

Procedure file

Basic information		
CNS - Consultation procedure Decision	2005/0039(CNS)	Procedure completed
General Programme "Fundamental rights and justice": specific programme "Criminal Justice", 2007-2013		
Subject 7.40.04 Judicial cooperation in criminal matters		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		06/06/2005
		PSE SEGELSTRÖM Inger	
	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets		09/06/2005
		PSE GILL Neena	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	2779	12/02/2007
	Justice and Home Affairs (JHA)	2732	01/06/2006
	Justice and Home Affairs (JHA)	2652	14/04/2005
European Commission	Commission DG	Commissioner	
	Justice and Consumers	FRATTINI Franco	

Key events			
06/04/2005	Legislative proposal published	COM(2005)0122	Summary
14/04/2005	Debate in Council	2652	Summary
06/09/2005	Committee referral announced in Parliament		
01/06/2006	Debate in Council	2732	Summary
22/11/2006	Vote in committee		
07/12/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0453/2006	
14/12/2006	Results of vote in Parliament		
14/12/2006	Decision by Parliament	T6-0595/2006	Summary

12/02/2007	Act adopted by Council after consultation of Parliament		
12/02/2007	End of procedure in Parliament		
24/02/2007	Final act published in Official Journal		

Technical information

Procedure reference	2005/0039(CNS)
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Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on the European Union (after Amsterdam) M 034-p2c; Treaty on the European Union (after Amsterdam) M 031
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/27672

Documentation gateway

Legislative proposal	COM(2005)0122	06/04/2005	EC	Summary
Document attached to the procedure	SEC(2005)0434	06/04/2005	EC	
Committee draft report	PE364.791	14/02/2006	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0453/2006	07/12/2006	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0595/2006	14/12/2006	EP	Summary
Commission response to text adopted in plenary	SP(2007)0303	24/01/2007	EC	
Follow-up document	COM(2011)0255	11/05/2011	EC	Summary
Follow-up document	COM(2017)0115	07/03/2017	EC	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Decision 2007/126](#)
[OJ L 058 24.02.2007, p. 0013](#) Summary

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

PURPOSE: to present a specific programme "Criminal justice" for the period 2007-2013.

PROPOSED ACT: Decision of the Council.

CONTEXT: The Communication establishing a 'Fundamental Rights and Justice' Framework Programme forms part of a coherent set of legislative proposals. The purpose of these proposals is to offer support to the development of an area of freedom, security, and justice within the context of the upcoming financial perspective, 2007-2013. For that reason, the European Council in November 2004 adopted what is known as the Hague Programme. Building upon the results of the 1999 Tampere programme, the programme adopted in The Hague, presents

a new agenda to enable the Union to build upon past achievements as well as being well placed to meet new challenges. It also emphasizes that the creation of a Europe for citizens requires not only the full respect of Fundamental Rights, but, in addition, the active promotion of those rights. The 'Fundamental Rights and Justice' Framework Programme has several specific objectives. They are:

- ? To promote the development of a European society based on the European Union citizenship and respectful of the fundamental rights provided for in the Charter of Fundamental Rights; to fight anti-Semitism, racism and xenophobia and to strengthen civil society in the field of fundamental rights.
- ? To combat all forms of public or private violence against children, young people and women.
- ? To contribute to the setting-up of an area of freedom, security and justice by providing information on and preventing the use of drugs.
- ? To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil and commercial matters.
- ? To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters.

As these objectives have different legal bases in the Treaties, the programme is composed of several separate legislative instruments. Political coherence will be ensured, as each specific programme reflects the objectives of a policy which, in association with the three others, will allow for the development of European citizenship and a genuine area of Justice. Furthermore, the grouping together of these complementary policy areas under the same Framework programme will not only enhance their overall coherence but will also ensure a better response to citizens' needs. It will enable new, unexpected problems to be tackled with increased flexibility.

A key objective of the 'Fundamental Rights and Justice' Framework programme is to simplify and rationalise instruments both in legal and management terms, to streamline the budget structure, to increase coherence and consistency between programmes and to avoid duplication of instruments. It will be managed directly by the Commission. The cost of the Framework Programme for the period 2007-2013 is EUR 543 million.

CONTENT: A series of actions are envisaged under the 'Criminal Justice' specific programme. These include:

- ? specific actions taken by the Commission, such as, studies and research, creation and implementation of specific projects like the creation of a computerised system of exchange of information on criminal records, opinion polls and surveys, the formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities;
- ? actions providing financial support for specific projects of Community interest under the conditions set out in the annual work programmes;
- ? actions providing financial support for the activities of non-governmental organisations or other entities under the conditions set out in the annual work programmes;
- ? an operating grant to the European Judicial Training Network which pursues an aim of general European interest in the field of training of the judiciary.

Access to this programme shall be open to institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training/further training institutes for legal practitioners, nongovernmental organisations of the Member States. 'Legal practitioners' means, inter alia, judges, prosecutors, advocates, solicitors, ministry officials, court officers, bailiffs, court interpreters and other professionals associated with the judiciary in the area of criminal law. Projects may not be presented by third countries or by international organisations but they may participate as partners.

The Commission will ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventative measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties. It will ensure regular, external and independent evaluation of the programme. It will submit to the other institutions an interim evaluation report on the results obtained and on the qualitative and quantitative aspects of the implementation of the programme not later than 31/03/2011; a Communication on the continuation of the programme not later than 30/08/2012 and an ex-post evaluation report not later than 31/12/2014. It is intended that the programme's activities cover the period 1 January 2007 - 31 December 2013.

Synergies and complementarity with other Community instruments will be sought, particularly the civil justice specific programme of the general programme 'Fundamental rights and Justice', and the general programmes 'Security and Safeguarding Liberties' and 'Solidarity and Management of Migration Flows'. The statistical element of information on criminal justice will be developed in collaboration with Member States, using as necessary the Community Statistical Programme. The programme may share resources with other Community instruments, in particular the civil justice specific programme of the general programme 'Fundamental rights and Justice' in order to implement actions meeting the objectives of both programmes.

This programme does not attempt to intervene in the areas that are covered by national programmes developed by national authorities in each Member State but to focus on areas where European added-value can be engendered.

The 'Criminal justice' specific programme will be allocated EUR 199 million over the period 2007-2013.

FINANCIAL IMPACT:

- Budget lines: Financial Perspectives 2007-2013: Heading 3.

- ? 1804 'Citizenship and Fundamental Rights,
- ? 1806 'Establishing a genuine European area in criminal in civil matters and
- ? 1807 'Coordination in the field of drugs.

- Period of application: 2007-2013.

- Financial resources 2007-2013: EUR 543 million (current prices). In addition, covering the same period, an amount of EUR 164.9 million is foreseen for the Fundamental Rights Agency, an amount of EUR 110.6 is foreseen for the European Monitoring Centre for Drugs and Drug Addiction, while the amount foreseen for Eurojust is EUR 133.4 million.

The EUR 543 million figure is broken down as follows:

- ? Specific programme "Criminal justice" (2007-2013): EUR 196.2 million, which is broken down as follows: EUR 14,91 million for actions promoting judicial co-operation, EUR 25,26 million for actions adapting judicial systems, EUR 12,48 million to improve daily life of individuals and businesses and EUR 121,9 million for actions encouraging judicial contact and co-operation between the Member States.
- ? Specific programmes "Fight against violence (Daphne)" and "Drugs prevention and information" for the period 2007-2013 will be allocated EUR 135,4 million (please refer to procedure reference 2005/0037A and B (COD)).
- ? Specific programme "Civil justice" (2007-2013): EUR 106.5 million;
- ? Specific programme "Fundamental Rights & Citizenship": EUR 93.8 million;
- ? Technical and administrative assistance: EUR 11.1 million.

-Plus administrative expenditure not included within the reference amount comprising EUR 35.424 million for human resources and associated expenditure and EUR 5.316 million for administrative costs other than human resources and associated costs, not included in the reference amount.

Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs): total staff in 2007 will be 37.5 rising to 54 by 2013.

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

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

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

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

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

- ? improve the effectiveness of controls at the EU's external borders, while ensuring that bona fide travellers can cross the borders without hindrance;
- ? finance civic orientation courses, provide cross-cultural training and manuals for newcomers and (local) governments and facilitate the integration process;
- ? ensure appropriate reception conditions for persons seeking international protection in the EU and a fair and efficient examination of their applications for asylum;
- ? advise asylum applicants whose applications have been refused and illegal immigrants so that they can return with dignity to their country of origin.

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

- ? to promote and develop prevention of crime (whether organised or not) and measures to combat this phenomenon, in particular terrorism, trafficking in human beings and crimes against children, drugs trafficking, arms trafficking, corruption and fraud;
- ? to protect citizens, their freedoms and society against terrorist attacks, and to protect the EU by promoting and developing the prevention of, preparation for and management of the consequences of terrorist attacks.

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

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

The Council reached an agreement on a general approach on three draft Decisions establishing the following EU specific programmes for the

period 2007-2013:

General programme on Security and Safeguarding Liberties:

- specific programme on the Prevention, Preparedness and Consequence Management of Terrorism and other Security-related risks, and
- specific programme on the Prevention of and Fight Against Crime.

General programme on Fundamental Rights and Justice:

- specific programme on Criminal Justice.

The general approach was adopted without prejudice to the examination in due course of the opinion of the European Parliament, not delivered yet, and of the European Economic and Social Committee.

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

The European Parliament adopted the resolution drafted by Inger SEGELSTRÖM (PES, SV), by 483 votes for, 54 against and 8 abstentions, approving the position taken by its competent committee on the 'Criminal Justice' specific programme, whilst bearing in mind the deliberations in Council. Parliament approved a series of amendments seeking to clarify the proposal. In its consolidated version, the following amendments are integrated into the text:

- a recital states that the programme should facilitate the implementation of the mutual recognition principle by improving mutual knowledge on previous convictions passed in the European Union, in particular through the creation of a computerised system of exchange of information on criminal records;

- bearing in mind the importance of visibility of the Community funding, the Commission should provide guidance to facilitate that any entity receiving a grant under the programme properly acknowledges the support received;

- the general objectives were re-formulated. These are: to promote judicial cooperation; to promote the compatibility in rules applicable in the Member States to improve judicial cooperation, and to promote a reduction in existing legal obstacles to the good functioning of judicial cooperation with a view to strengthening the coordination of investigations; to improve the contacts and exchange of information and best practice between legal, judicial and administrative authorities and the legal professions; and to improve mutual trust with the view to ensuring protection of rights of victims and of defendants;

- the specific objectives were also re-formulated, and new ones added, including: eliminating obstacles created by disparities between the judicial systems of Member States and promoting the necessary approximation of substantive criminal law concerning serious crime; further enhancing the establishment of minimum standards concerning aspects of procedural criminal law with the view to promoting the practical aspects of judicial cooperation; encouraging Member States to step up cooperation with Eurojust in combating of cross-border organised and other serious crime; promoting measures aiming at effective re-socialisation of offenders, in particular of juvenile offenders;

- target groups were more precisely defined;

- actions supported under the programme may now include: national projects within Member States; and specific transnational projects of Union interest presented by at least two Member States (and not three, as the Commission had suggested) or by at least one Member State and one other state which may either be an acceding or a candidate country under the conditions set out in the annual work programmes;

- Parliament clarified implementing procedures, and the distinction between decisions to be adopted in accordance with the regulatory procedure with scrutiny and decisions to be adopted in accordance with the advisory procedure;

- to implement the programme, the Commission will adopt an annual work programme, by the end of September specifying its specific objectives, thematic priorities, a description of accompanying measures and, if necessary a list of other actions.

- Parliament insisted on better monitoring by the Commission on all levels.

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

PURPOSE: in the context of the framework programme on 'Fundamental Rights and Justice' 2007-2013, to adopt a specific programme on 'Criminal Justice'.

LEGISLATIVE ACT: Council Decision 2007/126/JHA establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme "Criminal Justice".

BACKGROUND: the framework programmes in the area of Justice, Freedom and Security, under the [new Financial Perspectives 2007-2013](#) have been established to provide coherent support to an area of freedom, security and justice under the financial perspectives 2007 - 2013. The three key objectives of freedom, security and justice are to be developed in parallel and to the same degree of intensity, thus allowing for a balanced approach, based on the principles of democracy, respect for fundamental rights and freedoms and the rule of law. Each of the three key objectives is supported by a Framework programme underpinning and linking each policy area. This structure represents a major simplification and rationalisation of existing financial support.

The three framework programmes are:

- 1) 'Fundamental rights and Justice' which includes 5 specific measures: i) [Fundamental rights and citizenship](#)?; ii) [Civil justice](#)?; iii) [Criminal justice](#)?; iv) [Daphne III](#)?; v) [Drugs prevention and information](#)?;

- 2) ?Security and safeguarding Liberties? comprising of 2 specific programmes : i) the programme on [prevention of terrorism](#); ii) the specific programme on the [?Prevention and the fight against crime?](#);
- 3) ?Solidarity and Management of Migration Flows? includes 4 specific funds: i) [the European Fund for the Integration of Third-country nationals](#); ii) [External Borders Fund](#); iii) [Refugee Fund](#); iv) [Return Fund](#).

Each of these framework programmes have been given an overall financial envelope covering the 2007-2013 period which will be broken between each specific programme, except for the Funds which have individual budgets.

The ?Fundamental Rights and Justice? Framework Programme has several specific objectives. They are:

- to promote the development of a European society based on the European Union citizenship and respectful of the fundamental rights provided for in the Charter of Fundamental Rights; to fight anti-Semitism, racism and xenophobia and to strengthen civil society in the field of fundamental rights;
- to combat all forms of public or private violence against children, young people and women;
- to contribute to the setting-up of an area of freedom, security and justice by providing information on and preventing the use of drugs;
- to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil and commercial matters;
- to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters.

As these objectives have different legal bases in the Treaties, the programme is composed of several separate legislative instruments. The grouping together of these complementary policy areas under the same Framework programme will not only enhance their overall coherence but will also ensure a better response to citizens? needs. It will enable new, unexpected problems to be tackled with increased flexibility.

CONTENT: based on Article 31 and Article 34(2)(c) of the TEU, the specific programme ?Criminal Justice? aims to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters based on mutual recognition and mutual confidence between Member States.

The Programme shall have the following specific objectives:

- a) to foster judicial cooperation in criminal matters aiming at: i) promoting mutual recognition of judicial decisions and judgments; ii) eliminating obstacles created by disparities between the judicial systems of Member States and promoting the necessary approximation of substantive criminal law concerning serious crime, in particular with cross border dimension; iii) further enhancing the establishment of minimum standards concerning aspects of procedural criminal law with the view to promoting the practical aspects of judicial cooperation; iv) guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction; v) improving the exchange of information, through the use of computerised systems, in particular information extracted from national criminal records; vi) promoting rights of the accused as well as social and legal assistance to victims; vii) encouraging Member States to step up cooperation with Eurojust in combating of cross-border organised and other serious crime; viii) promoting measures aiming at effective re-socialisation of offenders, in particular of juvenile offenders;
- b) to improve mutual knowledge of Member States' legal and judicial systems in criminal matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices;
- c) to ensure the sound implementation, the correct and concrete application and the evaluation of Union instruments in the areas of judicial cooperation in criminal matters;
- d) to improve information on legal systems in the Member States and access to justice;
- e) to promote training in Union and Community law for the judiciary, lawyers and other professionals involved in the work of the judiciary;
- f) to evaluate the general conditions necessary to develop mutual confidence by improving mutual understanding between judicial authorities and different legal systems, in particular regarding the implementation of EU policies in the field of justice;
- g) to develop and implement a computerised system of exchange of information on criminal records and to support studies to develop other types of exchange of information.

Eligible actions: the Programme shall support under the conditions set out in the annual work programme the following types of actions:

- a) specific actions taken by the Commission, such as studies and research, creation and implementation of specific projects like the creation of a computerised system of exchange of information on criminal records, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and experts meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information materials, support for and development of networks of national experts, analytical, monitoring and evaluation activities; or
- b) specific transnational projects of Union interest presented by at least two Member States or by at least one Member States and one other country which may either be an acceding or a candidate country under the conditions set out in the annual work programmes; or
- c) support for the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the Programme under the conditions set out in the annual work programmes; or
- d) an operating grant to co-finance expenditure associated with the permanent work programme of the European Judicial Training Network which pursues an aim of general European interest in the field of training of the judiciary;
- e) national projects within Member States, which: i) prepare transnational projects and/or Union actions (starter measures); ii) complement transnational projects and/or Union actions (complementary measures); iii) contribute to developing innovative methods and/or technologies with a potential for transferability to actions at Union level, or develop such methods or technologies with a view to transferring them to other Member States and/or other country which may either be an acceding or a candidate country.

Target groups: the Programme is destined for inter alia, legal practitioners, representatives of victims' assistance services, and other professionals involved in the work of the judiciary, the national authorities and the citizens of the Union in general.

Access to the Programme: it shall be open to institutions and public or private organisations, including professional organisations, universities,

research institutes and legal and judicial training/further training institutes for legal practitioners, non-governmental organisations of the Member States. Bodies and organisations which are profit oriented shall have access to the Programme only in conjunction with non profit oriented or state organisations. Transnational projects may not be presented by third countries or by international organisations but they may participate as partners.

Types of intervention: Community funding may take the following legal forms: a) grants; b) public procurement contracts. Community grants shall normally 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 annual work programme, mentioned below, shall specify the minimum rate of the annual expenditure to be awarded to grants. This minimum rate shall be at least 65 %. The maximum rate of co-financing of the costs of the projects shall be specified in the annual work programme. Furthermore, provision is made for expenditure for accompanying measures, through public procurement contracts, in which case Community funds shall cover the purchase of services and goods. This shall cover, inter alia, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Implementing measures: the Commission shall implement the Community financial support in accordance with the Financial Regulation (No 1605/2002). To implement the Programme, the Commission shall adopt an annual work programme, by the end of September specifying its specific objectives, thematic priorities, a description of accompanying measures and if necessary a list of other actions. The annual work programme for 2007 shall be adopted three months after taking of effect of this Decision.

Complementarity: synergies and complementarity shall be sought with other Union and Community instruments, inter alia, with the Specific Programme "[Civil Justice](#)", as part of the General Programme on Fundamental Rights and Justice, and the general programmes on Security and Safeguarding Liberties and Solidarity and Management of Migration Flows. The Programme may share resources with other Union and Community instruments, in particular the Specific Programme "Civil Justice", as part of the General Programme on Fundamental rights and Justice, in order to implement actions meeting the objectives of both programmes. It shall be ensured that the beneficiaries of this Decision shall provide the Commission with information about funding received from the general budget of the European Union and from other sources, as well as information about ongoing applications for funding. The budgetary resources allocated to the actions provided for in the Programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

Monitoring: the Programme shall be monitored regularly in order to follow the implementation of activities carried out under the Programme. The Commission shall ensure the regular, independent, external evaluation of the Programme. The Commission shall submit to the European Parliament and the Council: a) an annual presentation on the implementation of the Programme; b) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of the Programme no later than 31 March 2011; c) a communication on the continuation of the Programme no later than 30 August 2012; d) an ex-post evaluation report no later than 31 December 2014.

ENTRY INTO FORCE: this Decision shall take effect on 24 February 2007. It shall apply from 1 January 2007.

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

This interim report covers the implementation to date of the Criminal Justice Programme 2007-2013.

This report will serve as a basis for a communication on the continuation of the programme to be drawn up not later than 30 August 2012 and provides an overview of the results obtained so far and presents the qualitative and quantitative aspects of implementation of the programme.

The evaluation analysed in particular the strengths and weaknesses of the programme and examined i) the relevance of the programme (how far the programme objectives succeed in meeting needs and resolving problems); ii) the effectiveness of the programme (how far the programme's objectives have been achieved); and iii) its efficiency (whether the effects were obtained at a reasonable cost).

Effectiveness: The report indicates that from 2007 to 2010, the Commission financed the following actions: i) development of the European e-Justice Portal, information campaigns on the Portal and feasibility studies relating to European e-Justice; ii) organisation of the Crystal Scales of Justice Prize awarded jointly by the European Commission and the Council of Europe in an effort to identify and promote innovative and effective practices either in court organisation or in the conduct of judicial proceedings in the courts; iii) organisation and regular meetings of the Justice Forum, created in 2008 to provide a mechanism for consulting the parties concerned on EU justice policies and practice; iv) studies and IT development with a view to the European interconnection of criminal records and the exchange of information between judicial authorities on previous convictions, (preparations for introducing ECRIS in 2012). Contracts were also concluded for other studies and seminars on topical issues in criminal law between 2007 and 2010.

A total of 64 contracts were signed amounting to EUR 8.3 million, out of a planned budget of EUR 13.8 million, meaning that 60% of the allocated amounts were used.

The report, however, considers that, during the period under consideration, the proportion of projects financed compared to the available budget was unsatisfactory. Several factors explain the programme's lack of effectiveness: a lack of familiarity with the programme; a level of contribution deemed to be too low and requiring too high a percentage of co-financing; over-complex implementation, leading to legal uncertainty and administrative delays. The recent upturn (2010) in the number of applications for funding is undoubtedly the result of publicity campaigns by the Commission in 2009 and 2010. It can also be attributed to the better funding terms. As regards the programme's efficiency, during the period under consideration, 11 calls for proposals were completed and 155 grants awarded, making an average of 14 grants per call for proposals. This efficiency rate is low compared with other programmes of the same size. The time lag between the decision to award the grant being taken by the authorising officer and the entry into force of the grant agreements is long (on average 5-6 months), compared with other programmes.

Main observations: the evaluation of the programme concludes that there is a need to continue this funding, insofar as the actions supported tackle specific and genuine problems and make a positive contribution to and complement the national measures implemented in this field. However, it has also identified several weaknesses that need to be addressed if European actions are to be even more effective. In pursuit of the objective of promoting judicial cooperation, the programme should group together measures supporting cooperation in civil and criminal

matters, to ensure better coordination between these two areas of law, particularly following the entry into force of the Lisbon Treaty in December 2009, which abolished the pillar structure. Other links could be considered with other DG Justice programmes, particularly Daphne and Fundamental Rights.

It is not clear from the evidence that the programme is the most appropriate instrument for supporting projects involving the purchase of equipment for interconnecting criminal records systems. Given that such projects are expensive and are national in nature, they could be funded more effectively through the Structural Funds.

The following list of recommendations can be drawn up on the basis of the comments in this report:

1. European added value: the Commission plans to encourage a debate to define this criterion more clearly and to determine how much of a role it should play in relation to national funding instruments. The European added value criterion could be given greater weight in the selection procedure.
2. Simplification of procedures: in order to make the programme more effective without any extra human resources, the Commission plans to continue to harmonise and simplify the guidelines (a practical guide for applicants will be updated annually), the grant application forms and the evaluation criteria. Grant applicants should also be informed clearly and in good time about the current procedures and given sufficient time to prepare their proposals. The Commission should plan to publish only one call for proposals for grants for actions every two years. It is to consider no longer using operating grants because they have not proved effective. In the interests of economies of scale, the Commission should try to channel its financial support towards larger projects. Lastly, in the interests of harmonisation with other DG Justice programmes and efficient management, certain tasks should be outsourced (e.g. evaluation of the award criteria).

Visibility of the programme: the programme's internet site should be improved to give it greater visibility, for example by sending messages to alert the programme's natural partners (former beneficiaries, members of the programme committee, active networks, etc.). This would be a way of disseminating more widely the results of calls for proposals, announcements of new calls and the list of organisations eligible to take part in the project. Special efforts (e.g. information sessions, FAQs) should be targeted at Member States that are under-represented in the programme (CY, DK, IR, LT, SK, SE, EE, FI, GR, LU and PL), to raise awareness about the programme and help improve the quality of the proposals. Lastly, other types of cooperation through partnership or joint management should be envisaged with organisations with an established reputation in the field, such as the Council of Europe and OECD.

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

This report to the European Parliament and the Council covers the ex-post evaluation of the Criminal Justice Programme (2007-2013).

This evaluation was carried out by an independent external evaluator assisted by Commission staff.

The main elements evaluated are:

- relevance;
- coherence and complementarity;
- effectiveness;
- sustainability and transfer potential;
- efficiency and scope for simplification;
- European added value.

As a reminder, the program pursues five general objectives:

1. to promote judicial cooperation in order to contribute to the creation of a genuine European area of justice in criminal matters based on mutual recognition and confidence;
2. to promote the compatibility of rules applicable in the Member States as may be necessary to improve judicial cooperation;
3. to promote a reduction in existing legal obstacles to the proper functioning of judicial cooperation in order to strengthen the coordination of investigations and to increase compatibility of the existing judicial systems in the Member States with the European Union;
4. improve contacts, exchange of information and best practices between judicial and administrative authorities and the legal professions and enhance mutual trust;
5. ensure respect for the rights of victims and of the accused.

The total budget allocated to the programme from January 2007 to December 2013 was EUR 196 million.

Main findings:

1.Relevance

- the programmes specific objectives and priorities were to a large extent specific, attainable and realistic, but were not always measurable or time-bound;
- services procured using JPEN funding were also very relevant to the programme and wider EU objectives as they focused mainly on developing e-Justice tools (especially the e-Justice portal and its modules) or on research to support the development of legislation and policy;
- many grant beneficiaries either did not design their projects on the basis of a needs assessment or did not provide sufficient evidence to back up their assessment of needs in the grant application form. This creates a risk that more relevant or useful

approaches to the project objectives might have been available;

- reporting by grant beneficiaries suggests that end beneficiaries responded positively to the projects, indicating that they considered the actions relevant.

2. Coherence and complementarity

- complementarity between the programme and other EU programmes and interventions was almost fully achieved, although a few projects did risk overlap with the activities of other EU interventions;
- at the project selection, monitoring and reporting stages of the programme cycle, the Commission applied no mechanisms to enhance complementarity, except for sharing resources (i.e. the e-Justice portal) with the Civil Justice Programme (JCIV).

3. Effectiveness

- the implemented actions addressed the programme objectives, in particular the specific objectives on the training of the judiciary and judicial cooperation;
- projects that involved policy-makers in the project via consultation at design stage, through briefings, meetings or involving them on the project steering board contributed to achieving the programmes intended outcome of having policy-makers use project outputs to shape new policy or legislation or adjust existing ones;
- it is difficult to assess the extent to which project outputs were achieved (in comparison to planned outputs). Based on the self-reporting of grant beneficiaries (in final reports and through consultations conducted for this evaluation), it appears that most projects (around 70%) were effective at achieving their outputs as proposed, but nearly a third were not as effective because they did not achieve all their objectives.

4. Sustainability

- the Commissions efforts to disseminate the results of projects were limited except in relation to training materials, some of which were published on the e-Justice website;
- of the 219 mapped action grants and operating grants for which final reports were available, 121 (55%) demonstrated some evidence of sustainability, either because further project funding had been secured;
- the proportion of projects (32%) that identified further funding to continue the project (according to final reports) is seen as particularly positive. However, this may not be surprising given that the outputs produced as a result of JPEN projects were often targeted at national authorities and public services, which are well placed to identify follow-on funding for useful outputs.

5. Efficiency

- the funding made available to the programme was sufficient and could possibly have been less for both action grants and operating grants, considering that it was a new programme, focusing on a new and relatively inexperienced stakeholder group;
- as regards scope for simplification, the Commissions management became more efficient over time and grant beneficiaries experience of cooperation with the Commission was positive;
- the level of detail required in the application form increased from the 2010 call onwards, which benefited both the Commission (in terms of quality and usefulness of the reports) and the applicants (allowing them to plan and estimate their activities more accurately).

6. EU added value

- the EU nature of the programme was present through a strong transnational dimension involving all EU Member States;
- the transnational partnerships also contributed to the achievement of the programmes objectives, e.g. improving cross-border cooperation and contributing to the elaboration and dissemination of good practices;
- the EU added value of the programme for grant beneficiaries lay also in the fact that the programme provided them with access to funding to support them in implementing their obligations under EU law.

Key recommendations: among the main recommendations made by the Commission following the ex-post evaluation of the programme are:

- better define the priorities in order to ensure that the priorities can be adequately achieved within an earmarked budget;
- realistic assessments of project risks and better risk mitigation strategies by asking for brief progress reports that identify any potential risks as they arise during the implementation of the project;
- increased focus on assessment of impacts at all levels and not merely on outputs, as regards monitoring and evaluation. Increased focus on needs assessment that each project aims to address;
- explore ways of enhancing the uptake of project outputs, results and best practices by other organisations, including in other Member States, including more resources for translations, communication and dissemination;
- sharpen the programme's intervention logic.