

Justice programme (2014-2020)

In a nutshell

The Justice programme aims at contributing to the development of the European area of justice based on mutual recognition of judicial decisions from the Member States and mutual trust between their national judiciaries. It promotes in particular judicial cooperation, judicial training, as well as effective access to justice in Europe, including rights of crime victims. The programme has been established by Regulation No 1382/2013 for the 2014-2020 period. All Member States except the United Kingdom and Denmark participate.

EU Multiannual Financial Framework (MFF) heading

Heading 3 (Security and citizenship)

2014-2020 financial envelope (in current prices and as % of total MFF)

Commitments: €377.6 million (0.0347 %)

2016 budget (in current prices and as % of total EU budget)

Commitments: €51.45 million (0.0331 %)

Payments: €44.61 million (0.0326 %)

2017 budget (in current prices and as % of total EU budget)

Commitments: €53.83 million (0.0341 %)

Payments: €41.49 million (0.0308 %)

Methods of implementation

Direct management (European Commission)



In this briefing:

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- Funded actions
- Assessment of the programme/actions
- Other EU programmes and action in the same field

EU role in the policy area: legal basis

Judicial cooperation in civil matters

Within the current Treaty framework, the legal basis for judicial cooperation in civil matters is found in Title V of the [Treaty on the Functioning of the European Union](#) (TFEU), devoted to the [Area of Freedom, Security and Justice](#). Specifically, Article 67(4) TFEU gives the EU competence to facilitate access to justice, in particular through the principle of **mutual recognition** of judicial and extrajudicial decisions in civil matters.

This rule is developed in Article 81 TFEU. The EU has power to **promote judicial cooperation** in civil matters with cross-border implications, based on the principle of mutual recognition of judgments and decisions in extrajudicial cases. The Treaty explicitly provides that, within such cooperation, the EU may adopt legal acts for the approximation of laws of the Member States. Such acts may be adopted 'particularly' when necessary for the proper functioning of the internal market, but such a link is not obligatory.

According to the Treaty, such acts may be adopted inter alia for the mutual recognition and enforcement of judgments and extrajudicial decisions, as between the Member States; the cross-border service of judicial and extrajudicial documents; the compatibility of the private international law rules of the Member States (conflict of laws, and conflict of jurisdictions); cooperation in the taking of evidence; effective access to justice; the elimination of obstacles to the proper functioning of civil proceedings, which may include making national civil procedures more compatible; the development of alternative dispute resolution (ADR); and support for training of judges and other court staff.

Judicial cooperation in criminal matters

As regards judicial cooperation in criminal matters, EU competence in this area is provided for in Chapter 4 of Title V TFEU, comprising Articles 82-86 TFEU. Similarly as in the area of civil justice, judicial cooperation in criminal matters is also based on the principle of **mutual recognition** of judgments and judicial decisions. It also includes the **approximation of the laws** and regulations of the Member States in certain areas.

The EU legislature, acting under the ordinary legislative procedure, has power to adopt rules regarding procedures for ensuring recognition throughout the EU of all forms of judgments and judicial decisions, the prevention and settling of conflicts of jurisdiction between Member States, support the training of the judiciary and judicial staff, facilitating cooperation between judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions.

Furthermore, in the area of criminal matters of a cross-border nature, the EU may adopt **directives** establishing minimum rules with regard to mutual admissibility of evidence between Member States, the rights of individuals in criminal procedure, the rights of victims of crime, as well as any other specific aspects of criminal procedure which the Council identifies in advance by a unanimous decision adopted with Parliament's consent.

Directives containing minimum rules concerning the **definition of criminal offences** may be adopted with regard to the following crimes: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

Legal basis of the Justice programme

The Justice programme was established by [Regulation \(EU\) No 1382/2013](#) of the European Parliament and Council of 17 December 2013 establishing a Justice programme

for the period 2014 to 2020. The Justice programme replaced three separate funding programmes which functioned over the 2007-2013 period, namely the [Civil justice programme](#), the [Criminal justice programme](#), and the [Drug prevention and information programme](#). For each year, a Commission implementing decision is adopted. For 2016, it was the [Commission Implementing Decision of 23 March 2016](#) concerning the adoption of the work programme for 2016 and the financing for the implementation of the Justice programme. The implementing decision for 2017 has [not yet been adopted](#), therefore the figures presented below are taken from the 2016 decision and its annex.

Objectives of the programme

The aim of the Justice programme is to contribute to the further development of a **European area of justice** based on **mutual recognition** of judicial decisions from various Member States, as well as the promotion of **mutual trust** between national judiciaries across the EU. The programme promotes:

- judicial cooperation in **civil matters** (cases), including cases concerning commercial law, family law, insolvency law and succession law;
- judicial cooperation in **criminal matters**;
- **judicial training**, including language training on legal terminology, with a view to fostering a common legal and judicial culture;
- effective **access to justice** in Europe, including rights of **victims of crime** and procedural rights in criminal proceedings;
- initiatives in the field of **drugs policy** (judicial cooperation and crime prevention aspects).

Funded actions

General overview

The Justice programme encompasses the funding of the following **types of actions (Article 6 of the Justice programme Regulation)**:

- **analytical activities** – e.g. collection of data and statistics, development of common methodologies, indicators or benchmarks; drawing up studies, research, analyses and surveys; conducting evaluations; elaboration and publication of guides, reports and educational material; workshops, seminars, experts meetings and conferences;
- **training activities** – e.g. 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;
- **mutual learning, cooperation, awareness-raising and dissemination activities** – e.g. identification of good practices, innovative approaches and experiences; organisation of peer reviews and mutual learning; organisation of conferences, seminars, information campaigns, 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;
- **support for main actors** whose activities contribute to the implementation of the objectives of the programme – e.g. for Member States in the implementation of Union law and policies, for key European actors and European-level networks, and support for networking activities at EU level.

The Justice programme encompasses **four specific objectives**: judicial cooperation, judicial training, access to justice, and drugs policy.

Table 1 – Allocation of funding per objective (2016)

Specific objective	Budget line	Total amount for 2016 (€)	Percentage of total funds of the Justice programme for 2016
Judicial cooperation	33 03 02	14.4 million	29 %
Judicial training	33 03 01	16.9 million	34 %
Access to justice	33 03 01	16.3 million	32 %
Drugs policy	18 06 01	2.5 million	5 %

Source: [Annex](#) to the Commission Implementing Decision concerning the adoption of the work programme for 2016 and the financing for the implementation of the Justice programme, p. 2. [Annex II](#) slightly reduced the amounts for judicial cooperation from €14.6 million to €14.4 million (reflected in the table above).

For 2016 most of the Justice programme funds (€38.8 million or 77 % of the total) were allocated for grants, the remaining 23 % (€11.4 million) were used for procurement, and a small sum of money (€35 000) covered other costs.¹

Judicial cooperation

Judicial cooperation in civil matters

In 2015, the European Commission's Directorate-General for Justice and Consumers (DG JUST) selected [13 projects](#) for financing in the field of judicial cooperation in civil matters for a total sum of grants amounting to €4.8 million. The topics of the funded projects included cross-border proceedings in family cases, international child abduction, the Brussels Ia Regulation (on private international law), cross-border insolvency proceedings.

For [2016](#), the priority area of the Justice programme relating to judicial cooperation in civil matters was to contribute to the **correct implementation** of the [Mediation Directive](#) (2008/52), the Cross-Border [Succession Regulation](#) (650/2012), [Brussels II Regulation](#) (2201/2003), [Regulation on cross-border divorces](#) (1259/2010), the [Insolvency Regulation](#) (2015/848), and the [European account preservation order](#) (655/2014). Furthermore, the programme also intended to **raise awareness** about the European small claims procedure ([Regulation No 861/2007](#)) and the European order for payment procedure ([Regulation No 1896/2006](#)).

Judicial cooperation in criminal matters

In 2015, DG JUST selected [five projects](#) in the field of judicial cooperation in criminal matters, assigning a total sum of **€1.1 million**. Four of them were concerned with various aspects of the [European arrest warrant \(EAW\)](#)² and one with strengthening the fundamental-rights-based implementation of EU law in criminal matters through cooperation between the judiciary and NPMs.

For grant procedures [open in 2016](#), priority was given to the implementation and practical application of a number of **mutual recognition** instruments in the field, including the 2000 [Convention on mutual assistance in criminal matters between the Member States of the EU](#) (established by Council Act of 29 May 2000), seven Framework Decisions (2002/584/JHA on the [European arrest warrant](#); 2003/577/JHA on [freezing property or evidence](#); 2005/214/JHA on [financial penalties](#); 2006/783/JHA on [mutual recognition of confiscation orders](#); 2008/909/JHA on [transfer of prisoners](#); 2008/947/JHA on [probation and alternative sanctions](#); 2009/829/JHA on the [European supervision order](#)) and two directives (2011/99 on the [European protection order](#); and 2014/41/EU on the [European investigation order](#)).

Criminal justice response to prevent radicalisation leading to terrorism and violent extremism

Apart from 'ordinary' judicial cooperation in criminal matters, the Justice programme for [2016](#) prioritised cooperation with regard to the criminal justice response to prevent **radicalisation** leading to terrorism and violent extremism. This aimed at implementing actions included in the [European agenda on security](#).

Direct grants to Council of Europe

The EU, within the framework of the Justice programme, has been cooperating with the Council of Europe on two issues, for which in 2016 the sum of €200 000 was allocated:

- the [SPACE report](#). The Council of Europe has been producing annual reports on prison statistic since 1984. The acronym 'SPACE' stands for *Statistiques Pénales Annuelles du Conseil de l'Europe*. The Council of Europe is currently the only entity that can collect the necessary data from EU Member States and it has developed expertise and a methodology over the years;
- the setting up of a network of prison monitoring bodies. The grant to the Council of Europe will allow to create an **EU network of independent prison monitoring bodies** such as [National Preventative Mechanisms](#) (NPMs) which EU Member States have set up following ratification of the [Optional Protocol to the UN Convention against Torture](#) (OPCAT). In most Member States, NPMs come under the Ombudsman. Currently, 22 Member States have set up an NPM. The creation of such a network might possibly stimulate the remaining six EU Member States to do the same.

Operating grants

These grants were aimed at supporting the 2017 annual work programme of European networks active in the area of facilitating and supporting judicial cooperation in civil and/or criminal matters that have signed [Framework Partnership Agreements](#) with the Commission. The indicative amount assigned for operating grants was €1.08 million.

Procurement

In 2016 the Commission undertook several actions through contracts following public procurement (calls for tenders and framework contracts) or administrative arrangements. Conferences, expert meetings, seminars, and communication activities may be organised, surveys and studies and impact assessments may be undertaken as far as they are needed to monitor the proper implementation of existing legislation or to prepare, or accompany new legislation or to respond to policy changes in the area covered by the programme. The total budget assigned for these types of actions implemented by DG JUST amounted to €4 455 000.

EU membership fee for the Hague Conference of Private International Law

On 5 October 2006, the Council of the European Union (EU) adopted a decision on the accession of the European Union to the [Hague Conference on Private International Law](#) ('HCCH'). The purpose of this intergovernmental organisation is to work for the progressive unification of the rules of private international law in the participating countries. Most of the conventions developed by the Hague Conference fall within exclusive or partial external competence of the EU and are part of the EU *acquis*. Since 2007, the EU, along with its Member States, is a Member of the Hague Conference and has the obligation to remit a membership fee, in accordance with Article 9(2) of the Hague's Statute. The contribution to HCCH amounting to **€35 000** shall cover the additional administrative expenses arising out of EU membership of the Conference.

Judicial training

The objective of supporting and promoting judicial training, and training on legal terminology, with a view to fostering a common legal and judicial culture was assigned, for 2016, **€16.9 million**. This included: action grants (€6.7 million), operating grants to beneficiaries identified in the legal base (€9.5 million) and procurement (€0.7 million).

Action grants to support transnational projects on judicial training covering civil law, criminal law, fundamental rights and fight against terrorism and radicalisation

In 2015, DG JUST awarded [four grants](#) for transnational projects on judicial training for a total sum of **€1.4 million**. The topics included: enhancing cross-border mutual legal recognition of decisions in countering terrorism and preventing radicalisation in prisons; judicial response to terrorism in the light of the Charter of Fundamental Rights of the EU; the prevention of juvenile radicalisation through promoting the use of alternatives to detention through judicial training; and counter-radicalisation through the rule of law.

Judicial training on civil law, criminal law and fundamental rights

For 2016, the aim was to contribute to the effective and coherent application of EU law in the areas of civil law, criminal law and fundamental rights. The following areas were identified as priorities:

- legal instruments in family matters and successions,
- legal instruments in civil and commercial matters,
- procedural rights in criminal proceedings,
- victim's rights,
- mutual recognition instruments in criminal law,
- fundamental rights,
- data protection reform.

Judicial training on competition law

As regards judicial training in competition law, the aim has been to contribute to an effective and coherent application of EU competition law in the Member States. This includes the application of Articles 101 and 102 TFEU, the state aid rules, including Articles 107 and 108 TFEU, and the private enforcement of the EU competition rules before national courts, including antitrust damages actions. For this purpose €1 million have been assigned, and this call has been administered by the European Commission's [Directorate-General for Competition](#) (DG COMP).

National or transnational e-Justice projects

This call for proposals aims at contributing to achieving the objectives of the European **e-Justice Strategy** 2014-2018. It will support the implementation of e-Justice projects within the [European e-Justice Portal](#) and at national level, in as far as they have a European dimension. Priority is to be given to projects aimed at joining or enhancing existing or on-going e-Justice portal projects.

Transnational projects to enhance the rights of persons suspected or accused of crime

For 2016, the aim of this call was to contribute to the effective and coherent application of EU criminal law in the area of the rights of persons suspected or accused of crime and to the preparation of new EU action. The indicative sum assigned amounted to €2 million, and the call has been administered by DG JUST.

Transnational projects to enhance the rights of victims of crime

In 2015, DG JUST awarded [five grants](#) for transnational projects to enhance the rights of victims of crime, for a total sum of **€1.77 million**. The topics of the grants included:

improving access to legal aid in the pre-trial phase of criminal proceedings in Bulgaria, application of EU procedural rights inside police custody, enhancing children's rights in criminal proceedings, effective implementation of the right to a lawyer and to legal aid, as well as enhancing procedural rights of persons with intellectual and/or psychiatric impairments in criminal proceedings.

For [2016](#), the main priority was to focus on the implementation and practical application of the [Victim's Rights Directive](#) (2012/29/EU); the [European Protection Order Directive](#) (2011/99/EU), the [Protection Measures in Civil Matters Regulation](#) (606/2013) and the [Victim's Compensation Directive](#) (2004/80/EC). The sum of €3.05 million was assigned and the call has been administered by DG JUST.

Grants to support transnational projects on promoting the quality of national justice systems

For 2015, DG JUST awarded grants to support transnational projects on promoting the quality of national justice systems. A total of [four grants](#) were awarded for a total sum of €0.94 million. The topics of the grants included: assessing and designing methods for evaluation and development of the quality of justice, knowledge sharing network for justice management and communication, supreme courts as guarantee for effectiveness of judicial systems in the EU, and problems of case- load management by courts.

Operating grant for the European Judicial Training Network

In 2016, pursuant to Article 6(2) of [Regulation \(EU\) No 1382/2013](#), the [European judicial training network](#) (EJTN) received an operating grant to co-finance expenditure associated with its permanent work programme. The work programme is expected to be in line with the 2011 Commission [communication on European judicial training](#) and, in particular, should strive to increase its number of activities and of participants as well as continue to develop the [Aiakos exchange programme](#) for new judges and prosecutors while increasing the number of exchanges for experienced practitioners. The EJTN should also continue to promote high-quality training methodologies and strive to make the most of its partnerships with European judicial networks. The indicative amount assigned under the operating grant is €9.5 million and is administered by DG JUST.

Access to justice

With regard to promoting access to justice, 2016 grants were to be awarded with the aim of supporting the 2017 annual work programme of European networks active in the area of facilitating and supporting access to justice which have signed Framework Partnership Agreements with the Commission. The total sum assigned amounts to €2 million and is administered by DG JUST.

Drugs policy

In the area of drugs policy, the total sum assigned is €2.5 million and is administered by the European Commission's [Directorate-General for Migration and Home Affairs \(DG HOME\)](#). The main priorities are to promote practical application of drug-related research, to support civil society organisations and to expand the knowledge base and develop innovative methods of addressing the phenomenon of new psychoactive substances.

Assessment of programme/actions

The Justice programme, which was launched only two years ago, has not yet been assessed. Nonetheless, the three predecessors – the Civil Justice, Criminal Justice and Drug Prevention and Information programmes – implemented under the 2007-2013

multiannual financial framework (MFF), were subject to external evaluations in 2015.³ As regards the **Civil Justice programme**, the [evaluation](#) found that the actions under the programme 'were effective in achieving the general objectives of the programme and there is some evidence of useful outcomes, including the achievement of unplanned positive outcomes'. The [evaluation](#) of the **Criminal Justice programme** found inter alia that the programme succeeded in reducing legal obstacles, promoting transnational partnerships and contacts, increasing mutual understanding on criminal justice matters, enhancing information exchange as well as promoting networking between judiciaries of the Member States. The evaluation concluded that the funding was sufficient to attain the programme's objectives and that it 'made a strong contribution to the European area of justice and complemented other EU actions and tools'. Finally, as regards the [external evaluation](#) of the **Drug Prevention and Information programme**, it concluded that the programme 'was effective in achieving its general objectives' but noted that due to its 'small budget', its impact was 'limited'.

Other EU programmes and action in the same field

A closely related programme is the [Rights, equality and citizenship programme](#) 2014-2020 which aims at contributing to the strengthening of equality and the rights of persons, as enshrined in the Treaties, the EU Charter of Fundamental Rights, and in international human rights conventions. The programme promotes non-discrimination and seeks to combat racism, xenophobia, homophobia and other forms of intolerance, promote rights of persons with disabilities, promote equality between women and men and gender mainstreaming, prevent violence against children, young people, women and other groups at risk ([Daphne](#)), promote the rights of the child, ensure the highest level of data protection, and promote the rights deriving from Union citizenship as well as contribute to the enforcement of consumer rights.

Endnotes

¹ [Annex](#) to the Commission Implementing Decision concerning the adoption of the work programme for 2016 and the financing for the implementation of the Justice Programme, p. 2.

² On the EAW see e.g. M. del Monte, [Revising the European Arrest Warrant](#), EPRS (European Added Value Unit) study, 2013; G. Sabbati, [European Arrest Warrant](#), EPRS Infographic, 2014.

³ However, they were not subject to any Special Reports published by the Court of Auditors.

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