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*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme (COM(2011)0759 – C7-0439/2011 – 2011/0369(COD))

Committee on Legal Affairs
Committee on Civil Liberties, Justice and Home Affairs

Rapporteurs: Luigi Berlinguer, Philip Claeys

(Joint committee meetings – Rule 51 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ¶ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme (COM(2011)0759 – C7-0439/2011 – 2011/0369(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2011)0759),
 - having regard to Article 294(2), Article 81(1) and (2), Article 82(1) and Article 84 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0439/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 11 July 2012¹,
 - having regard to the opinion of the Committee of the Regions of 18 July 2012²,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs under Rule 51 of the Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Budgets and of the Committee on Women's Rights and Gender Equality (A7-0396/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 299, 4.10.2012, p. 103.

² OJ C 277, 13.9.2012, p. 43.

Amendment 1

AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

REGULATION (EU) No .../2013

OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

establishing a Justice Programme for the period 2014 to 2020

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 81(1) and (2), Article 82(1) and Article 84 thereof,
Having regard to the proposal from the European Commission,

* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol **■**.

After transmission of the draft legislative act to the national parliaments,
Having regard to the opinion of the European Economic and Social Committee¹,
Having regard to the opinion of the Committee of the Regions²,
Acting in accordance with the ordinary legislative procedure³,
Whereas:

- (1) The Treaty on the Functioning of the European Union (*TFEU*) provides for the creation of an area of freedom, security and justice, in which persons are free to move. To that end, the Union may adopt measures to develop judicial cooperation in civil and criminal matters and to promote and support the action of Member States in the field of crime prevention. ***Respect for fundamental rights as well as for common principles, such as non-discrimination, gender equality, effective access to justice for all, the rule of law and a well-functioning independent judicial system should be ensured in the further development of a European area of justice.***

¹ OJ C 299, 4.10.2012, p. 103.

² OJ C 277, 13.9.2012, p. 43.

³ Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of

- (2) *In the Stockholm Programme¹ the European Council reaffirmed* the priority of developing an area of freedom, security and justice and *specified as a political priority* the achievement of a Europe of law and justice. Financing *was* identified as one of the important tools for the successful implementation of the Stockholm Programme's political priorities. *The ambitious goals set by the Treaties and by the Stockholm Programme should be attained inter alia by establishing, for the period 2014 to 2020, a flexible and effective Justice Programme (the "Programme") which should facilitate planning and implementation. The general and specific objectives of the Programme should be interpreted in line with the relevant strategic guidelines defined by the European Council.*
- (3) *The Commission* Communication *of 3 March 2010 on the Europe 2020 Strategy* sets out a strategy for smart, sustainable and inclusive growth. A well-functioning area of justice, where obstacles in cross-border judicial proceedings and access to justice in cross-border situations are eliminated, should be developed as a key element to support **█** the specific objectives and flagship initiatives of the Europe 2020 Strategy *and to facilitate mechanisms designed to promote growth.*

█

¹ OJ C 115, 4.5.2010, p. 1.

- (3a) *For the purposes of this Regulation, the term "judiciary and judicial staff" should be interpreted so as to include judges, prosecutors and court officers, as well as other legal practitioners associated with the judiciary, such as lawyers, notaries, bailiffs, probation officers, mediators and court interpreters.*
- (3b) *Judicial training is central to building mutual trust and improves cooperation between judicial authorities and practitioners in the various Member States. Judicial training should be seen as an essential element in promoting a genuine European judicial culture in the context of the Commission Communication of 13 September 2013¹, the Council Resolution on the training of judges, prosecutors and judicial staff in the European Union², the Council conclusions of 27 and 28 October 2011 on European judicial training and the European Parliament resolution of 14 March 2012 on judicial training.*
- (3c) *Judicial training can involve different actors, such as Member States' legal, judicial and administrative authorities, academic institutions, national bodies responsible for judicial training, European-level training organisations or networks, or networks of court coordinators of Union law. Bodies and entities pursuing a general European interest in the field of training of the judiciary, such as the European Judicial Training Network (EJTN), the Academy of European Law (ERA), the European Network of Councils for the Judiciary (ENCJ), the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA-Europe), the Network of the Presidents of Supreme Judicial Courts of the European Union (RPCSJUE) and the European Institute of Public Administration (EIPA), should continue to play their role in promoting training programmes with a genuine European dimension for the judiciary and judicial staff, and could therefore be granted adequate financial support in accordance with the procedures and the criteria set out in the annual work programmes adopted by the Commission pursuant to this Regulation.*

¹ *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Building trust in EU-wide justice. A new dimension to European judicial training.*

² *Resolution of the Council and the representatives of the governments of the Member States meeting within the Council on the training of judges, prosecutors and judicial staff in the European Union (OJ C 299, 22.11.2008, p. 1).*

- (3d) *The Union should facilitate training activities on the implementation of Union law by considering the salaries of participating judiciary and judicial staff incurred by the Member States' authorities as eligible costs or co-financing in kind, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council¹ (the "Financial Regulation").***
- (3e) *Access to justice should include, in particular, access to courts, to alternative methods of dispute settlement and to public office-holders obliged by the law to provide parties with independent and impartial legal advice.***

¹ ***Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union (OJ L 298, 26.10.2012, p. 1).***

(3f) *In December 2012 the Council endorsed the EU Drugs Strategy (2013-20)¹, which aims to take a balanced approach based on simultaneous reduction of drug demand and drug supply, acknowledging that drug demand reduction and drug supply reduction are mutually reinforcing elements in illicit drugs policy. That Strategy maintains as one of its main objectives the aim of contributing to a measurable reduction of drug demand, of drug dependence and of drug-related health and social risks and harms. Whereas the Drug prevention and information programme established by Decision No 1150/2007/EC of the European Parliament and of the Council² was based on a public health legal basis and covered those aspects, the Programme is founded on a different legal basis and should aim at the further development of a European area of justice based on mutual recognition and mutual trust, in particular by promoting judicial cooperation. Thus, in responding to the need for simplification and in line with the legal basis of each programme, the Health for Growth Programme established by Regulation (EU) No .../2013 of the European Parliament and of the Council^{3*} can support measures to complement the Member's States action in attaining the objective of reducing drug-related health damage, including information and prevention.*

¹ *OJ C 402, 29.12.2012, p. 1.*

² Decision No 1150/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme 'Drug prevention and information' as part of the General Programme 'Fundamental Rights and Justice' (*OJ L 257, 3.10.2007, p. 23*).

³ *OJ L...*

* *OJ: Please insert the number in the text and in the footnote the full title and publication reference of Regulation in document pe-cons ../2013.*

- (3g) *Another important element of the EU Drugs Strategy (2013-20) is drug supply reduction. Whereas the Internal Security Fund established by Regulation (EU) No .../2013 of the European Parliament and of the Council¹* should support actions aimed at preventing and combating the trafficking of drugs and other types of crime, and in particular measures targeting the production, manufacture, extraction, sale, transport, importation and exportation of illegal drugs, including possession and purchase with a view to engaging in drug trafficking activities, the Programme should cover those aspects of drugs policy that are not covered by the Internal Security Fund or by the Health for Growth Programme and are closely linked to its general objective.*
- (3h) *In any case, the continued financing of the priorities under the 2007-2013 programming period that have been maintained as objectives under the new EU Drugs Strategy (2013-20) should be ensured, and funds should therefore be available from the Health for Growth Programme, the Internal Security Fund and the Programme in accordance with their respective priorities and legal bases while avoiding any duplicate financing.*

¹ *OJ L...*

* *OJ: Please insert the number in the text and in the footnote the full title and publication reference of Regulation in document pe-cons .../2013.*

- (3i) Pursuant to Article 3(3) of the Treaty on European Union (TEU), Article 24 of the Charter of Fundamental Rights of the European Union (the "Charter") and the 1989 United Nations Convention on the Rights of the Child, the Programme should support the protection of the rights of the child, including the right to due process, the right to understand the proceedings, the right to respect for private and family life and the right to integrity and dignity. The Programme should aim, in particular, to increase child protection within justice systems and access to justice for children, and should mainstream the promotion of the rights of the child in the implementation of all of its actions.**
- (3j) Pursuant to Articles 8 and 10 TFEU, the Programme should support the mainstreaming of equality between women and men and non-discrimination objectives in all its activities. Regular monitoring and evaluation should be carried out to assess the way in which gender equality and non-discrimination issues are addressed in the Programme's activities.**

- (4) Experience of action at Union level has shown that achieving *the objectives of the Programme* in practice calls for a combination of instruments, including *legal acts*, policy initiatives and funding. Funding is an important tool complementing legislative measures.■
- (4a) *In its conclusions of 22 and 23 September 2011 on improving the efficiency of future Union financial programmes supporting judicial cooperation, the Council stressed the important role played by Union financing programmes in the efficient implementation of the Union acquis and reiterated the need for more transparent, flexible, coherent and streamlined access to those programmes.*
- (5) The Commission Communication *of 29 June 2011* entitled ‘A budget for Europe 2020’ stresses the need for *the* rationalisation and simplification of Union funding. *Especially in view of the current economic crisis, it is of the utmost importance that Union funds be structured and managed in the most diligent manner.* Meaningful simplification and efficient management of funding can be achieved through *a* reduction in the number of programmes and *through the* rationalisation, simplification and harmonisation of funding rules and procedures.

- (6) In *responding* to the need for simplification **■**, efficient management *and easier access to* funding, *the* Programme *should continue and develop* activities previously carried out on the basis of three programmes established by Council Decision 2007/126/JHA¹, Decision No 1149/2007/EC of the European Parliament and of the Council **■**², and Decision No 1150/2007/EC. *The mid-term evaluations of those programmes include recommendations aimed at improving the implementation of those programmes. The findings of those mid-term evaluations, as well as the findings of the respective ex-post evaluations, need to be taken into account in the implementation of the Programme.*

■

¹ Council Decision 2007/126/JHA of 12 February 2007 establishing for the period 2007-2013, as part of the *general programme* on Fundamental Rights and Justice, the *specific programme* 'Criminal Justice' (*OJ L 58, 24.2.2007, p. 13*).

² Decision No 1149/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the *specific programme* 'Civil Justice' as part of the *general programme* 'Fundamental Rights and Justice' (*OJ L 257, 3.10.2007, p. 16*).

- (8) The Commission Communication *of 19 October 2010 entitled* ‘The EU Budget Review’¹ *and the Commission Communication of 29 June 2011* entitled ‘A budget for Europe 2020’ underline the importance of focusing funding on activities with clear European added value, i.e. where Union intervention can bring additional value compared to *the* action of Member States alone. Actions covered by this Regulation should contribute to the creation of a European area of justice by promoting the principle of mutual recognition, developing mutual trust between the Member States, increasing cross-border cooperation and networking and achieving *the* correct, coherent and consistent application of Union law. Funding activities should also contribute to achieving effective and better knowledge of Union law and policies by all concerned, and should provide a sound analytical basis for the support and the development of Union *law and policies, in so doing contributing to their enforcement and proper implementation*. Union intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover, the Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning.

- (8a) *In selecting actions for funding under the Programme, the Commission should assess the proposals against pre-identified criteria. Those criteria should include an assessment of the European added value of the proposed actions. National projects and small-scale projects can also have European added value.*
- (8b) *Bodies and entities that have access to the Programme should include national, regional and local authorities.*

■

- (11) This Regulation lays down a financial envelope for the entire duration of the *Programme* which is to constitute the prime reference amount, within the meaning of point 17 of the Interinstitutional Agreement of ... 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management^{1*}, for the European Parliament and the Council during the annual budgetary procedure.

¹ OJ C ...

* OJ: Please insert the date of adoption and in the footnote the publication reference of the IIA as contained in document ST 11838/13.

(11a) In order to ensure that the Programme is sufficiently flexible to respond to changing needs and corresponding policy priorities throughout its duration, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission concerning modification of the percentages set out in the Annex to this Regulation for each specific objective that would exceed those percentages by more than 5 percentage points. To assess the need for such a delegated act, those percentages should be calculated on the basis of the financial envelope of the Programme for its entire duration, and not on the basis of annual appropriations. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

- (12) This Regulation should be implemented in full compliance with the Financial Regulation . ***In particular with regard to the eligibility conditions of value added tax (VAT) paid by grant beneficiaries, the eligibility of VAT should not depend on the legal status of the beneficiaries for activities which can be carried out by private and public bodies and entities under the same legal conditions. Taking into account the specific nature of the objectives and activities covered by this Regulation, it should be made clear, in calls for proposals, that, for activities which can be carried out by both public and private bodies and entities, the non-deductible VAT incurred by public bodies and entities is to be eligible, in so far as it is paid in respect of the implementation of activities, such as training or awareness-raising, which cannot be considered as the exercise of public authority. This Regulation should also*** make use of the simplification tools introduced by the Financial ***Regulation***. Moreover, the criteria for identifying actions to be supported should aim at allocating the available financial resources to actions generating the highest impact in relation to the policy objective pursued.

(13) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of the adoption of annual work programmes. Those powers should be exercised in accordance with Regulation (EU) No **182**/2011 of the European Parliament and of the Council¹.

(13a) The annual work programmes adopted by the Commission pursuant to this Regulation should ensure appropriate distribution of funds between grants and public procurement contracts. The Programme should primarily allocate funds to grants, while maintaining sufficient funding levels for procurement. The minimum percentage of annual expenditure to be allocated to grants should be established in the annual work programmes and should be not less than 65 %. To facilitate project planning and co-financing by stakeholders, the Commission should establish a clear timetable for the calls for proposals, selection of projects and award decisions.

¹ Regulation (EU) No **182**/2011 of the European Parliament and of the Council of 16 February **2011** laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(14) In order to ensure efficient allocation of funds from the *general budget of the Union*, consistency, complementarity and synergies should be sought between funding programmes supporting policy areas with close links to each other, in particular between *the* Programme and the Rights, Equality and Citizenship *Programme* established by Regulation (EU) No .../2013 of the European Parliament and of the Council^{1*}, the Instrument for financial support for police cooperation, crime prevention and the fight against cross-border, serious and organised crime established by Regulation (EU) No.../2013 *of* the European Parliament and of the Council^{2**}, the Health for Growth Programme, the Erasmus+ Programme established by Regulation (EU) No .../2013 *of* the European Parliament and of the Council^{3***}, the Horizon 2020 Framework Programme established by Regulation (EU) No .../2013 *of* the European Parliament and of the Council^{4****} and the Instrument for Pre-accession Assistance established by Regulation (EU) No .../2013 *of* the European Parliament and of the Council^{5*****}.



1 ***OJL ...***
* OJ: Please insert the number in the text and in the footnote the full title and publication reference of Regulation in document pe-cons 89/2013.
2 OJ L...
** OJ: Please insert the number in the text and in the footnote the full title and publication reference of Regulation in document pe-cons ../2013.
3 OJ L...
*** OJ: Please insert the number in the text and in the footnote the full title and publication reference of Regulation in document pe-cons 63../2013.
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**** OJ: Please insert the number in the text and in the footnote the full title and publication reference of Regulation in document pe-cons 67/2013.
5 OJ L...
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- (16) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, ***the imposition of administrative and financial penalties*** in accordance with the ***Financial Regulation***.
- (17) In order to implement the principle of sound financial management, this Regulation should provide for appropriate tools to assess its performance. To that end, it should define general and specific objectives. To measure the achievement of those specific objectives, a set of ***concrete and quantifiable*** indicators should be established which should remain valid for the whole duration of the Programme. ***The Commission should submit annually to the European Parliament and to the Council a monitoring report which should be based inter alia on the indicators set out in this Regulation and which should give information on the use of available funds.***

(17a) *The Programme should be implemented in an effective manner, respecting sound financial management, while also allowing potential applicants to have effective access to the Programme. In order to support effective access to the Programme, the Commission should use its best endeavours to simplify and harmonise the application procedures and documents, the administrative formalities and the financial management requirements, to remove administrative burdens and to encourage grant applications from entities located in Member States which are under-represented in the Programme. The Commission should publish on a dedicated webpage information about the Programme, its objectives, the various calls for proposals and their time schedules. Basic documents and guidelines relating to the calls for proposals should be available in all the Treaty languages.*

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- (17b) In accordance with point (l) of Article 180(1) of Commission Delegated Regulation (EU) No 1268/2012¹ ('the Rules of Application'), the grant agreements should lay down provisions governing the visibility of the Union financial support, except in duly justified cases where public display is not possible or appropriate.*
- (17c) In accordance with Article 35(2) and (3) of the Financial Regulation and Article 21 of the Rules of Application, the Commission should make available, in an appropriate and timely manner, information concerning recipients and concerning the nature and purpose of the measures financed from the general budget of the Union. That information should be made available with due observance of the requirements of confidentiality and security, in particular the protection of personal data.*

¹ *Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).*

- (18) Since the objective of this Regulation, namely to contribute to the further development of a European area of justice based on mutual recognition and mutual trust, in particular by promoting judicial cooperation in civil and criminal matters, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at **Union** level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 **TEU**. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (19) ■ In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the **TEU** and to the **TFEU**, **Ireland has** notified **its** wish to take part in the adoption and application of this Regulation ■ .

- (19a) *In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the **TEU and to the TFEU**, and without prejudice to Article 4 of that **Protocol**, the United Kingdom **is not taking** part in the adoption of this Regulation and **is not** bound by it or **■** subject to its application **■** .*
- (20) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the **TEU** and to the **TFEU**, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (20a) *In order to ensure the continuity of funding of activities previously carried out on the basis of Decision 2007/126/JHA, Decision No 1149/2007/EC and Decision No 1150/2007/EC, this Regulation should enter into force on the day following that of its publication,*

HAVE ADOPTED THIS REGULATION:

Article 1

Establishment and duration of the Programme

1. This Regulation establishes a **Justice** programme ('the Programme').
2. The Programme shall cover the period from 1 January 2014 to 31 December 2020. █

█

Article 3

European added value

1. The Programme shall finance actions with European added value **which contribute to the further development of a European area of justice**. To that end, the Commission shall ensure that the actions selected for funding are intended to produce results with European added value █ .
2. ***The European added value of actions, including that of small-scale and national actions, shall be assessed in the light of criteria such as their contribution to the consistent and coherent implementation of Union law and to wide public awareness about the rights deriving from it, their potential to develop mutual trust among Member States and to improve cross-border cooperation, their transnational impact, their contribution to the elaboration and dissemination of best practices or their potential to create practical tools and solutions that address cross-border or Union-wide challenges.***

Article 4

General objective

The general objective of the Programme shall be to contribute to the *further development* of a European area of justice *based on mutual recognition and mutual trust, in particular* by promoting judicial cooperation in civil and criminal matters.

Article 5

Specific objectives

- I.** To achieve the general objective set out in Article 4, the Programme shall have the following specific objectives:
 - (a) *to facilitate and support* judicial cooperation in civil and criminal matters;
 - (aa) *to support and promote judicial training, including language training on legal terminology, with a view to fostering a common legal and judicial culture;*

- (b) to facilitate *effective* access to justice *for all, including to promote and support the rights of victims of crime, while respecting the rights of the defence;*
 - (ba) *to support initiatives in the field of drugs policy as regards judicial cooperation and crime prevention aspects closely linked to the general objective of the Programme, in so far as they are not covered by the Internal Security Fund or by the Health for Growth Programme;*
- 2. *The specific objectives of the Programme shall be pursued through, in particular:*
 - (a) *enhancing public awareness and knowledge of Union law and policies;*

- (aa) with a view to ensuring efficient judicial cooperation in civil and criminal matters, improving knowledge of Union law, including substantive and procedural law, of judicial cooperation instruments and of the relevant case-law of the Court of Justice of the European Union, and of comparative law;*
- (b) supporting the effective, comprehensive and consistent implementation and application of Union instruments and policies in the Member States and the monitoring and evaluation thereof;*
- (c) promoting cross-border cooperation, improving mutual knowledge and understanding of the civil and criminal law and the legal and judicial systems of the Member States and enhancing mutual trust;*
- (d) improving knowledge and understanding of potential obstacles to the smooth functioning of a European area of justice;*

- (e) *improving the efficiency of judicial systems and their cooperation by means of information and communication technology, including the cross-border interoperability of systems and applications.*

Article 5a

Mainstreaming

In the implementation of all of its actions, the Programme shall seek to promote equality between women and men and to promote the rights of the child, inter alia by means of child-friendly justice. It shall also comply with the prohibition of discrimination based on any of the grounds listed in Article 21 of the Charter, in accordance with and within the limits set by Article 51 of the Charter.

Article 6

Types of actions

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1. The Programme shall finance inter alia the following types of actions:

- (a) analytical activities, such as **the** collection of data and statistics; **the** development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations ■ ; **the** elaboration and publication of guides, reports and educational material; ■ workshops, seminars, experts meetings **and** conferences ■ ;
- (b) training activities ■ , such as staff exchanges, workshops, seminars, train-the-trainer events, **including language training on legal terminology, and the** development of **online training tools** or other training modules **for members of the judiciary and judicial staff**;
- (c) mutual learning, cooperation, awareness-raising and dissemination activities, such as **the** identification of, and exchanges concerning, good practices, innovative approaches and experiences; **the** organisation of peer reviews and mutual learning; **the** organisation of conferences ■ , seminars, **information campaigns**, ■ including **institutional** communication **on** the political priorities of the **Union as far as they relate to the objectives of the Programme**; **the** compilation and publication of materials to disseminate information **about the Programme and its** results; the ■ development, operation and maintenance of systems and tools, using information and communication technologies, **including the further development of the European e-Justice portal as a tool to improve citizens' access to justice**;

- (d) support for main actors *whose activities contribute to the implementation of the objectives of the Programme*, such as support for Member States in the implementation of Union law and policies, support for key European *actors and European-level networks, including in the field of judicial training; and support for networking activities at European level* among specialised bodies and entities *as well as* national, regional and local authorities *and non-governmental organisations*.
2. *The European Judicial Training Network shall receive an operating grant to co-finance expenditure associated with its permanent work programme.*

Article 7

Participation

1. Access to the Programme shall be open to all **■** bodies and entities legally established in:
- (a) Member States;

- (b) European Free Trade Association (EFTA) countries which are parties to the Agreement *on the European Economic Area*, in accordance with *that* Agreement;
- (c) candidate countries, potential candidates and countries acceding to the Union, in accordance with the general principles and the general terms and conditions laid down for the participation of those countries in the Union programmes established in the respective Framework Agreements and Association Council decisions, or similar agreements.

1a. *Bodies and entities which are profit-oriented shall have access to the Programme only in conjunction with non-profit or public organisations.*

- 2. **█ Bodies and entities legally established in █ third countries, *other than those participating in the Programme in accordance with points (b) and (c) of paragraph 1, in particular* countries where the European Neighbourhood Policy applies, may be associated to *the* actions of the Programme *at their own cost*, if this serves the purpose of *those* actions.**

3. ***The Commission may cooperate with international organisations under the conditions laid down in the relevant annual work programme. Access to the Programme shall be open to international organisations active in the areas covered by the Programme in accordance with the Financial Regulation and the relevant annual work programme.***

Article 8

Budget

1. The financial envelope for the implementation of the Programme for the period 2014 to 2020 is set at EUR ~~377,604~~ million].
2. The financial allocation of the Programme may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of the Programme and the ***assessment of the*** achievement of its objectives. ***The financial allocation may cover expenses relating to the necessary studies, meetings of experts, information and communication actions, including institutional communication of the political priorities of the Union, in so far as they are related to the general objectives of this Regulation, as well as*** expenses linked to information technology networks focusing on information processing and exchange ***and*** other technical and administrative assistance ***needed in connection with*** the management of the Programme by the Commission.

3. The annual appropriations shall be authorised by the European Parliament and the Council within the limits of the multiannual financial framework established by Council Regulation (EU, Euratom) No .../2013¹.*
- 3a. ***Within the financial envelope for the Programme, amounts shall be allocated to each specific objective in accordance with the percentages set out in the Annex.***
- 3b. ***The Commission shall not depart from the allocated percentages of the financial envelope, as set out in the Annex, by more than 5 percentage points for each specific objective. Should it prove necessary to exceed that limit, the Commission shall be empowered to adopt delegated acts in accordance with Article 8a to modify each of the figures in the Annex by more than 5 and up to 10 percentage points.***

Article 8a

Exercise of the delegation

1. ***The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
2. ***The power to adopt delegated acts referred to in Article 8(3b) shall be conferred on the Commission for the duration of the Programme.***

¹ Council Regulation (EU) No .../2013 of ...2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L ...).

* OJ: Please insert the number in the text and in the footnote the full title and publication reference of Regulation as contained in document ST 11791/13.

3. *The delegation of power referred to in Article 8(3b) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
4. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
5. *A delegated act adopted pursuant to Article 8(3b) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.*

Article 9

Implementing measures

1. The Commission shall implement the Programme in accordance with *the Financial Regulation* ■ .

2. In order to implement the Programme, the Commission shall adopt annual work programmes in the form of implementing acts. Those implementing acts shall be adopted in accordance with the *examination* procedure referred to in Article 10(2).
- 2a. ***Each annual work programme shall implement the objectives of the Programme by determining the following:***
 - (a) ***the actions to be undertaken, in accordance with the general and specific objectives set out in Article 4 and Article 5(1), including the indicative allocation of financial resources;***

- (b) the essential eligibility, selection and award criteria to be used to select the proposals which are to receive financial contributions, in accordance with Article 84 of the Financial Regulation and with Article 94 of its Rules of Application;*
 - (c) the minimum percentage of annual expenditure to be allocated to grants.*
- 2b. Appropriate and fair distribution of financial support between different areas covered by this Regulation shall be ensured. When deciding on the allocation of funds to those areas in the annual work programmes, the Commission shall take into consideration the need to maintain sufficient funding levels for both civil justice and criminal justice, as well as for judicial training and initiatives in the field of drugs policy within the scope of the Programme.*
- 2c. Calls for proposals shall be published on an annual basis.*

- 2d. *In order to facilitate judicial training activities, the costs associated with the participation of judiciary and judicial staff in those activities and incurred by the Member States' authorities shall be taken into account in accordance with the Financial Regulation when providing corresponding funding.*

Article 10

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 11

Complementarity

1. The Commission, in cooperation with the Member States, shall ensure overall consistency, complementarity and synergies with other Union instruments including, inter alia, the Rights, Equality and Citizenship Programme, the Instrument for financial support for police cooperation, crime prevention and the fight against cross-border, serious and organised crime, the Health for Growth Programme, the Erasmus+ Programme, the Horizon 2020 Framework Programme and the Instrument for Pre-accession Assistance.

- 1a. *The Commission shall also ensure overall consistency, complementarity and synergies with the work of the Union bodies, offices and agencies operating in areas covered by the objectives of the Programme, such as Eurojust established by Council Decision 2002/187/JHA¹ and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) established by Regulation (EC) No 1920/2006 of the European Parliament and of the Council².*
2. The **Programme** may share resources with other Union instruments, in particular the Rights, Equality and Citizenship Programme, in order to implement actions meeting the objectives of both programmes. An action for which funding has been awarded from the Programme may also give rise to the award of funding from the Rights, Equality and Citizenship Programme, provided that the funding does not cover the same cost items.

Article 12

Protection of the financial interests of the Union

1. The Commission shall take appropriate measures ensuring that, when actions financed under the **Programme** are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of amounts wrongly paid and, where appropriate, by effective, proportionate and *dissuasive administrative and financial* penalties.

¹ *Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 63, 6.3.2002, p. 1).*

² *Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (OJ L 376, 27.12.2006, p. 1).*

2. The Commission or its representatives and the Court of Auditors shall have the power of audit, both on the basis of documents and on **■** the **■** spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds under the Programme.
3. The European Anti-*Fraud* Office (OLAF) may carry out *investigations, including* on-the-spot checks and inspections, in accordance with the *provisions and* procedures laid down in Regulation *(EU, Euratom) No 883/2013 of the European Parliament and of the Council* and in Council Regulation *(Euratom, EC) No 2185/96*² with a view to establishing whether fraud, corruption or any other illegal activity has occurred affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract *funded under the Programme*.

¹ *Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).*

² Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

4. Without prejudice to █ paragraphs **1, 2 and 3**, cooperation agreements with third countries and *with* international organisations, grant agreements, grant decisions *and contracts* resulting from the implementation of the *Programme* shall *contain provisions* expressly *empowering* the Commission, the Court of Auditors and OLAF to conduct the audits *and investigations referred to in those paragraphs, in accordance with their respective competences*.

Article 13

Monitoring and evaluation

1. The Commission shall monitor the Programme *annually* in order to follow the implementation of actions carried out under it █ and the achievement of the specific objectives set out in Article 5. The monitoring *shall* also provide a means of assessing the way in which gender equality and non-discrimination issues have been addressed across the *Programme's actions*.

2. The Commission shall provide the European Parliament and the Council with:
 - (-a) ***an annual monitoring report, based on the indicators set out in Article 13a(1) and on the use of the available funds;***
 - (a) an interim evaluation report ■ by 30 June 2018;
 - (b) an ex-post evaluation report ***by 31 December 2021.***
3. The interim evaluation ■ report ***shall assess*** the achievement of the Programme's objectives, the efficiency of the use of resources and the Programme's European added value with a view to determining whether funding in areas covered by the Programme ***should*** be renewed, modified or suspended after 2020. It shall also address the scope for any simplification of the Programme, its internal and external coherence, and the continued relevance of all objectives and actions. It shall take into account the results of the ex-post evaluations of the ***previous 2007-2013*** programmes ***established by the Decisions referred to*** in Article 14.

4. The ex-post evaluation **■** report *shall assess* the *long*-term impact of the Programme and **■** the sustainability of *the* effects of the Programme, with a view to *informing* a decision on a subsequent programme.

4a. The evaluations shall also assess the way in which gender equality and non-discrimination issues have been addressed across the Programme's actions.

Article 13a

Indicators

1. In accordance with Article 13, the indicators set out in paragraph 1a of this Article shall serve as a basis for monitoring and evaluating the extent to which each of the Programme's specific objectives set out in Article 5 has been achieved through the actions provided for in Article 6. They shall be measured against pre-defined baselines reflecting the situation before implementation. Where relevant, indicators shall be broken down by, inter alia, sex, age and disability.

1a. The indicators referred to in paragraph 1 shall include, inter alia, the following:

- (a) the number and percentage of persons in a target group reached by awareness-raising activities funded by the Programme;*
- (b) the number and percentage of members of the judiciary and judicial staff in a target group that participated in training activities, staff exchanges, study visits, workshops and seminars funded by the Programme;*

- (c) the improvement in the level of knowledge of Union law and policies in the groups participating in activities funded by the Programme compared to the entire target group;*
- (d) the number of cases, activities and outputs of cross-border cooperation, including cooperation by means of information technology tools and procedures established at Union level;*
- (e) participants' assessment of the activities in which they participated and of their (expected) sustainability;*
- (f) the geographical coverage of the activities funded by the Programme.*

2. *In addition to the indicators set out in paragraph 1a, the interim and ex-post evaluation report of the Programme shall assess, inter alia:*
- (a) the perceived impact of the Programme on access to justice based on qualitative and quantitative data collected at European level;*
 - (b) the number and quality of instruments and tools developed through actions funded by the Programme;*
 - (c) the European added value of the Programme, including an evaluation of the Programme's activities in the light of similar initiatives which have been developed at national or European level without support from Union funding, and their (expected) results and the advantages and/or disadvantages of Union funding compared to national funding for the type of activity in question;*

- (d) *the level of funding in relation to the outcomes achieved (efficiency);*
- (e) *the possible administrative, organisational and/or structural obstacles to the smoother, more effective and efficient implementation of the Programme (scope for simplification).*

Article 14

Transitional measures

Actions initiated **■** on the basis of Decision 2007/126/JHA, Decision 1149/2007/EC or Decision 1150/2007/EC shall continue to be governed by the provisions of those Decisions until their completion. In respect of those actions, reference to the committees provided for in Article 9 of Decision 2007/126/JHA, in Articles 10 and 11 of Decision 1149/2007/EC and in Article 10 of Decision 1150/2007/EC shall be interpreted as references to the committee provided for in Article 10 of this Regulation.

Article 15

Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at

For the European Parliament

The President

For the Council

The President

ANNEX

ALLOCATION OF FUNDS

Within the financial envelope for the Programme, amounts shall be allocated as follows to each specific objective set out in Article 5(1):

| <i>Specific objectives envelope (in %)</i> | <i>Share of the financial envelope (in %)</i> |
|---|---|
| <i>(a) to facilitate and support judicial cooperation in civil and criminal matters</i> | <i>30%</i> |
| <i>(b) to support and promote judicial training, including language training on legal terminology, with a view to fostering a common legal and judicial culture</i> | <i>35%</i> |
| <i>(c) to facilitate effective access to justice for all, including to promote and support the rights of victims of crime, while respecting the rights of the defence</i> | <i>30%</i> |
| <i>(d) to support initiatives in the field of drugs policy as regards judicial cooperation and crime prevention aspects closely linked to the general objective of the Programme, in so far as they are not covered by the Internal Security Fund or by the Health for Growth Programme</i> | <i>5%.</i> |

12.7.2012

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme (COM(2011)0759 – C7-0439/2011 – 2011/0369(COD))

Rapporteur: Barbara Matera

SHORT JUSTIFICATION

The Commission has submitted a proposal for Justice Programme 2014-2020 as part of the forthcoming multiannual financial framework (MFF), with the general objective of creating a European area of justice by promoting judicial cooperation in civil and criminal matters.

Aiming at simplification and rationalisation, the Justice Programme is the successor of three current programmes: Civil Justice (JCIV), Criminal Justice (JPEN), and Drug Prevention and Information Programme (DPIP). The Commission, following an impact assessment, has concluded that the merger of these programmes will allow for a comprehensive funding approach in the area of justice.

The Justice Programme focuses three specific objectives :

- promotion of effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters;
- facilitation of access to justice;
- prevention and reduction of drug demand and supply.

While the Rapporteur agrees with this Commission approach, she is concerned that drug issues might receive less attention in the new setup.

The Commission proposal states that the main indicator to measure the achievement of these objectives shall be, *inter alia*, the number of cases of trans-border cooperation and perception to the access of justice. The Rapporteur reminds that cases of trans-border cooperation and perception are not ideal indicators to measure progress, as they are influenced by a multitude

of factors, many lying outside the remit of the Justice Programme.

The financial appropriations for implementing the programme over the period from 1 January 2014 to 31 December 2020 will amount to **EUR 472 million** (in current prices). Discounting inflation and adjusting for program adjustments, the volume of funds devoted to creation of the area of justice in the European Union in future is comparable with the funding in the current MFF.

The Justice Programme proposed by the Commission for the period 2014-2020 should be approved with the following amendments.

AMENDMENTS

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

Amendment 1

Draft legislative resolution Paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Points out that the financial envelope specified in the legislative proposal constitutes only an indication to the legislative authority and can not be fixed until agreement is reached on the proposal for a regulation on the multiannual financial framework for the years 2014-2020;

Amendment 2

Draft legislative resolution Paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Recalls its resolution of 8 June 2011 on Investing in the future: a new

Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe¹; reiterates that sufficient additional resources are needed in the next MFF in order to enable the Union to fulfil its existing policy priorities and the new tasks provided for in the Treaty of Lisbon, as well as to respond to unforeseen events; challenges the Council, if it does not share this approach, to clearly identify which of its political priorities or projects could be dropped altogether, despite their proven European added value; points out that even with an increase in the level of resources for the next MFF of at least 5% compared to the 2013 level only a limited contribution can be made to the achievement of the Union's agreed objectives and commitments and the principle of Union solidarity;

¹ *Texts adopted, P7_TA(2011)0266.*

Amendment 3

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) Whereas the Drug prevention and information programme was based on a public health legal basis and therefore covered health considerations, notably the reduction of health harms associated with drug use, the Justice programme should approach anti-drugs policy via the angle of crime prevention. **Illicit** drug trafficking and other illegal activities related to drugs should be the main focus of drug-related funding under the new programme.

Amendment

(7) Whereas the Drug prevention and information programme was based on a public health legal basis and therefore covered health considerations, notably the reduction of health harms associated with drug use; the Justice programme should approach **prevention and** anti-drugs policy via the angle of crime **and recidivism prevention. Public awareness, prevention of** drug trafficking, **illicit drug trafficking and other illegal activities related to drugs** should be the main focus of drug-related funding under the new programme.

Amendment 4

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) In order to implement the principle of sound financial management, this Regulation should provide for appropriate tools to assess its performance. To that end, it should define general and specific objectives. To measure the achievement of those specific objectives, a set of indicators should be established which should remain valid for the whole duration of the Programme.

Amendment

(10) In order to implement the principle of sound financial management, this Regulation should provide for appropriate tools to assess its performance. To that end, it should define general and specific objectives. To measure the achievement of those specific objectives, a set of ***concrete and quantifiable*** indicators should be established which should remain valid for the whole duration of the Programme. ***The Commission should report to the European Parliament on an annual basis about the progress towards the objectives, using indicators as benchmarks.***

Amendment 5

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) It is important to ensure sound financial management of the programme and its implementation in the most effective and user-friendly manner possible, while also ensuring legal certainty and the accessibility of the programme to all participants.

Amendment 6

Proposal for a regulation Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) Improving implementation and quality of spending should constitute guiding principles for achieving the objectives of the programme while ensuring optimal use of the financial resources;

Amendment 7

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

Amendment

To achieve the general objective set out in Article 4, the Programme shall have the following specific objectives:

(a) to promote effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters.

The indicator to measure the achievement of this objective shall be, *inter alia*, the number of cases of trans-border cooperation.

(b) to facilitate access to justice.

The indicator to measure the achievement of this objective shall be, *inter alia*, the European perception of access to justice.

(c) to prevent and reduce drug demand and supply.

The indicator to measure the achievement of this objective shall be, *inter alia*, the number of cases of trans-border cooperation.

To achieve the general objective set out in Article 4, the Programme shall have the following specific objectives:

(a) to promote effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters.

The indicator to measure the achievement of this objective shall be, *inter alia*, the number of ***successful*** cases of trans-border cooperation.

(b) to facilitate access to justice.

The indicator to measure the achievement of this objective shall be, *inter alia*, the European perception of access to justice.

(c) to ***substantially*** prevent and reduce drug demand and supply.

The indicator to measure the achievement of this objective shall be, *inter alia*, the number of ***successful*** cases of trans-border cooperation.

Amendment 8

Proposal for a regulation

Article 6 – paragraph 2 – point c

Text proposed by the Commission

(c) mutual learning, cooperation, awareness raising and dissemination activities, such as identification of, and exchanges on, good practices, innovative approaches and experiences, organisation of peer review and mutual learning; organisation of conferences and seminars; organisation of awareness-raising and information campaigns, media campaigns and events, including *corporate* communication of the political priorities of the European Union; compilation and publication of materials to disseminate information as well as results of the Programme; development, operation and maintenance of systems and tools using information and communication technologies;

Amendment

(c) mutual learning, cooperation, awareness raising and dissemination activities, such as identification of, and exchanges on, good practices, innovative approaches and experiences, organisation of peer review and mutual learning; organisation of conferences and seminars; organisation of awareness-raising and information campaigns, media campaigns and events; including communication of the political priorities of the European Union, compilation and publication of materials to disseminate information as well as results of the Programme; development, operation and maintenance of systems and tools using information and communication technologies;

Amendment 9

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. The financial envelope for the implementation of the Programme shall be EUR 472 million.

Amendment

1. ***Within the meaning of point [17] of the Interinstitutional Agreement of .../... between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management, the financial envelope for the implementation of the Programme for the period from 2014 to 2020, representing the prime reference for the budgetary authority during the annual budgetary procedure, shall be EUR 472 million.***

Amendment 10

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. The budgetary authority shall authorise the available annual appropriations ***within the limits of the Multiannual Financial Framework established by Council Regulation (EU, Euratom) No XX/XX of XX laying down the multiannual financial framework for the years 2014-2020.***

Amendment

3. The budgetary authority shall authorise the available annual appropriations ***without prejudice to the provisions of the Regulation*** laying down the multiannual financial framework for the years 2014-2020 ***and the Interinstitutional Agreement of xxx/201z between the European Parliament, the Council and the Commission on cooperation in budgetary matters and sound financial management.***

Amendment 11

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. The Commission, in cooperation with the Member States, shall ensure overall consistency, complementarity and synergies with other Union instruments, inter alia, with the Rights and Citizenship Programme, the Instrument for financial support for police cooperation, crime prevention and the fight against cross-border, serious and organised crime, the Health for Growth Programme, the Erasmus for all Programme, the Horizon 2020 Framework Programme and the Instrument for Pre-accession Assistance.

Amendment

1. The Commission, in cooperation with the Member States, shall ensure overall consistency, complementarity and synergies with other Union instruments, inter alia, with the Rights and Citizenship Programme, the Instrument for financial support for police cooperation, crime prevention and the fight against cross-border, serious and organised crime, the Health for Growth Programme, the Erasmus for all Programme, the Horizon 2020 Framework Programme and the Instrument for Pre-accession Assistance. ***The Commission shall also ensure overall consistency, complementarity and synergies with the EU agencies whose mandates cover the same domains as the programme.***

Amendment 12

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. The programme may share resources with other Union instruments, in particular the Rights and Citizenship Programme, in order to implement actions meeting the objectives of both programmes. An action for which funding has been awarded from the Programme may also give rise to the award of funding from the Rights and Citizenship Programme, provided that the funding does not cover the same cost items.

Amendment

2. The programme may share resources with other Union instruments, in particular the Rights and Citizenship Programme, in order to implement actions meeting the objectives of both programmes. An action for which funding has been awarded from the Programme may also give rise to the award of funding from the Rights and Citizenship Programme, provided that the funding does not cover the same cost items, ***and double-sourcing of funds is avoided by clearly indicating the sources of funding for each category of expenditure, in line with the principle of sound financial management.***

PROCEDURE

| | |
|--|---|
| Title | Justice Programme for 2014-2020 |
| References | COM(2011)0759 – C7-0439/2011 – 2011/0369(COD) |
| Committees responsible Date announced in plenary | JURI LIBE 14.12.2011 14.12.2011 |
| Opinion by Date announced in plenary | BUDG 14.12.2011 |
| Rapporteur Date appointed | Barbara Matera 6.2.2012 |
| Rule 51 – joint committee meetings Date announced in plenary | 15.3.2012 |
| Date adopted | 12.7.2012 |
| Result of final vote | +: 28 -: 3 0: 2 |
| Members present for the final vote | Marta Andreasen, Richard Ashworth, Jean Louis Cottigny, Jean-Luc Dehaene, Isabelle Durant, James Elles, Göran Färm, José Manuel Fernandes, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Lucas Hartong, Jutta Haug, Monika Hohlmeier, Anne E. Jensen, Jan Kozłowski, Alain Lamassoure, Giovanni La Via, Barbara Matera, Claudio Morganti, Juan Andrés Naranjo Escobar, Nadezhda Neynsky, Dominique Riquet, Alda Sousa, Helga Trüpel |
| Substitute(s) present for the final vote | Alexander Alvaro, Bendt Bendtsen, Frédéric Daerden, Gerben-Jan Gerbrandy, Lidia Joanna Geringer de Oedenberg, Jutta Steinruck, Theodor Dumitru Stolojan, Nils Torvalds |
| Substitute(s) under Rule 187(2) present for the final vote | Leonardo Domenici |

15.10.2012

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme (COM(2011)0759 – C7-0439/2011 – 2011/0369(COD))

Rapporteur: Mariya Gabriel

AMENDMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs, as the committees responsible, to incorporate the following amendments in their report:

Amendment 1

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The Commission Action Plan on the Stockholm Programme envisages the preparation of a strategy to combat violence against women, domestic violence and female genital mutilation to be followed up by an EU action plan.

Amendment 2

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The political challenges in the field of judicial cooperation in civil and criminal matters and the fight against drugs require a long-term integrated multi-disciplinary European approach seeking to promote and uphold human rights, fundamental freedoms, women's rights and the principles of gender equality and non-discrimination.

Amendment 3

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The achievement of the overarching priority of gender equality and combating violence against women in all its forms requires sufficient and predictable level of funding, therefore the move towards simplification and more efficient management of funding should ensure that shares of EU funding are permanently reserved for promoting gender equality and combating violence against women in all its forms.

Amendment 4

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Funding for programmes and activities that promote women's rights and gender equality is key to ensuring that the

EU budget reflects the TFEU's commitment to gender equality, therefore the Commission should select programmes and actions for funding by assessing the proposals against pre-defined criteria which take particular account of European added value in terms of gender equality and combating violence against women in all its forms.

Amendment 5

Proposal for a regulation Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) Gender budgeting is the application of gender mainstreaming in the budgetary processes. It means a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality.

Amendment 6

Proposal for a regulation Recital 15

Text proposed by the Commission

Amendment

(15) Pursuant to Articles 8 and 10 of the Treaty on the Functioning of the European Union, the Programme should support the mainstreaming of equality between women and men and ***anti-discrimination objectives*** in all its activities. Regular monitoring and evaluation should be carried out to assess the way in which gender equality and ***anti-discrimination issues*** are addressed in the Programme's activities.

(15) Pursuant to Articles 8 and 10 of the Treaty on the Functioning of the European Union, the Programme should support ***and promote*** the mainstreaming of ***women's rights and the principles of*** equality between women and men and ***non-discrimination*** in all its activities. Regular monitoring and evaluation should be carried out to assess the way in which gender equality and ***measures to combat violence and discrimination based on sex, race or ethnic origin, religion or beliefs, disability, age or sexual orientation*** are

addressed in the Programme's activities.

Amendment 7

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Given that the general and specific objectives of the programme set out under this regulation concern the creation of a European area of freedom and justice, they cannot be achieved without a firm commitment at both European and national level to promoting human rights, fundamental freedoms, women's rights and the principles of gender equality and non-discrimination.

Amendment 8

Proposal for a regulation Article 2 – point b

Text proposed by the Commission

Amendment

(b) 'members of the judiciary and judicial staff' means judges, prosecutors, advocates, solicitors, notaries, court officers, bailiffs, court interpreters and other professionals associated with the judiciary;

(b) 'members of the judiciary and judicial staff' means ***all female and male*** judges, prosecutors, advocates, solicitors, notaries, court officers, bailiffs, court interpreters and other professionals associated with the judiciary;

Amendment 9

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

Amendment

The Programme shall finance actions with European added value. To that effect, the Commission shall ensure that the actions selected for funding are intended to produce results with European added value and shall monitor whether European added value was actually achieved through the

The Programme shall finance actions with European added value ***and obey the principles of gender budgeting***. To that effect, the Commission shall ensure that the actions selected for funding are intended to produce results with European added value and shall monitor whether

final results of the actions financed by the Programme.

European added value was actually achieved through the final results of the actions financed by the Programme. ***The European added value shall be assessed on the basis of its potential to contribute to achieving the overarching priorities of gender equality and combating violence against women.***

Amendment 10

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

The general objective of the Programme shall be to contribute to the creation of a European area of justice by promoting judicial cooperation in civil and criminal matters.

Amendment

The general objective of the Programme shall be to contribute to the creation of a European area of justice by promoting judicial cooperation in civil and criminal matters ***whilst respecting the legal systems of individual Member States. The general objective of the programme shall of necessity be achieved through compliance with Articles 8, 9, 10, 11 and 18 of the Treaty on the Functioning of the European Union and with the Charter of Fundamental Rights of the European Union. The Programme should in particular aim to uphold the Union's values of fundamental rights, gender equality, and non-discrimination.***

Amendment 11

Proposal for a regulation Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) to promote effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters.

Amendment

(a) to promote effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters, ***as well as better procedural rules,***

The indicator to measure the achievement of this objective shall be, inter alia, the number of cases of trans-border cooperation.

particularly as regards the rights of victims of crime, sexual violence and exploitation, with a focus on the most vulnerable victims, such as women and children.

The indicator to measure the achievement of this objective shall be, inter alia, the number of cases of trans-border cooperation.

Amendment 12

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) to facilitate access to justice.

The indicator to measure the achievement of this objective shall be, inter alia, the European perception of access to justice.

Amendment

(b) to facilitate access to justice.

The indicator to measure the achievement of this objective shall be, inter alia, the European perception of access to justice, *and in particular the respect for fundamental rights, gender equality and non-discrimination, as well as equality in access to justice for all.*

Amendment 13

Proposal for a regulation

Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to combat violence against women and gender based violence, i.e. violence which is directed against women because of being, or being perceived to be, a woman, or violence that is directed against a person because of his or her gender, gender identity, or gender expression.

Amendment 14

Proposal for a regulation
Article 5 - paragraph 2

Text proposed by the Commission

The Programme *shall aim to promote equality between women and men and combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all its activities.*

Amendment

The Programme *referred to in this regulation shall promote and uphold in all of its activities women's rights, the empowerment of women and the principles of equality between women and men and non-discrimination.*

Amendment 15

Proposal for a regulation
Article 6 - paragraph 1 - point a

Text proposed by the Commission

(a) enhancing public awareness and knowledge of Union law and policies;

Amendment

(a) enhancing public awareness and knowledge of Union law and policies, *particularly with regard to human rights, fundamental freedoms, women's rights and the principles of gender equality and non-discrimination;*

Amendment 16

Proposal for a regulation
Article 6 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) promoting the principles of gender equality and non discrimination, and taking effective measures to combat violence against women in all its forms.

Amendment 17

Proposal for a regulation
Article 6 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) seeking in all its actions to support promote legal cooperation and the effective implementation of European law and improving procedural rules, particularly in matters relating to human rights, fundamental freedoms, women's rights, children's needs, the principle of equality between women and men, the rights of crime victims and measures to combat violence and discrimination based on gender, race or ethnic origin, religion or beliefs, disability, age or sexual orientation;

Amendment 18

Proposal for a regulation

Article 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) analytical activities, such as collection of data and statistics; development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations and impact assessments; elaboration and publication of guides, reports and educational material; monitoring and assessment of the transposition and application of Union legislation and of the implementation of Union policies; workshops, seminars, experts meetings, conferences;

(a) analytical activities, such as collection of data and statistics; development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations and impact assessments; elaboration and publication of guides, reports and educational material; monitoring and assessment of the transposition and application of Union legislation and of the implementation of Union policies; workshops, seminars, experts meetings, conferences ***and gender mainstreaming;***

Amendment 19

Proposal for a regulation

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) training activities for members of the judiciary and judicial staff, such as staff exchanges, workshops, seminars, train-the-trainer events, development of online or other training modules;

Amendment

(b) training activities for members of the judiciary and judicial staff, such as staff exchanges, workshops, seminars, train-the-trainer events, development of online or other training modules, ***which pay particular attention to issues such as gender equality, women's rights and the phenomenon of violence against women. Training modules should be designed in close cooperation with civil society organisation and experts and equip professionals with the tools to effectively put EU rights and policies into practice;***

Amendment 20

**Proposal for a regulation
Article 6 – paragraph 2 – point c**

Text proposed by the Commission

(c) mutual learning, cooperation, awareness raising and dissemination activities, such as identification of, and exchanges on, good practices, innovative approaches and experiences, organisation of peer review and mutual learning; organisation of conferences and seminars; organisation of awareness-raising and information campaigns, media campaigns and events, including corporate communication of the political priorities of the European Union; compilation and publication of materials to disseminate information as well as results of the Programme; development, operation and maintenance of systems and tools using information and communication technologies;

Amendment

(c) Mutual learning, cooperation, awareness raising and dissemination activities, such as identification of, and exchanges on, good practices, innovative approaches and experiences, organisation of peer review and mutual learning; organisation of conferences and seminars; organisation of awareness-raising and information campaigns, media campaigns and events, including corporate communication of the political priorities of the European Union; compilation and publication of materials to disseminate information as well as results of the Programme; development, operation and maintenance of systems and tools using information and communication technologies. ***These mutual learning, cooperation, awareness-raising and dissemination activities shall also seek to promote equality between women and men and facilitate access for women to***

senior posts;

Amendment 21

Proposal for a regulation Article 6 – paragraph 2 – point d

Text proposed by the Commission

(d) support for main actors, such as support for Member States when implementing Union law and policies; support for key European level networks whose activities are linked to the implementation of the objectives of the Programme; networking among specialised bodies and organisations, national, regional and local authorities at European level; funding of experts' networks; funding of European level observatories.

Amendment

(d) support for main actors, such as support for Member States when implementing Union law and policies; support for key European level networks whose activities are linked to the implementation of the objectives of the Programme; networking among specialised bodies and organisations, national, regional and local authorities at European level; ***support for developing victim support services, including women's shelters,*** funding of experts' networks; funding of European level observatories; ***funding for institutions such as EU decentralised agencies and bodies, for example the European Institute for Gender Equality (EIGE), and agencies for police and judicial cooperation in criminal matters and agencies whose activities relate to European Union policies.***

Amendment 22

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. The financial allocation of the Programme may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of the Programme and the achievement of its objectives; in particular, studies, meetings of experts, information and communication

Amendment

2. The financial allocation of the Programme may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of the Programme and the achievement of its objectives; in particular, studies, meetings of experts, information and communication

actions, including corporate communication of the political priorities of the European Union, as far as they are related to the general objectives of this Regulation, expenses linked to IT networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the Programme.

actions, including corporate communication of the political priorities of the European Union, as far as they are related to the general objectives of this Regulation, expenses linked to IT networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the Programme. ***In the interest of ensuring efficient and just spending of the resources, the Programme budget should be subject to a gender audit.***

Amendment 23

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission shall monitor the Programme regularly in order to follow the implementation of actions carried out under it in the areas of actions referred to in Article 6 (1) and the achievement of the specific objectives referred to in Article 5. The monitoring will also provide a means of assessing the way in which gender equality and anti-discrimination issues have been addressed across the programme's activities. Where relevant, indicators should be disaggregated by sex, age and disability.

Amendment

1. The Commission shall monitor the Programme regularly in order to follow the implementation of actions carried out under it in the areas of actions referred to in Article 6 (1) and the achievement of the specific objectives referred to in Article 5. The monitoring will also provide a means of assessing the way in which gender equality and anti-discrimination issues have been addressed across the programme's activities. Where relevant, indicators should be disaggregated by sex, age and disability. ***The European added value in terms of achieving the overarching priority of gender equality and combating violence against women should be a leading benchmark.***

Amendment 24

Proposal for a regulation Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) The evaluations undertaken should take stock of the Programme's overarching contribution to a Union that upholds the values of equality in access to justice for all, respect for fundamental rights, gender equality and non-discrimination.

PROCEDURE

| | |
|--|--|
| Title | Justice Programme for 2014-2020 |
| References | COM(2011)0759 – C7-0439/2011 – 2011/0369(COD) |
| Committees responsible Date announced in plenary | JURI LIBE 14.12.2011 14.12.2011 |
| Opinion by Date announced in plenary | FEMM 2.2.2012 |
| Rapporteur Date appointed | Mariya Gabriel 22.11.2011 |
| Rule 51 – joint committee meetings Date announced in plenary | 15.3.2012 |
| Date adopted | 10.10.2012 |
| Result of final vote | +: 24 -: 0 0: 2 |
| Members present for the final vote | Regina Bastos, Edit Bauer, Andrea Češková, Edite Estrela, Iratxe García Pérez, Mikael Gustafsson, Mary Honeyball, Livia Járóka, Teresa Jiménez-Becerril Barrio, Constance Le Grip, Astrid Lulling, Barbara Matera, Krisztina Morvai, Norica Nicolai, Angelika Niebler, Siiri Oviir, Antonya Parvanova, Raül Romeva i Rueda, Joanna Katarzyna Skrzydlewska, Britta Thomsen, Anna Záborská |
| Substitute(s) present for the final vote | Izaskun Bilbao Barandica, Minodora Cliveti, Mariya Gabriel, Ulrike Lunacek, Chrysoula Paliadeli, Antigoni Papadopoulou |

PROCEDURE

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|--|---|----------------------------|-----------|
| Title | Justice Programme for 2014-2020 | | |
| References | COM(2011)0759 – C7-0439/2011 – 2011/0369(COD) | | |
| Date submitted to Parliament | 15.11.2011 | | |
| Committees responsible Date announced in plenary | JURI 14.12.2011 | LIBE 14.12.2011 | |
| Committee(s) asked for opinion(s) Date announced in plenary | BUDG 14.12.2011 | FEMM 2.2.2012 | |
| Rapporteur(s) Date appointed | Luigi Berlinguer 15.3.2012 | Philip Claeys 15.3.2012 | |
| Rule 51 – joint committee meetings Date announced in plenary | 15.3.2012 | | |
| Discussed in committee | 21.6.2012 | 19.9.2012 | 7.11.2013 |
| Date adopted | 7.11.2013 | | |
| Result of final vote | +: -: 0: | 29 1 0 | |
| Members present for the final vote | Jan Philipp Albrecht, Edit Bauer, Luigi Berlinguer, Mario Borghezio, Rita Borsellino, Arkadiusz Tomasz Bratkowski, Salvatore Caronna, Ioan Enciu, Kinga Gőncz, Nathalie Griesbeck, Monica Luisa Macovei, Nuno Melo, Alajos Mészáros, Claude Moraes, Judith Sargentini, Birgit Sippel, Csaba Sógor, Rui Tavares, Wim van de Camp, Josef Weidenholzer, Rainer Wieland, Tatjana Ždanoka, Auke Zijlstra | | |
| Substitute(s) present for the final vote | Michael Cashman, Mariya Gabriel, Vytautas Landsbergis, Davor Ivo Stier | | |
| Substitute(s) under Rule 187(2) present for the final vote | Zoltán Bagó, Liisa Jaakonsaari, Olle Ludvigsson | | |
| Date tabled | 19.11.2013 | | |