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REPORT

on the proposal establishing the Specific Programme 'Prevention of and Fight against Crime' for the period 2007-2013, General Programme 'Security and Safeguarding Liberties'
(COM(2005)0124 – C6-0242/2005 – 2005/0035(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Romano Maria La Russa

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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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal establishing the specific Programme ‘Prevention of and Fight against Crime’ for the Period 2007-2013, General Programme ‘Security and Safeguarding Liberties’
(COM(2005)0124 – C6-0242/2005 – 2005/0035(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2005)0124)¹,
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0242/2005),
 - having regard to Rules 93 and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A6-0000/2006),
1. Approves the proposal as amended;
 2. Considers that the indicative financial reference amount indicated in the legislative proposal must be compatible with the ceiling of heading 3 A of the new Multi-annual Financial Framework (MFF) and points out that the annual amount will be decided within the annual budgetary procedure in accordance with the provisions of point 38 of the Interinstitutional Agreement of 17 May 2006;²
 3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 5. Calls on the Council to consult Parliament if it intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ.

² OJ C 139, 14.6.2006, p. 1.

Amendment 1

Recital 1

(1) The Union's objective of providing citizens with a high level of safety within an area of freedom, security and justice shall be achieved, as provided for in the fourth indent of Article 2, and in Article 29 of the Treaty on European Union, by preventing and combating crime, organised or otherwise.

(1) The Union's **priority** objective of providing citizens with a high level of safety within an area of freedom, security and justice shall be achieved, as provided for in the fourth indent of Article 2, and in Article 29 of the Treaty on European Union, by preventing and combating crime, organised or otherwise.

Justification

It needs to be stated clearly that in pursuing its objective of building a genuine area of freedom, security and justice, the EU gives priority to security, and thus to combating crime in all its forms.

Amendment

Recital 2

(2) To protect the freedom and security of our citizens and society from criminal activities, the Union must take the necessary measures to prevent, detect, investigate, and prosecute all forms of crime efficiently and effectively, most particularly in cases **with a trans-border element**.

(2) To protect the freedom and security of our citizens and society from criminal activities, the Union must take the necessary measures to prevent, detect, investigate, and prosecute all forms of crime efficiently and effectively, most particularly in cases **of organised crime**.

Amendment 3

Recital 5

(5) It is necessary and appropriate to extend the possibilities for funding of measures aiming at the prevention of and the fight against crime, **and to** review the modalities in the interest of efficacy, cost-efficiency and transparency.

(5) It is necessary and appropriate to extend the possibilities for funding of measures aiming at the prevention of and the fight against crime. **Efforts will be made in particular to make the best possible use of the relevant agencies by means of a capacity-building approach**

focusing on directly operational aspects. The provisions of this programme should, furthermore, enable a review to be made of the modalities in the interest of efficacy, cost-efficiency and transparency.

Justification

The previous AGIS programme made a useful contribution to improving understanding and cooperation between the various authorities responsible for combating crime. The programme covered by this proposal should give such cooperation a more directly operational dimension.

Amendment 4 Recital 9

(9) Since the objectives of the action to be taken, particularly the prevention of and the fight against organised and transborder crime, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or impact of the initiative, **be better achieved** at the Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set up in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.

(9) Since the objectives of the action to be taken, particularly the prevention of and the fight against organised and transborder crime, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or impact of the initiative, **require action** at the Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set up in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.

Justification

Reaffirmation of the subsidiarity principle.

Amendment 5 Recital 11

(11) The expenditure of the programme should be compatible with the ceiling under Heading 3 of the financial perspective. It is necessary to foresee flexibility in the definition of the programme to allow for eventual adjustments in any envisaged actions, in

(11) The expenditure of the programme should be compatible with the ceiling under Heading 3 of the financial perspective. It is necessary to foresee flexibility in the definition of the programme to allow for eventual adjustments in any envisaged actions, in

order to respond to the evolution of needs in the course of the period 2007-2013. ***The decision should, therefore, be limited to the generic definition of envisaged actions and their respective administrative and financial arrangements.***

order to respond to the evolution of needs in the course of the period 2007-2013.

Justification

While a certain degree of flexibility is desirable, one must nevertheless avoid giving the impression that the decision is excessively general and that anything and everything can be done with the programme as a result.

Amendment 6

Article 3, paragraph 1, points (a) and (b)

(a) ***law enforcement***

(b) ***crime prevention and criminology***

(a) ***crime prevention and criminology***

(b) ***law enforcement aimed at countering criminal activity and preventing criminals from enjoying the proceeds of their criminal activities***

Amendment 7

Article 3, paragraph 2, point (a)

(a) to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related Union bodies;

(a) to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities, ***local authorities*** and related Union bodies ***by, inter alia, rationalising their work, enhancing their interoperability, fostering an increase in the number of Joint Investigation Teams coordinated by Europol and of counter-terrorism training and awareness-raising exercises based on cooperation between Cepol and Europol;***

Justification

A focus on the operational aspect of the programme calls for the involvement of local authorities, the increased use of joint investigation and law enforcement teams and the organisation of specific anti-terrorism training activities.

Amendment 8
Article 3, paragraph 2, point (a)

(a) to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related Union bodies;

(a) to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national, **regional and local** authorities and related Union bodies;

Justification

It is important that all levels of authority should be involved in the Member States.

Amendment 9
Article 3, paragraph 2, point (b)

(b) to stimulate, promote and develop horizontal methods and tools necessary for strategically preventing and fighting crime, such as public-private partnerships, best practices in crime prevention, comparable statistics and applied criminology, and

(b) to stimulate, promote and develop horizontal methods and tools **and the standardisation of procedures** necessary for strategically preventing and fighting crime, such as public-private partnerships **(in strict compliance with current and future provisions in areas as sensitive as data retention and protection)**, best practices in crime prevention, comparable statistics and applied criminology, **inter alia through the development of an independent benchmarking tool** and

Justification

Two key aspects of the programme are the standardisation of procedures and the development and use of a crime statistics tool. It must be ensured that public-private partnerships, which are of essential importance, are above criticism in that they comply with current legislation in sensitive fields connected with fundamental freedoms and privacy.

Amendment 10
Article 3, paragraph 2, point (c)

(c) to promote and develop best practices for the protection of crime victims and witnesses.

(c) to promote and develop best practices for the protection of crime victims and witnesses, **inter alia by laying the foundations for a permanent compensation fund over and above the various national systems, to provide a**

guaranteed common minimum level of protection and compensation.

Justification

Compensation for victims or their families and the protection of witnesses should go beyond the measures currently in force in the Member States, which are extremely varied in nature. Such a fund would provide victims with greater support at the same time as enhancing the effectiveness of action by the police and the courts by reducing the pressure placed on witnesses.

Amendment 11

Article 3, paragraph 2, point (c a) (new)

(ca) to promote, within suitable projects, the concept of ‘citizens’ involvement’ and to foster initiatives based on the active involvement of civil society and its stakeholders in improving overall security.

Justification

Public involvement in combating crime in all its forms, with particular reference to terrorism, must be one of the programme’s objectives, since such involvement - which forms part of a long-term prevention approach - will foster the emergence of an appropriate, balanced response and should be taken into account in the formulation and implementation of Member States’ policies in this area.

Amendment 12

Article 3, paragraph 3

3. The programme does not deal with judicial cooperation. However, it may cover actions aiming at cooperation among judicial authorities and law enforcement authorities.

3. The programme does not deal with judicial cooperation. However, it may cover actions aiming at cooperation among judicial authorities and law enforcement authorities ***and involving, inter alia, the establishment under the cooperation arrangements between Europol and Eurojust of a permanent emergency legal assistance unit responsible for determining, on the basis of the situation leading to the referral, which legal basis may be used to extend police and/or security service operations in full***

compliance with the law.

Justification

The right of pursuit granted to police and other security services in the Member States is often undermined by uncertainties over the legal basis for continuing the pursuit across borders. Such assistance should give them greater scope for action and should reduce the risk of cases subsequently being thrown out of court on the grounds of procedural defects or the lack of a proper legal basis.

Amendment 13
Article 6, paragraph 1

1. Union financial support may take the following legal forms:

- (a) Grants,
- (b) Public procurement contracts.

1. Union financial support may take the following legal forms ***within the meaning of Articles 108 and 88 of the Financial Regulation:***

- (a) Grants,
- (b) Public procurement contracts.

Justification

There must be clarification that EU financial support is subject to Financial Regulation rules (Regulation (EC, Euratom) No 1605/2002).

Amendment 14
Article 6, paragraph 2 a (new)

2a. Access to funding shall be facilitated by the application of the principle of proportionality as regards the documents to be supplied and by the creation of a database for the submission of applications.

Justification

The methods and the procedures need to be simplified in order to enhance the transparency of the selection procedure and facilitate access to the programme.

Amendment 15
Article 3, paragraph 3 a (new)

3a. The Commission shall, as far as possible, simplify procedures and ensure

that calls for proposals provided for in this programme do not entail a bureaucratic burden for promoters of proposed projects. The call for proposals may, where appropriate, be organised in two stages, the first of which would only require information that was strictly necessary for a proper assessment of the project to be sent.

Justification

The programme should not, on account of its complexity and/or administrative unwieldiness, discourage any initiative; the simplification of procedures is a key to its success.

Amendment 16

Article 7, paragraph 5, point (d)

(d) **geographic** impact of the activities carried out;

(d) **social** impact of the activities carried out;

Amendment 17

Article 9

1. Where reference is made to this Article, the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chair may lay down according to the urgency of the matter, if necessary by taking a vote.

Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC shall apply.

2. The opinion shall be recorded in the minutes; each Member State may request that its position be recorded in the minutes.

3. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which the opinion has been taken into account.

Justification

To simplify the legislative act and make it clear, it is proposed that direct reference be made

to the provisions on the advisory procedure under the 1999 decision on comitology. That Council decision, which is far from ideal, at least provides for a degree of information and transparency for Parliament's benefit, whereas, under the procedure provided for by the Commission, the provision of information for Parliament is in no way allowed for.

Amendment 18
Article 14, paragraph 1 a (new)

1a. The Commission shall ensure that the actions provided for under this Decision are subject to ex ante evaluation, monitoring and ex post evaluation. It shall ensure that the programme is accessible and is implemented in a transparent manner.

Justification

It is important to ensure democratic scrutiny by monitoring and evaluating the programme at the appropriate times.

Amendment 19
Article 14, paragraph 2

2. The Commission shall ensure regular, independent and external evaluation of the programme.

2. The Commission shall ensure regular, independent and external evaluation of the programme. ***It shall also hold regular exchanges of views with programme beneficiaries on the design, implementation and follow-up of the programme.***

Justification

Regular exchanges of views are essential in order to ensure that any necessary improvements are made to the programme, since they will allow it to be adjusted to the realities with which beneficiaries are faced.

Amendment 20
Article 14, paragraph 3, introductory part and point (-a) (new)

3. The Commission shall submit to the European Parliament ***and*** the Council:

3. The Commission shall submit to the European Parliament, the Council, ***the European Economic and Social***

Committee, the Committee of the Regions and the national parliaments:

(-a) succinct yearly reports including information making it possible to measure the programme's success in quantitative terms,

Justification

Follow-up documents need to be forwarded to the CoR and the EESC as well. Furthermore, Parliament cannot wait for three-and-a-half years to have an initial idea of the programme's results; it primarily needs indications in order to be able to play its role as budgetary co-legislator properly, and adjust or shift the focus of work on the basis of the results. A succinct yearly report must therefore be a requirement.

Amendment 21
Article 14, paragraph 3

3. The Commission shall submit to the European Parliament and the Council:

(a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme ***no later than 31 March 2010***;

(b) a Communication on the continuation of the programme ***no later than 31 December 2010***;

(c) ***an*** ex-post evaluation report ***no later than 31 March 2015***.

3. The Commission shall submit to the European Parliament and the Council:

(a) ***three years after adoption of the programme***, an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme;

(b) ***four years after adoption of the programme***, a Communication on the continuation of the programme;

(c) ***no later than 31 March 2015, a detailed*** ex-post evaluation report ***on implementation and outcome of the programme after its completion***.

Justification

It is important to ensure democratic scrutiny by monitoring and evaluating the programme at the appropriate times.

Amendment 22
Article 14 a (new)

Article 14a
Equal treatment

Organisations in receipt of an operating grant by virtue of this programme may take part in calls for proposals for other programmes, without however being entitled to preferential treatment vis-à-vis other organisations financed from budgets other than that of the European Union.

Justification

To include a reference to the principle of equal treatment.

Amendment 23
Article 14 b (new)

Article 14b

Acknowledgement of funding

All institutions, association or activities in receipt of a grant under this programme have the obligation to acknowledge the support granted by the European Union. To this end the Commission shall lay down detailed visibility guidelines.

Justification

All financial assistance received from the EU should, wherever possible, be acknowledged. Such publicity, which is justified by the principle of transparency alone, is also essential in ensuring that people are made aware of the efforts made by the Union. The visibility guidelines already drawn up by the Commission can serve as a general model.

Amendment 24
Article 14 c (new)

Article 14 c

Dissemination of results

With a view to fostering the dissemination of results, the tools generated by the projects funded under this programme and relating in particular to crime statistics and data shall be made available to the public free of charge by electronic

means.

Justification

Making these tools available would ensure wider dissemination of the results of the programme and highlight the fact that the programme is in the general interests of society.

Amendment 25
Article 14 a (new)

Article 14 a

Publication of projects

Each year, the Commission, together with the Member States, shall publish a list of the projects financed under this programme, with a short description of each project.

Justification

Important for transparency reasons.

EXPLANATORY STATEMENT

In response to the concerns voiced in particular at the Tampere and The Hague Summits, the Commission included among its priorities for the financial perspective 2007-2013 the task of achieving an overall level of security for the European Union which would, on account of its excellence, be a pillar giving full meaning to the concept of European citizenship. This is an ambitious project, since the security situation in Europe is characterised by an increase in risks and threats which have not, however, become any more visible than they were before.

On the contrary, the sophistication of the technologies instrumental in the spread of crime in all its forms, combined with borders which no longer appear to serve as a barrier to anyone but the police, makes closer, effective cooperation between police and security services essential, in order to reduce the overall level of vulnerability, whether it be material, technological, legal or administrative. We can legitimately expect such closer cooperation to result in a rationalisation of effort so as to avoid unnecessary dispersion and duplication, in the standardisation of all procedures that can be standardised and in an improvement in interoperability, which remains extremely limited in many cases.

These are the main objectives that can be set for the Prevention of and Fight against Crime programme, with the leading role being taken by action to combat the terrorist threat. The human and material damage caused by the recent terrorist attacks on European targets both inside Europe (with the attacks on the public transport systems in Madrid and London in the forefront) and outside (for example, in Casablanca) probably make counter-terrorism the prime argument in favour of closer cooperation for the benefit of European citizens.

The European Union became involved in this area - both police cooperation and judicial cooperation in criminal matters - at a very early stage by means of various programmes (*Grotius Criminal, Oisin, Stop, Falcone and Hippocrates*) which, in January 2003, were brought together within the AGIS framework programme. This programme was a great success, with the funding available covering only just over a third of the projects submitted in 2004. It proved extremely useful and made an appreciable contribution to furthering mutual understanding between the various national institutions and authorities. It is therefore not surprising that the Commission has included all the possibilities afforded by AGIS in the specific *Criminal Justice* programmes and the programme before us now, while adding a few additional priorities aimed at ensuring that the best possible use is made of the relevant agencies by means of a capacity-building approach focusing on directly operational aspects, namely improving information exchange (with the help of new technologies), the indexing and interoperability of databases, protected communications technology and methodology and the development of public-private partnerships, all of which are specific objectives to which this report is intended to contribute.

While endorsing the overall design of the Commission's proposal, this report will seek to remedy a few shortcomings, develop relevant synergies and set a few limits.

Shortcomings:

The concepts of *citizens' involvement* and the *human dimension* could usefully be given a

higher profile within the programme:

- in the first instance, it is important to foster, in all suitable projects, public involvement in action to combat crime in all its forms, particularly terrorism. There are very good arguments in favour of promoting initiatives based on the active involvement of civil society and its stakeholders in improving overall security. Such involvement, which forms part of long-term prevention approach, will foster the emergence of an appropriate, balanced response and should be taken into account in the formulation and implementation of Member States' policies in this area. With a view to this, local authorities need to be involved more closely, since they are often the level at which local responses to the threat of crime are formulated and tested out;
- in the second instance, it needs to be made clear that there is a firm determination to protect witnesses and victims, again particularly in terrorist cases. In addition to the medical, psychological and social assistance naturally provided to victims and their families, a decision should be made to set up a permanent compensation fund, to constitute the practical embodiment of what is an often insufficiently practical principle of solidarity, and which, on the basis of the principle of complementarity, would be additional to and would help to make good the shortcomings of the extremely disparate national systems, thus helping to ensure a common minimum level of protection and compensation within the EU.

Furthermore, in the light of the experience gained with the AGIS programme, further efforts should be made to simplify procedures, so as to give free rein to initiatives that have to date been held in check by formal and/or administrative difficulties.

Synergies:

Some of the objectives included in the programme could be achieved more easily if genuine synergies were established and existing synergies enhanced between the work or capacities of some Community bodies:

- the statistical objectives - a crime statistics programme and a common database; the development of an independent benchmarking tool for best practice, and so on - should be easier to achieve through networking with Eurostat and, above all, Europol, which is responsible for the drafting of the annual *Organised Crime Threat Assessment* (OCTA), the first of which is to be published in spring 2006 and which should be based on an analysis of relevant and comparable national statistics;
- the Europol protocols on the agency's participation in *Joint Investigation Teams* (OJ C 312 of 16 December 2002) and its role as a focal point for European police cooperation (*the 'Danish' protocol*, OJ C 2 of 6 January 2004) should serve as reference points in this area and as links with the initiatives coming under this programme and seeking to help strengthen JITs, including in the Member States that have not yet ratified them. The initiatives also require the cooperation of Eurojust wherever they have a judicial dimension to them;

- given the priority accorded to this area, special attention will be paid to proposals for specific counter-terrorism training and awareness-raising exercises. Such exercises must be based mainly on cooperation between Cepol and Europol, with the strategies for action being based, in turn on the OCTA among other things;
- lastly, in order to enable operations conducted by European police forces to continue across national borders, particularly in connection with the right of pursuit, Europol and Eurojust should, under the cooperation arrangements between the two bodies, make available a permanent emergency legal assistance unit responsible for determining, on the basis of the situation leading to the referral, which legal basis may be used to extend police and/or security service operations in full compliance with the law.

Limits:

Your rapporteur has already endorsed the concept of ‘*citizens’ involvement*’, which belongs squarely within an overall response to the security issue. He also considers it essential to step up public-private partnerships in areas where the need for technological expertise calls for the cooperation of entities whose main objectives are other than policing and combating crime (video surveillance, telephone and Internet monitoring, combating cyber-crime, etc.). However, the scope of such partnerships under the programme would need to be carefully defined and they should not in any way facilitate the transfer of responsibility for security matters from the public to the private sectors.

This remark is in line with the position consistently maintained by this committee, which believes that the achievement of a safer environment can be pursued only in the strictest possible compliance with the fundamental values of the Union, such as individual freedoms, respect for privacy, the rule of law and democracy. Such partnerships, which are desirable, must therefore be irreproachable in terms of compliance with existing and future law (in areas as sensitive as, for example, personal data retention and protection) and must comply with the new legal framework under the third pillar that should be adopted during 2006.

Your rapporteur accordingly takes the view that parliamentary scrutiny - particularly by the European Parliament - is not given a sufficiently high profile. It cannot be conducted in a truly effective manner unless the entire programme is covered by a succinct yearly report and has a results-based review clause attached to it. Furthermore, the dissemination of the projects and results is essential to the programme’s success and must expressly include the national parliaments, whose role it is to pass on information on EU initiatives and to ensure that their governments cooperate fully in this area.

To wind up, it should be said that, while the *Prevention of and Fight against Crime* programme should follow on from the AGIS programme in helping to enhance coordination, cooperation and mutual understanding between the relevant EU agencies and also in assessing the implementation and effectiveness of legislative and political measures taken at European level, it must also be assigned new priorities that will prevent ‘communication’ from monopolising almost all of the budget available. The conferences, seminars and training and exchange activities should not be abandoned, but should go hand in hand with complementary

measures aimed at developing and promoting cross-cutting methods and tools used to combat crime on the ground that will move cooperation between Member States forward into a phase that is more operational for the agencies involved and more visible to citizens.

26.4.2006

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council decision establishing the specific programme 'Prevention of and Fight against Crime' for the period 2007-2013 as part of the general programme 'Security and Safeguarding Liberties'
(COM(2005)0124 – C6-0242/2005 – 2005/0035(CNS))

Draftsman: Yannick Vaugrenard

SHORT JUSTIFICATION

I. Commission proposal

This proposal is one of the two decisions forming part of the framework programme on 'Security and Safeguarding Liberties'¹ which the Commission submitted in April 2005 for the period from January 2007 to December 2013, with EUR 745 m in commitment appropriations. The proposed framework programme sets up two programmes with differing legal bases: the specific programme on prevention, preparedness and consequence management of terrorism, and the specific programme on the prevention of and fight against crime.

Apart from this programme, scheduled to run from 2007 to 2013, Community action to combat terrorism and organised crime is made up of two pilot schemes and preparatory actions²:

1. Victims of terrorist acts (preparatory action)

As there is at present no valid legal basis allowing for funding in 2006, the activity is being continued as a preparatory action. From 2007 onwards, it will be covered by the programme 'Security and Safeguarding Liberties - Prevention of and Fight against Crime'. The aim of the preparatory action is to help fund measures to assist victims of terrorist acts and/or the members of their families to overcome the consequences of what they have experienced, plus measures to mobilise the European public against the terrorist threat. The 2004 allocation was fully utilised. Of the 2005 budget, EUR 1 950 000 was committed.

¹ COM(2005)0124.

² Article 49 of the Financial Regulation stipulates that, while pilot schemes (PS) are designed 'to test the feasibility of an action and its usefulness', preparatory actions (PA) must be 'designed to prepare proposals with a view to the adoption of future actions'.

Budget heading	Year implemented			Title of preparatory action	2004 budget		2005 budget		2006 budget	
	2004	2005	2006		Commit.	Paym.	Commit.	Paym.	Commit.	Paym.
18 05 04	PS1	PS2	PA1	Victims of terrorist acts	1.00	1.00	2.00	1.00	2.00	1.20

2. Fight against terrorism (pilot scheme)

The aim of the pilot scheme is to give a boost to activities to improve European Union citizens' security and cooperation in the fight against terrorism by bridging the gaps between Community measures. Following a call for proposals in 2004, close to 100% of appropriations was utilised for 2005.

Budget heading	Year implemented		Title of pilot scheme	2005 budget		2006 budget	
	2005	2006		Commit.	Paym.	Commit.	Paym.
18 05 06	PS1	PS2	Fight against terrorism	7.00	4.00	9.00	7.00

The EUR 745 m under the framework programme therefore comes on top of this funding.

The specific programme 'Prevention of and Fight against Crime' replaces the current framework programme on police and judicial cooperation in criminal matters (AGIS) and is intended to provide a high level of public security through preventing and combating crime, particularly terrorism, people trafficking and offences against children, drug trafficking, arms trafficking, corruption and fraud.

The programme has three themes:

- law enforcement
- crime prevention and criminology
- protection of witnesses and victims.

To achieve these three priority goals, the programme is intended to provide funding for projects to promote and develop coordination, cooperation and mutual understanding within the EU, cross-cutting methods and tools necessary for building a strategy to prevent and fight crime, and best practices for the protection of crime victims and witnesses. To this end it will support European, transnational and national projects.

The Commission proposes underpinning this action with an overall financial package of EUR 597.6 m divided up as follows:

	2007	2008	2009	2010	2011	2012	2013	2014	TOTAL
Operational Expenditure								...	
CA	44.6	50.9	71.8	85.6	108	117.2	119.5		597.6
PA	22.3	43.92	60.09	74.52	94.04	108.12	116.51	78.1	597.6

The financial statement in the Commission proposal shows total administrative expenditure of EUR 10 m without specifying the amount for each specific programme.

II. COMMENTS

In addition to the innovative measures put forward by the Commission, your draftsman has the following proposals:

1. It should be stressed that the amount indicated in the financial statement should be considered purely indicative until an agreement on the financial perspective is reached. Two amendments to the draft legislative resolution are being proposed to that effect.
2. All Commission financial support for beneficiaries must comply with Financial Regulation rules, in particular as regards grants and public procurement contracts. An amendment to that effect is being proposed to Article 6.
3. To simplify the legislative act and make it clearer, there should be a direct reference to the provisions on the advisory procedure under the comitology decision¹. An amendment to that effect is being proposed to Article 9.
4. To ensure the coherence and budgetary effectiveness of EU action in implementing the new programmes to develop an area of security, freedom and justice, this instrument must complement other Community programmes, particularly:
 - the programmes on the prevention, preparedness and consequence management of terrorism²;
 - the framework programmes for research and technological development³;
 - the existing pilot schemes and preparatory actions referred to⁴;
 - the EU Solidarity Fund and the major emergency preparedness and response

¹ EC/1999/468, OJ L 184, 17.7.1999, pp. 23-26.

² 2005/0034(CNS), COM(2005)0124.

³ Budget heading 02 04 02 with an allocation of EUR 15 m in commitments and EUR 19 m in payments.

⁴ Budget headings 18 05 04 and 18 05 06.

mechanism¹.

An amendment is therefore being proposed to Article 14 to ensure that European funds managed by different Commission DGs are not squandered.

5. Finally, it is important to ensure democratic scrutiny through appropriate monitoring and evaluation of the programme. Two amendments to that effect are being proposed to Article 14.

AMENDMENTS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Draft legislative resolution

Amendment 1
Paragraph 1 a (new)

1a. Considers that the indicative financial reference amount indicated in the legislative proposal must be compatible with the ceiling of heading 3 A of the new Multi-annual Financial Framework (MFF) and points out that the annual amount will be decided within the annual budgetary procedure in accordance with the provisions of point 38 of the IIA of xxx;

Proposal for a decision

Text proposed by the Commission²

Amendments by Parliament

Amendment 2
Article 6, paragraph 1

1. Union financial support may take the following legal forms:

(a) Grants,

1. Union financial support may take the following legal forms *within the meaning of Articles 108 and 88 of the Financial Regulation:*

(a) Grants,

¹ COM(2005)0123.

² OJ C 00, 12.12.2005, p. 00.

(b) Public procurement contracts.

(b) Public procurement contracts.

Justification

There must be clarification that EU financial support is subject to Financial Regulation rules (Regulation (EC, Euratom) No 1605/2002).

Amendment 3
Article 6, paragraph 2

2. Union grants shall be awarded further to calls for proposals, ***save in duly substantiated exceptional cases of urgency or where the characteristics of the beneficiary leave no other choice for a given action***, and shall be provided through operating grants and grants for actions. The maximum rate of co-financing will be specified in the annual work programmes.

2. Union grants shall be awarded further to calls for proposals and shall be provided through operating grants and grants for actions. The maximum rate of co-financing will be specified in the annual work programmes.

Justification

There must be clarification that EU financial support is subject to Financial Regulation rules (Regulation (EC, Euratom) No 1605/2002).

Amendment 4
Article 6, paragraph 2 a (new)

2a. Access to funding shall be facilitated by the application of the principle of proportionality as regards the documents to be supplied and by the creation of a database for the submission of applications.

Justification

The methods and the procedures need to be simplified in order to enhance the transparency of the selection procedure and facilitate access to the programme.

Amendment 5
Article 9

I. Where reference is made to this Article,

Where reference is made to this Article,

the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chair may lay down according to the urgency of the matter, if necessary by taking a vote.

Articles 3 and 7 of Decision 1999/468/EC shall apply.

2. The opinion shall be recorded in the minutes; each Member State may request that its position be recorded in the minutes.

3. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which the opinion has been taken into account.

Justification

To simplify the legislative act and make it clear, it is proposed that direct reference be made to the provisions on the advisory procedure under the 1999 decision on comitology. That Council decision, which is far from ideal, at least provides for a degree of information and transparency for Parliament's benefit, whereas, under the procedure provided for by the Commission, the provision of information for Parliament is in no way allowed for.

Amendment 6

Article 14, paragraph 1 a (new)

1a. The Commission shall ensure that the actions provided for under this Decision are subject to ex ante evaluation, monitoring and ex post evaluation. It shall ensure that the programme is accessible and is implemented in a transparent manner.

Justification

It is important to ensure democratic scrutiny by monitoring and evaluating the programme at the appropriate times.

Amendment 7

Article 14, paragraph 3

3. The Commission shall submit to the

3. The Commission shall submit to the

European Parliament and the Council:

(a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme ***no later than 31 March 2010***;

(b) a Communication on the continuation of the programme ***no later than 31 December 2010***;

(c) ***an*** ex-post evaluation report ***no later than 31 March 2015***.

European Parliament and the Council:

(a) ***three years after adoption of the programme***, an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme;

(b) ***four years after adoption of the programme***, a Communication on the continuation of the programme;

(c) ***no later than 31 March 2015, a detailed ex-post evaluation report on implementation and outcome of the programme after its completion***.

Justification

It is important to ensure democratic scrutiny by monitoring and evaluating the programme at the appropriate times.

PROCEDURE

Title	Proposal for a Council decision establishing the specific programme 'Prevention of and Fight against Crime' for the period 2007-2013 as part of the general programme 'Security and Safeguarding Liberties'
References	COM(2005)0124 – C6-0242/2005 – 2005/0035(CNS)
Committee responsible	LIBE
Opinion by Date announced in plenary	BUDG 9.6.2005
Enhanced cooperation – date announced in plenary	0.0.0000
Drafts(wo)man Date appointed	Yannick Vaugrenard 6.9.2005
Previous drafts(wo)man	
Discussed in committee	6.3.2006 3.4.2006 18.4.2006 25.4.2006
Date adopted	25.4.2006
Result of final vote	+: 33 –: 0:
Members present for the final vote	Richard James Ashworth, Simon Busuttil, Paulo Casaca, Gérard Deprez, Bárbara Dührkop Dührkop, James Elles, Markus Ferber, Salvador Garriga Polledo, Neena Gill, Dariusz Maciej Grabowski, Ingeborg Gräßle, Louis Grech, Catherine Guy-Quint, Jutta D. Haug, Ville Itälä, Sergej Kozlík, Wiesław Stefan Kuc, Zbigniew Krzysztof Kuźmiuk, Alain Lamassoure, Janusz Lewandowski, Vladimír Maňka, Mario Mauro, Gérard Onesta, Wojciech Roszkowski, Antonis Samaras, Esko Seppänen, Nina Škottová, László Surján, Yannick Vaugrenard, Kyösti Virrankoski, Ralf Walter
Substitute(s) present for the final vote	Lidia Joanna Geringer de Oedenberg, Peter Šťastný
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...

PROCEDURE

Title	Proposal establishing the specific Programme 'prevention of and Fight against Crime' for the Period 2007-2013, General Programme 'Security and Safeguarding Liberties'				
References	COM(2005)0124 - C6-0242/2005 - 2005/0035(CNS)				
Date of consulting Parliament	25.7.2005				
Committee responsible Date announced in plenary	LIBE 6.9.2005				
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 6.9.2005				
Not delivering opinion(s) Date of decision					
Enhanced cooperation Date announced in plenary					
Rapporteur(s) Date appointed	Romano Maria La Russa 14.9.2005				
Previous rapporteur(s)					
Simplified procedure – date of decision					
Legal base disputed Date of JURI opinion					
Financial endowment amended Date of BUDG opinion					
Parliament to consult European Economic and Social Committee – date decided in plenary					
Parliament to consult Committee of the Regions – date decided in plenary					
Discussed in committee	4.10.2005	1.12.2005	22.2.2006	6.3.2006	3.4.2006
	18.4.2006	1.6.2006	6.11.2006		
Date adopted	6.11.2006				
Result of final vote	+ : 18 - : 0 0 : 0				
Members present for the final vote	Mihael Brejc, Jean-Marie Cavada, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Patrick Gaubert, Adeline Hazan, Livia Járóka, Barbara Kudrycka, Romano Maria La Russa, Henrik Lax, Hartmut Nassauer, Martine Roure, Ioannis Varvitsiotis, Stefano Zappalà				
Substitute(s) present for the final vote	Maria da Assunção Esteves, Jeanine Hennis-Plasschaert, Sophia in 't Veld, Kyriacos Triantaphyllides, Rainer Wieland				
Substitute(s) under Rule 178(2) present for the final vote	Salvatore Tatarella				
Date tabled	10.11.2006				
Comments (available in one language only)					