budgets in relation to the CARDS and ARGO programmes. Hence, no major modifications to comitology seem to be necessary.

Commitment appropriations per programme in 2001 and 2002 (EUR million)

	Budget line	2001	2002
Grotius II	B5-820	2.0	2.0
Oisín II	B5-820	4.0	4.0
Stop II	B5-820	2.0	2.0
Hippocrates	B5-820	1.0	1.0
Falcone	B5-820	1.875	2.0
Preparatory measures for a programme to combat drug trafficking	B5-831	1.0	1.0
Total		11.875	12.0

Finally, the rapporteur proposes amendments, which would require prior consultation of the budgetary authority in case the expenditure under the current proposal was to be revised. This

¹ Amendments to COM(2000) 828 and COM(2000) 786 adopted by the Parliament on 5 April 2001.

² Paragraph 37, Laeken Council conclusions, 14-15 December 2001.

would ensure that no restrictions are placed on other programmes financed under heading 3 of the financial perspective in case the cost of the new proposal proved to be higher than expected.

AMENDMENTS

The Committee on Budgets calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

AMENDMENT TO THE DRAFT LEGISLATIVE RESOLUTION

[The European Parliament]

considers that the financial consequences of the multiannual framework programme are compatible with the ceiling under heading 3 of the current Financial Perspective.

Justification:

The amount proposed for the multiannual programme should be compatible with the ceiling under the Financial Perspective. If, at a later stage, other amounts were to be proposed by the legislative authority, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.

AMENDMENTS TO THE DRAFT LEGISLATIVE TEXT

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1
Recital 8 (a) (new)

(8a) The expenditure of the new framework programme shall be compatible with the current ceiling under heading 3 of the Financial Perspective, with no restriction being placed on other currently funded programmes under the same heading.

Justification:

The amount proposed for the multiannual programme should be compatible with the ceiling under the Financial Perspective. If, at a later stage, other amounts were to be proposed by the legislative authority, the budgetary authority would need to be consulted again. In this case, the Committee on Budgets would consider the impact on the ceiling under the current financial perspective.

¹ OJ C (not yet published).

Amendment 2
Recital 8 (b) (new)

(8b) The annual appropriations of the programme shall be decided by the Budgetary Authority during the budgetary procedure.

Justification

The rapporteur reminds that while the legislative authority decides about the multiannual envelope, the annual amounts of the programme will be decided in the context of the budgetary procedure.

Amendment 3
Article 1, paragraph 2

2. The programme is hereby established for the period from 1 January 2003 to 31 December **2007** **and** may be extended beyond the latter date.

2. The programme is hereby established for the period from 1 January 2003 to 31 December **2006**. **It** may be extended beyond the latter date **following the approval of the budgetary and legislative authority**.

Justification

The budgetary authority cannot accept a proposal for a multiannual programme, which exceeds the current financial perspective. Hence, the decision on extending the programme for a further period can be made only once an agreement on the next financial perspective has been reached. In that case, the Committee on Budgets would have to reconsider the impact of the programme on the ceiling under the new financial perspective.

Amendment 4
Article 7, paragraph 4 (new)

4. The Parliament shall be regularly informed of the committee proceedings in compliance with Article 7, paragraph 3, of Council Decision 1999/468/EC laying down the procedure for the exercise of implementing powers conferred on the Commission.

Justification

The rapporteur considers that the Parliament should be regularly informed on the committee

proceedings as established in the legislative act on comitology.

Amendment 5
Article 11, paragraph 1

- | | |
|---|---|
| 1. The Commission shall regularly monitor the programme and shall present to Parliament and the Council:

(a) an interim evaluation of the implementation of this programme by 30 June 2005;

(b) a communication on the continuation of the programme, if necessary accompanied by an appropriate proposal, by 30 September 2006;

(c) a final evaluation of the entire programme by 30 June 2008 . | 1. The Commission shall regularly monitor the programme and shall present to Parliament and the Council:

(a) an interim evaluation of the implementation of this programme by 30 June 2005;

(b) a communication on the continuation of the programme, if necessary accompanied by an appropriate proposal, by 30 September 2006;

(c) a final evaluation of the entire programme by 30 June 2007 . |
|---|---|

Justification

The rapporteur considers that the reduction of the timeframe of the multiannual programme requires a similar adjustment to the timetable of the final evaluation of the programme.

Amendment 6
Article 11, paragraph 2

- | | |
|--|--|
| 2. The Commission shall report each year to the European Parliament and the Council on the implementation of the programme. The first report shall be submitted by 30 June 2005 . | 2. The Commission shall report each year to the European Parliament and the Council on the implementation of the programme. The first report shall be submitted by 30 June 2004 . |
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Justification

See justification under amendment 5.