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EUROOPA ÜHENDUSTE KOMISJON

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KOMISJONI TEATIS NÕUKOGULE JA EUROOPA PARLAMENDILE

Hinnang Euroopa Liidu poliitikale vabaduse, turvalisuse ja õiguse valdkonnas

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KOMISJONI TEATIS NÕUKOGULE JA EUROOPA PARLAMENDILE

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1. Sissejuhatus

1. 2004. aasta **Haagi programmis**¹ märgitakse, et „kõikide meetmete rakendamise ja mõju hindamine on Euroopa Ülemkogu arvates oluline liidu tegevuse tõhususe osas“. Haagi programmi rakendamise **tegevuskavas** (2005),² milles on esitatud Euroopa Liidu vabaduse, turvalisuse ja õiguse valdkonna järgmise viie aasta tegevuse poliitiline raamistik, on sätestatud, et 2006. aastal võetakse vastu komisjoni **üldine teatis** ELi kõnealuse valdkonna hindamise mehhanismi väljatöötamise kohta.³
2. Riigipead ja valitsusjuhid on seisukohal, et rakendamise hindamine on **peamine vahend**, millega tagatakse, et Euroopa Liidu ja tema liikmesriikide vabaduse, turvalisuse ja õiguse ala arendamise tulemusi rakendatakse õigesti ja neid vaadatakse vajaduse korral pidevalt läbi. Sellega täidetakse **Euroopa kodanike tegelikke ootusi**.
3. Haagi programmis rõhutatakse hindamise tähtsust ja seatakse eesmärgiks 1) **parandada poliitikat, programme ja vahendeid** probleemide ja nende rakendamisel esinevate raskuste väljaselgitamise teel, 2) kehtestada järjekindlamad finantsaruandluse ja poliitika kontrollimise eeskirjad, 3) soodustada õppimist ja hea tava vahetamist ning 4) osaleda terves Euroopa Liidus hindamise praktika arendamises.

Pidades silmas 1) komisjonile Haagi programmi ja selle tegevuskavaga antud **volitusi**, 2) olemasolevate järelevalve- ja hindanismehhanismide **killustatust** ja 3) vajadust anda kõikidele huvitatud isikutele ulatuslikult teavet poliitika rakendamisest ja selle tulemustest, on komisjon seisukohal, et on saanud aeg hakata välja töötama ELi vabaduse, turvalisuse ja õiguse valdkonna poliitika **sidusat ja igakülgselt hindanismehhanismi**, mis toimiks liikmesriikide ja ELi institutsioonide **partnerluse** raames.

Mehhanismi koostisosad oleksid poliitika **rakendamise järelevalve** (vastavalt teatisele „Vabaduse, turvalisuse ja õiguse tugevdamine Euroopa Liidus: Haagi programmi rakendamise 2005. aasta aruanne“, edaspidi „täiustatud tulemustabel“)⁴ ja poliitika elluviimise **tulemuste hindamine**.

¹ Eesistujariigi järelduste 1. lisa, Euroopa Ülemkogu Brüsseli kohtumine, november 2004.

² Nõukogu ja komisjoni tegevuskava vabaduse, turvalisuse ja õiguse tugevdamist Euroopa Liidus käsitleva Haagi programmi rakendamiseks (OJC 198, 18.2.2005,p.1).

³ Tegevuskavas kutsutakse üles esitama teatis ELi õiguse valdkonna poliitika korrapärase, objektiivse ja erapooletu hindamise kohta, et süvendada mõlemapoolset usaldust. Seejuures tuleb kinni pidada kohtuvõimu sõltumatusest. Hiljem käesoleval aastal esitab komisjon veel ühe teatise, milles seda küsimust käsitletakse üksikasjalikult vastavalt käesolevas teatises esitatud üldpõhimõtetele.

⁴ KOM(2006) 333.

2. Hindamise põhimõtted

4. Rakendamise järelevalve ja tulemuste hindamise põhimõtted on erinevad:

- **Rakendamise järelevalve** on poliitika elluviimise käigu analüüsimine.
- 2000. aasta hindamist käsitlevas teatises⁵ on **hindamine** määratletud kui „*meetmete (avalike toimingute) kohta hinnangu andmine nende tagajärgede, mõju ja vajaduste põhjal, mille täitmiseks neid võetakse*“. Hindamise peaülesanne on anda poliitika kujundajatele teavet kavandatud ja võetud meetmete mõju ja tulemuslikkuse kohta.

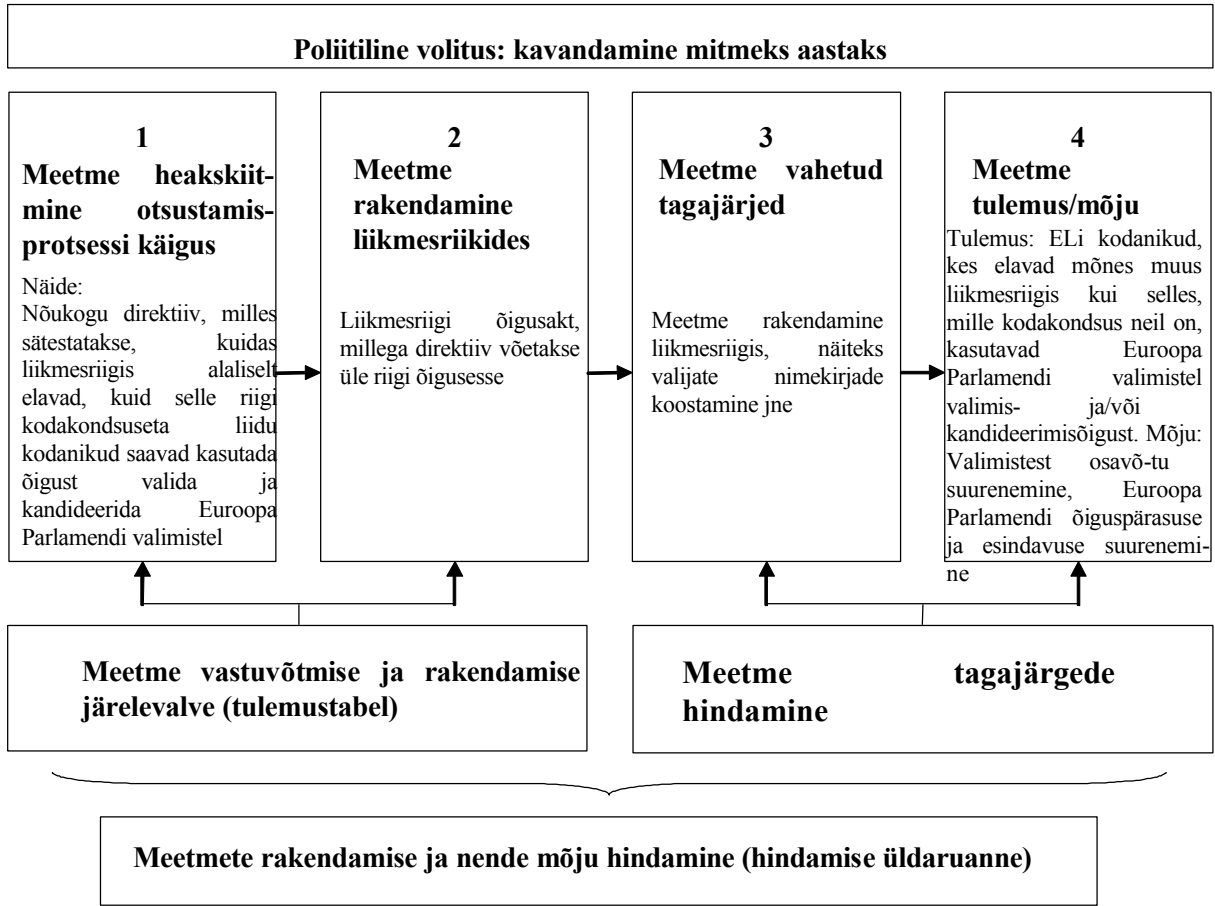
5. Komisjon käsitleb tegevuskavas esitatud mehhanismi kui vabaduse, turvalisuse ja õiguse valdkonna poliitika rakendamise ja konkreetsete tulemuste järelevalve vahendit. Seega ei piirdu hindamine ainult poliitika rakendamise järelevalvega, vaid põhineb sellel, kujutades endast rakendamise mõju uurimist. See vastab Haagi programmile, kuna „*kõikide meetmete rakendamise ja mõju hindamine*“ hõlmab nii meetmete rakendamise käigu hindamist kui ka meetmete tulemuste hindamist.

6. Eeltoodu on aluseks komisjoni esitatavale järjepidevale ja igakülgsel meetmete pakatile, mis toetub kahele sambale: täiustatud tulemustabelile, mille abil teostatakse rakendamise järelevalvet, ja käesoleva teatises esitatud **hindamismehhanismile**.

7. Käesolevas teatises esitatud, eelneval ulatuslikul määratlusel põhinev mehhanism võimaldab komisjoni arvates täielikult mõista vabaduse, turvalisuse ja õiguse valdkonnas saavutatud tulemusi. Mehhanismi rakendatakse Haagi programmiga kehtestatud põhimõtete raamistikus. Kuna mehhanismiga soodustatakse otsustamisprotsessis hindamistulemuste kohta korrapärase tagasiside andmist, peaks see kokkuvõttes parandama poliitika elluviimist.

⁵ SEK(2000) 1051.

1. riskilik: Hindamine otsustamisprotsessis



3. Probleemid, mis tuleb lahendada Euroopa Liidu vabaduse, turvalisuse ja õiguse valdkonna poliitika hindamise tulemusel

3.1. Keerulised ja ambitsioonikad poliitika eesmärgid ja nende saavutamise kord

8. Vabadus, turvalisus ja õigus on ELi **poliitikavaldkondadest üks mitmetahulisemaid**. Mõned selle valdkonna eesmärgid on eriti päevakajalised: isikute vaba liikumine, terrorism ja organiseeritud kuritegevus, politseikoostöö ja õigusala koostöö, varjupaiga- ja rändepoliitika – ning kõige eespool loetletu puhul tuleb kinni pidada põhiõigustest ja edendada Euroopa Liidu kodanike õiguste teostamist. On vaja järgida ka riikide suveräänsuse huvisid ja seepärast tuleb ELi tasandil sageli teha kompromisse; mõnikord muudavad need huvid poliitika rakendamise keerulisemaks. Seda poliitilist tausta peab arvestama uue hindamismehhanismi kujundamisel.

9. Poliitika niigi keeruliste ja ambitsioonikate eesmärkide saavutamise muudab veelgi raskemaks õigusraamistik, mis mõnikord on üsna segadusttekitav otsustamismenetluste ja õiguspärasuse tagamise menetluste segu.

Selleks, et olla töökindel ka kirjeldatud keerulistes tingimustes, peab kavandatav hindamismehhanism olema **progressiivne** ja seda peab olema võimalik **edasi arendada ja ühtsemaks muuta**.

3.2. Ajakava

10. Komisjonil on vabaduse, turvalisuse ja õiguse valdkonnas eriline roll ja tulenevalt selles valdkonnas otsuste tegemise protsessist on erinevate poliitika väljatöötamine ja täielik rakendamine erinevates poliitikavaldkondades sageli **erineva kestusega**. Seetõttu tuleb mistahes poliitika analüüsiks leida **just selle poliitika analüüsiks sobiv viis**. Kuigi iga poliitika analüüsimisel arvestatakse nii lühikese kui ka keskmise perioodi jooksul saavutatavaid tulemusi, on mõne poliitika (näiteks uimastipoliitika ja rändepoliitika) tegeliku mõju analüüsimine raske.

Kavandatavad hindamismehhanismid peaksid olema **piisavalt paindlikud**, et poliitika hindamist eri valdkondades võimaldada erineva põhjalikkusega, arvestades nende erinevat arengu- ja ühtsusastet.

Seetõttu tundub kohane vähemalt esimeses etapis keskenduda lühikese ja keskmise perioodi tulemustele. Hindamismehhanismi lõppeesmärk on siiski poliitika kogumõju väljaselgitamine pikas perspektiivis.

3.3. Institutsioonide ja huvirühmade kaasamine

11. Vabaduse, turvalisuse ja õiguse valdkond on ainulaadne ka huvirühmadele avaldatava mõju vaatenurgast. Kõnealusel valdkonnas kasutatava hindamismehhanismiga seoses tuleb arvestada **huvirühmade ootusi ja eelistusi**, eriti **konfidentsiaalsuse** nõuet mõnes poliitikavaldkonnas, näiteks terrorism ja organiseeritud kuritegevus.
12. Partnerluse põhimõtte kohaselt peab komisjon hindamisaruande ettevalmistamise ajal ja selle järel nõu ja arutab kõnealuseid küsimusi liikmesriikidega ja ELi institutsioonidega. Seetõttu tehakse ettepanek, et komisjoniga suhtlemise hõlbustamiseks määravad liikmesriigid ja ELi institutsioonid **kontaktisikud**. Hindamisaruanne⁶ on **avalik** ning see esitatakse liikmesriikidele ja ELi institutsioonidele.
13. Hindamismehhanismi peamised osalejad on nõukogu, liikmesriigid ja komisjon. Euroopa Parlament on sellega tihedalt seotud vastavalt oma õigustele ja kohustustele. Korralisi aruandeid hindavad ka riikide parlamendid.
14. Regioonide Komitee ning Euroopa Majandus- ja Sotsiaalkomitee on seotud hindamismehhanismi väljatöötamise ja rakendamisega valdkondades, mis on sätestatud EÜ asutamislepingus. Vastuvõetud hindamisaruanded esitatakse korrapäraselt nimetatud komiteedele.
15. Mehhanismis on tähtis osa ka asutustel, eeskätt Euroopa Põhiõiguste Ametil, Euroopa Narkootikumide ja Narkomaania Seirekeskusel, Europolil, Eurojustil ja Euroopa Liidu liikmesriikide välispiiril tehtava operatiivkoostöö juhtimise Euroopa agentuuril. Nad

⁶ Vt punkti 30.

esitavad hindamise läbiviimiseks vajalikku teavet ja analüüse ning komisjon peab nendega nõu hindamisaruannete üle.

16. Väga väärtuslik on ka kodanikuühiskonna organisatsioonide roll. Komisjon tagab, et nende seisukohti arvestatakse ning rajab mehhanismi, mille kaudu nad saavad osaleda vabaduse, turvalisuse ja õiguse valdkonna poliitika hindamises.

Hindamismehhanismi kohta tehtavas ettepanekus tuleb ette näha **läbipaistvad konsultatsioonimehhanismid**, mida saab kasutada ka teabe kogumiseks ja võrdlemiseks.

3.4. Statistika kättesaadavus

17. Statistika kättesaadavus⁷ ja suutlikkus seda analüüsida on hindamissüsteemi väljatöötamise **peamine kriteerium**. Mõne valdkonna (näiteks uimastipoliitika) statistika on piisavalt välja kujunenud, kuid mõnal alal (näiteks kuritegevus ja kriminaalõigus)⁸ tuleb sellega veel tööd teha. Vabaduse, turvalisuse ja õiguse valdkonna poliitika vajaduste muutumist käsitlevat statistikat on vaja, et hinnata, kas poliitika leevendab või süvendab neid vajadusi, ja et lõppkokkuvõttes teha järeldusi poliitika mõju kohta. Täiustada tuleb statistika kvaliteeti, kättesaadavust ja analüüsi. Sellega seoses on eriti tähtis roll asutustel, nagu Euroopa Narkootikumide ja Narkomaania Seirekeskusel, Eurojustil, Europolil ja loodaval põhiõiguste ametil. Eesmärgi saavutamisele aitavad kaasa ka uurimisprojektid ja võrgustikud.

Seega lisaks kavandatava hindamissüsteemi väljatöötamisele parandatakse ka vabaduse, turvalisuse ja õiguse statistika **kvaliteeti, kättesaadavust ja analüüsi**.

4. ettepanek luua strateegiline hindamismehhanism Euroopa Liidu vabaduse, turvalisuse ja õiguse valdkonna poliitika hindamiseks

4.1. Hindamismehhanismi kirjeldus

18. Kavandatav vabaduse, turvalisuse ja õiguse valdkonna strateegiline hindamismehhanism rajaneb ELi teistes poliitikavaldkondades saavutatud **kogutulemustel**. Kõnealune mehhanism rajaneb **olemasoleval taval**, mida kirjeldatakse 2. lisas. Rahastamiskavade hindamise aluseks võetud ka olemasolevad hindamisnõuded. Valdkondades, kus teave on juba kättesaadav, pööratakse erilist tähelepanu olemasolevate andmete kasutamisele ja juba **tehtud töö kordamise vältimisele**.

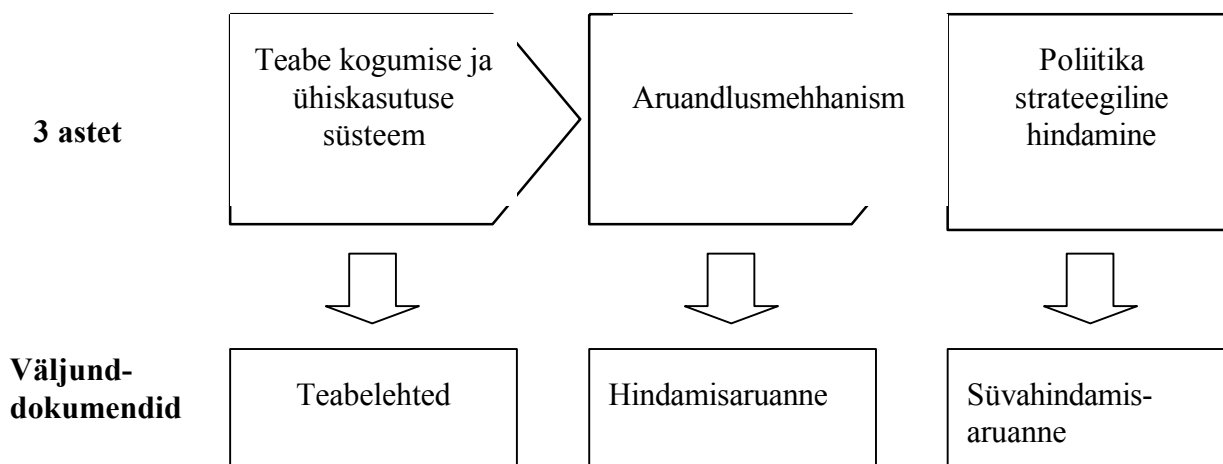
19. Tehakse ettepanek kehtestada **progressiivne kolmeastmeline** mehhanism, mille osad on:

⁷ Ühenduse statistikat tehakse vastavalt statistikat käsitlevas nõukogu määruses kehtestatud eeskirjadele. Statistikaalane tegevus rajaneb ühenduse statistikaprogrammile ja sellega seotud aastaprogrammidele, arvestades Euroopa statistika tegevusjuhises esitatud põhimõtteid.

⁸ Selleks kavatseb komisjon võtta vastu igakülgse ja ühtse ELi kuritegevuse ja kriminaalõiguse näitajate mõõtmise strateegia väljatöötamise kava. Selle lõppeesmärk on rajada ühenduse statistika ühtsetele määratlustele ning ühtsetele andmete kogumise ja aruandluse mehhanismidele.

- (1) teabe kogumise ja ühiskasutuse süsteem;
- (2) **aruandemehhanism**, mis hõlmab teabe koondamist, kasutamist ja analüüsi, ja
- (3) **sihtotstarbelised strateegilised süvahinnangud**.

2. riskiilik: Mehhanismi kolm astet



20. Mehhanism on igakülgne ja hõlmab kogu vabaduse, turvalisuse ja õiguse valdkonna poliitikat.⁹
21. Hindamisaruanded¹⁰ esitatakse nõukogule, Euroopa Parlamendile, Euroopa Majandus- ja Sotsiaalkomiteele ja Regioonide Komiteele. Vajadusel levitatakse neid ka laiemal lugejaskonnas, sealhulgas asjakohastel avalikel üritustel.
22. Mehhanismi eesmärk on parandada hindamise tulemustest teavitamist ja hindamise tulemuste levitamist ning seega edendada nende kasutamist otsuste tegemisel.
23. Mehhanism on kooskõlas komisjoni praeguste hindamist käsitlevate suuniste ja üldpõhimõtetega.

4.1.1. Teabe kogumise ja ühiskasutuse süsteem

24. Teabe kogumise ja ühiskasutuse süsteem rajaneb **teabelehtedel**. Liikmesriikide pädevad ametiasutused täidavad ühe teabelehe iga poliitikavaldkonna kohta. Valdcondades, kus juba on sarnases vormingus teavet, täidab komisjon võimalusel teabelehed juba eelnevalt. Lisaks **konsulteritakse** teabelehtede üle asjakohaste huvirühmade¹¹ ja kodanikuühiskonna organisatsioonidega. Iga poliitika üle konsulteritakse eraldi. Konsulterimiseks kasutatakse **olemasolevaid võrgustikke** ja konsultatsioonimehhanisme, järgides iga valdkonna konfidentsiaalsusnõudeid.
25. Teabelehel märgitakse vastavalt iga valdkonna **poliitika üldeesmärk** ja loetletakse

⁹ Mehhanismi kolmandal astmel võib jätkata 2. lisa punktis 2.3.2 kirjeldatud vastastikuse hindamise mehhanismi kasutamist. Seda mehhanismi võib komisjon korraldada ka hiljem, sõltuvalt institutsioonilise raamistiku arengust. Igal juhul kindlustab komisjon seda mehhanismi oma strateegilise süvaanalüüsiga Euroopa Liidu lepingu VI jaotises käsitletud valdkondades.

¹⁰ Vt punkti 30.

¹¹ Vt jaotist 3.3.

eesmärgi saavutamise **peamised vahendid** (seadusandlikud, mitteseadusandlikud ja rahastamisvahendid). Mehhanism peaks andma selge ülevaate **saavutustest**.

26. Teabelehtedel esitatakse ka iga poliitika **näitajad**. Näitajad on selgelt seotud poliitikavaldkonna üldeesmärgiga. Teabelehed kuuluvad lahutamatu osana käesoleva dokumendi avaldamisele järgneva **konsultatsiooniprotsessi** juurde, mis viiakse lõpule koostöös liikmesriikidega. Teabelehtede kavade näidised on esitatud käesoleva teatise 1. lisas.
27. Komisjon kavatseb kutsuda liikmesriike määrama **riigi kontaktisikud**. Kontaktisikutel on tähtis osa riigi vastuse väljatöötamise koordineerimisel ja vastastikusel konsulteerimisel komisjoni osakondadega.
28. **ELi õigusaktide** valdkonnas antakse teabelehtede näitajate ja hindamissüsteemiga ülevaade eeskätt õigusaktide tegeliku kohaldamise konkreetsetest tulemustest, mitte õigusaktide ülevõtmisest riikides või ELi õigusaktide mõjust riigi õigussüsteemile. Viimati nimetatud eesmärke täidab täiustatud tulemustabel, millega hinnatakse õigusaktide ülevõtmist ja rakendamist, mitte aga eesmärkide saavutamist.
29. ELi **rahastamiskavade** alal tuginevad teabelehed **olemasolevatele rakendamis- ja hindamisaruanetele**, mis esitatakse vastavalt finantsmäärusest ja asjakohastest õigusaktidest tulenevatele kohustustele. Teave, mis teabelehtedes tuleb esitada rahastamiskavade kohta, on tõenäoliselt juba olemas ja seetõttu tuleb liikmesriikidel esitada vaid vähe täiendavaid andmeid.

4.1.2. *Aruandemehhanism*

30. Pärast teabelehtede saamist ja nõupidamist huvirühmadega kontrollib komisjon saadud teavet ja koostab **hindamisaruaande**, milles esitatakse kokkuvõtlik teave ja selle analüüs. Hindamisaruaandes esitatakse ka **poliitilised soovitused** asjaomases poliitikavaldkonnas.
31. Eeltoodu eesmärk on hinnata ELi poliitikat vabaduse, turvalisuse ja õiguse valdkonnas ning selgitada välja **strateegiliseks süvaanalüüsiks** sobivad valdkonnad.

4.1.3. *Poliitika strateegiline hindamine*

32. Hindamisaruaande esitamise ja sellele järgneva konsulteerimise järel saab **teatavates valdkondades** läbi viia **poliitika strateegilise süvahindamise**. Süvahindamise eesmärk on anda varakult kasulikku teavet poliitiliste otsuste tegemiseks asjaomases valdkonnas.
33. Strateegilise hindamise väärtus peaks olema suurem kui 2. lisas kirjeldatud praeguse hindamise väärtus, kuna:
 - (a) see keskendub **poliitikale** (või selle terviklikule osale), mitte üksikmeetmetele (näiteks ühise sisserännupoliitika hindamine);
 - (b) selle käigus analüüsitakse poliitika raames kasutatavate vahendite **sidusust** (näiteks kuidas rahastamiskavadega edendatakse ja soodustatakse ELi õigusaktide rakendamist asjaomases valdkonnas);

- (c) selle käigus uuritakse, kuidas poliitika on kooskõlas **üldeesmärgiga** – vabadusel, turvalisusel ja õigusel rajaneva ala loomisega;
- (d) sellega tehakse kindlaks, mil määral on saavutatud **üldeesmärk** ja
- (e) sellega hinnatakse, mil määral on saavutatud vabaduse, turvalisuse ja õiguse valdkonna peaesmärk (näiteks põhiõiguste kaitsmine).

4.2. Sagedus ja järelmeetmed

34. Korrapärane hindamine võimaldab jälgida arengut võrdsete ajavahemike jooksul ja teha võrdlusi. Ettepaneku kohaselt toimub hindamine (teabelehtede ja hindamisaruannete esitamine) **kaks korda iga viie aasta jooksul**. Komisjon kasutab võimalikult suurel määral juba olemasolevat teavet.
35. Ettepanekus arvestatakse, et hindamine:
- (a) viiakse läbi **korrapäraselt**;
 - (b) see ei tohiks olla koormav;
 - (c) seda ei ole vaja läbi viia igal aastal, kuna see keskendub ajapikku saavutatavatele tulemustele ja tagajärgedele ning hindamiseks kasutatakse andmeid keskpika perioodi kohta;
 - (d) seda tuleks kooskõlastada **juba olemasolevate** strateegiliste ja mitmeaastaste plaanidega.
36. Ettepanekud ajakava võimaldaks nõukogul ja komisjonil kasutada hindamisaruannete tulemusi, et hinnata vajadust koostada uus strateegiline programm, kui Haagi programm 2009. aastal lõpeb.
37. Kui hindamisaruanne avaldatakse iga kahe või kolme aasta järel, siis on võimalik kooskõlastada mehhanismi toimimist viieaastase tsükli jooksul. See võimaldaks otsuste tegemisel kasutada hindamise tulemusi põhjalikumalt ja strateegilisemalt. 2006.–2007. aasta on üleminekuperiood (vt järgmist tabelit).
38. Ajakava kooskõlastamiseks täiustatud tulemustabeliga nähakse ajakavas ette, et liikmesriikidele saadetakse teabelehed 2006. aasta lõpul ning hindamisaruanne ja täiustatud tulemustabel avaldatakse koos 2007. aasta keskel.

| Ajakava | Täiustatud tulemustabel (TT) | Läbivaatamise mehhanism | Tegevuskava |
|---------|------------------------------|-------------------------|--|
| 2005 | | | Haagi programmi tegevuskava vastuvõtmine |
| 2006 | TT1 | | Rakendamise vahehindamine (2006. aasta lõpp) |

| | | | |
|------|-----|--------------------|---------------------------------|
| 2007 | TT2 | 1. hindamisaruanne | Poliitika esimene läbivaatamine |
| 2008 | TT3 | | |
| 2009 | TT4 | 2. hindamisaruanne | |
| 2010 | TT5 | | Haagi programmi lõpp |
| 2011 | TT6 | | |
| 2012 | TT7 | 3. hindamisaruanne | |
| 2013 | TT8 | | |
| 2014 | TT9 | 4. hindamisaruanne | |

(Ülemineku periood on esitatud hallina)

39. **Liikmesriikide täiendavate halduskulude hinnang** on esitatud käesolevale dokumendile lisatud mõjuhinnangus. Liikmesriikidel soovitatakse teha koos komisjoniga tööd **andmete ühilduvuse ja täpsuse** saavutamiseks. Mitme õigusakti hindamisel hiljuti saadud kogemuse kohaselt ei ole poliitika põhilandmed alati ühtlustatud ega täpsed. Täiendavat teavet saadakse ka iga poliitika *sihthindamise* tulemusel, mida nõukogu ja komisjon viivad läbi vabaduse, turvalisuse ja õiguse valdkonnas.
40. Käesoleva teatisega **pannakse alus protsessile**, mis hõlmab **keskpikka ajavahemikku**. Pärast käesoleva teatise avaldamist on võimalik esitada märkusi ja täiendusi hindamismehhanismi ettepaneku ja teabelehtede kohta. Algatatakse ulatuslik konsultatsiooniprotsess. Muu hulgas korraldatakse sūgisel koosolek seisukohtade esitamiseks.
41. Iga viie aasta möödudes **hinnatakse** mehhanismi, et otsustada, kas süsteemi on vaja kohandada ja täiustada. Hinnatakse 2. riskūlikus esitatud väljunddokumente. Hindamisel lähtutakse punktis 3 loetletud eesmärkidest.

5. Kokkuvõte

42. Komisjon on seisukohal, et praegust olukorda ja Haagi programmiga antud volitusi arvestades tuleb luua ELi vabaduse, turvalisuse ja õiguse valdkonna poliitika **sidus ja igakūlgne hindamismehhanism**. Mehhanism peab olema **progressiivne** ja arvestama **institutsioonilise ja õigusraamistiku muutumisega**, et tagada vabaduse, turvalisuse ja õiguse valdkonna poliitika täiustumine ja selle tulemuslikkus.
43. Mehhanismi abil koondatakse üksikud hindamise tulemused sidusasse raamistikku ja saadakse teavet poliitiliste otsuste tegemiseks asjakohasel tasandil. Mehhanismi abil esitatakse poliitika kujundajatele **varakult vajalikku teavet**, et töötada välja 2009. aastal lõppeva Haagi programmi järelemeetmed.
44. Komisjon ja nõukogu rakendavad kavandatavat mehhanismi vastavalt oma pädevusele

ja tihedas koostöös Euroopa Parlamendiga. Hindamismehhanismi loomiseks ja tulemuslikuks rakendamiseks peavad ELi institutsioonid ja liikmesriigid **tegevuse kooskõlastama** ja sellele **täielikult keskenduma**. Riikide ameti- ja haldusasutustel on selles kõige tähtsam osa.

45. Hindamismehhanismi eesmärk on tõhustada Euroopa Liidu tegevust ja see aitab saavutada strateegilisi eesmärke – **parandada õigusloomet ja suurendada ELi tegevuse läbipaistvust**.

ANNEX 1

Factsheet of JLS policies

POLICY AREA: EXTERNAL BORDERS, VISA POLICY AND FREE MOVEMENT OF PERSONS

Factors influencing evaluation mechanism: well established policy area, 1st pillar activities, there is a strong consensus amongst stakeholders for EU level action; there is a mix of instruments (legislative activities, co-operation activities, programme funding, functioning Community Agency, IT systems); possible to construct evaluation indicators, but might be hard to measure outcomes and results and causal links in practice. Methods to evaluate controls at borders are improving, including available administrative information and statistics. Some constraints on fully independent evaluation. There are strong interlinkages between the instruments within the ABB activity and strong potential for ‘thematic’ evaluation examining instruments in parallel.

Policy sub-area 1: External borders

Objectives:

Develop an integrated external border management system

Ensure uniform high standards of border checks and border surveillance at EU external borders

Reduce number of illegal cross border movements of people

Further ‘burden sharing’ in management of external borders

Policy sub-area level indicators:

The numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally as a proportion of all third country national border crossings into EU (*Source: Commission - Eurostat statistics on asylum and migration*)

The difference between the numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally as a proportion of all third country national border crossings into EU through the most permeable and least permeable border. Note that this indicator would require to define the most and least permeable EU border.

The numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally (*Source: Commission - Eurostat statistics on asylum and migration*)

The proportion of all resource commitments to external border management originating in countries without EU external borders (*Source: MS*)

| Main instruments | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
|------------------|------------|----------------------------------|---------------------------------|----------|---------|---------------------------|
| | | | Immediate results | Outcomes | Impacts | |

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| <p>Schengen Information System (SIS) II</p> | <p>Sharing of information among MS in order to refuse entry on the basis of uniform practices</p> | <p>Consistent input and further use of information among MS</p> | <p>Quality and Availability of SIS II information for competent national authorities</p> <p><i>Measured by:</i></p> <p>Number of records per category</p> <p><i>(Source: MS and Commission)</i></p> | <p>Success in using SIS information.</p> <p><i>Measured by:</i></p> <p>Number of correctly identified persons who should be refused entry and wanted goods discovered</p> <p><i>(Source: MS)</i></p> | <p>Reduced permeability of the external border.</p> <p>Increased confidence to promote ‘free movement’ policies.</p> | <p>Clear intervention logic.</p> <p>Evaluation methods – analysis of trends and process changes.</p> <p>Commission responsible for evaluation co-ordination and analysis, MS for information analysis. Most of the analysis will depend upon information from MS.</p> |
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| <p>European Agency for the Management of Operational Co-operation at the External Borders (FRONTEX)</p> | <p>Improvement of operational cooperation between Member State authorities</p> <p>Increased competences of border guards</p> | <p>Co-operation with Agency and responses to good practice, training and other advice.</p> | <p>Operational cooperation</p> <p><i>Measured by:</i></p> <p>Number of joint operations and pilot projects carried out</p> <p><i>(Source: Agency)</i></p> <p>Development of risk analysis</p> <p><i>Measured by:</i></p> <p>Number of risk analyses carried out</p> <p><i>(Source: Agency)</i></p> <p>Increased training</p> <p><i>Measured by:</i></p> <p>Number of border guards trained</p> <p>Number of training courses and seminars offered</p> <p><i>(Source: Agency)</i></p> | <p>Improvement of border control</p> <p><i>Measured by:</i></p> <p>Effective joint operations</p> <p><i>(Source: Agency)</i></p> <p>Increased intelligence</p> <p><i>Measured by:</i></p> <p>Use of risk analyses by national services</p> <p><i>(Source: MS)</i></p> <p>Better trained border guards</p> <p><i>Measured by:</i></p> <p>Use of newly acquired skills</p> <p><i>(Source: MS)</i></p> | <p>Improved resource deployment at external borders (due to better intelligence)</p> <p>Reduced permeability of external borders (due to better trained staff)</p> | <p>Difficult to assess causality of intervention.</p> <p>Evaluation methods – case studies, follow up surveys.</p> <p>EU leading the evaluation.</p> <p>(Other EU Agency evaluations have tended to be process rather than impact oriented)</p> |
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| <p>Action Programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO)</p> | <p>To promote cooperation between national administrations responsible for implementing Community rules and to ensure that proper account is taken of the Community dimension in their actions</p> <p>To promote the uniform application of Community law</p> <p>To encourage transparency of actions taken by the national authorities</p> <p>To improve the overall efficiency of national administrations in their tasks</p> | <p>Disbursement rate/amount spent per year</p> | <p>Successful implementation of programme measured by:</p> <p>Number of projects implemented per activity area</p> <p>Number of training actions implemented</p> <p>Number of staff exchanges implemented</p> <p>Number of actions promoting data exchange implemented</p> <p>Number of studies, conferences and seminars conducted <i>(Source: Commission)</i></p> | <p>Increased cooperation between national administrations and with third countries</p> <p><i>Measured by:</i></p> <p>Number of common operative centres and joint teams set up</p> <p>Number of cooperation activities in third countries set up</p> <p><i>(Source: Commission)</i></p> | <p>Uniform application of Community law</p> <p>Improved transparency of actions taken by national authorities</p> <p>Improved efficiency of national administrations</p> | <p>Mid-term evaluation to be completed by July 2006.</p> |
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| Teams of national experts | Further objectives of FRONTEX agency: Better deployment of resources in circumstances requiring special assistance Increased competences of border guards | Secondment of experts to teams. | Provision of technical and operational assistance. <i>Measured by:</i> number of assignments carried out by teams <i>(Source: Agency)</i> | Improved practice in border surveillance. <i>Measured by:</i> use of results of teams' work in border surveillance and efficiency of teams work <i>(Source: Agency and MS)</i> | Reduced permeability of external borders (due to assistance to staff) Facilitated legitimate travel | Evaluation methods – case studies, qualitative analysis. |
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Policy sub-area 2: Visa policy and free movement of persons

Objectives:

Prevent illegal immigration and threats to public order

Reduce time taken and costs of acquiring visas for legitimate travellers.

Reciprocation with third countries on visa waivers.

Reduce number of visas given to travellers who become overstayers and illegal migrants

Abolish controls at internal EU borders

Policy sub-area level indicators:

The average time taken from application to receipt of (a particular class of) visa (*Source: MS, VIS*)

The average costs (fees) for (a particular class of) visa (*Source: MS, VIS*)

The number of third countries where the visa requirements of nationals to enter the EU match those EU citizens visiting the country in question (*Source: Commission*)

The total population of third countries where the visa requirements of nationals to enter the EU match those EU citizens visiting the country in question (*Source: Commission*)

The number of EU internal border crossings that are subject to controls (*Source: MS*)

| Main instruments | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
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| | | | Immediate results | Outcomes | Impacts | |
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| <p>Common application centres (for Schengen countries)</p> | <p>Render the reception of visa applications more efficient through a better allocation of resources.</p> <p>Reduce costs in relation to capturing of biometrics.</p> <p>Harmonisation of reciprocal procedures by MS</p> | <p>Commitment to the centres.</p> <p>Participation in setting up the centres.</p> | <p>Number of centres established and MS involved (<i>Source: MS</i>).</p> <p>Number of visas issued through the centres (<i>Source: MS</i>).</p> | <p>Increased efficiency of providing visa services.</p> <p><i>Measured by:</i></p> <p>time taken to issue visas (<i>Source: MS</i>)</p> <p>(<i>Source: MS</i>).</p> <p>Improved use of visa related information (<i>Source: MS</i>).</p> | <p>Reduced costs to visa applicants.</p> <p>Reduced costs to administrations.</p> <p>Increased bone fide travel.</p> | <p>Evaluation method – efficiency analysis.</p> <p>Potential evaluation leadership from the MS and use of peer review process.</p> |
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| <p>Visa Information System</p> | <p>Improve the implementation of the common visa policy by the exchange of visa data between Member States, in order to prevent visa shopping, to facilitate the fight against fraud, checks on visas, to assist in the identification of illegal immigrants, to facilitate the application of the Dublin II Regulation and to contribute to the prevention of threats to internal security.</p> | <p>Implementation at the national level, including the development/adaptation of national systems.</p> | <p>Number of number of visas refused, annulled, revoked, processing times (<i>Source: Commission</i>).</p> <p>Availability rate (<i>Source: Commission</i>)</p> | <p>Retention and sharing of data from visa applications and related decisions. <i>Measured by:</i> number of entries in VIS (<i>Source: Commission</i>).</p> <p><i>Measured:</i> number of analyses conducted using VIS data (<i>Source: Commission</i>).</p> | <p>Improvement of application procedures, of checks at the external borders and within the Schengen territory, of the application of the Dublin II Regulation, of the identification of illegal immigrants and of the detection of fraud.</p> <p>Facilitated legitimate travel.</p> | <p>Monitoring and evaluation, by the Commission at EU level.</p> |
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| <p>The reciprocity mechanism (Council Regulation 851/2005)</p> | <p>To ensure EU citizens can travel without a visa to all third countries whose nationals don't need a visa to travel to the EU.</p> | <p>Co-operation with the Commission, information sharing on bilateral dialogue with third countries</p> | <p>Number of third countries who have waived visa requirements for EU nationals <i>(Source: Commission)</i></p> | <p>Improved reciprocity measured by percentage of decrease of non-reciprocity cases</p> <p>Improved dialogue and diplomatic contacts with third countries</p> | <p>Facilitated legitimate travel for EU travelers</p> | <p>Diplomatic efforts on EU level vis-à-vis third countries concerned.</p> <p>The first Report of the Commission on reciprocity in visa waivers was adopted on 10 January 2006</p> |
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| <p>Council Regulation on a Border code</p> | <p>To implement common rules governing the movement of persons across borders, to include both rules on checks at external borders and rules on the removal of checks on persons at internal borders and the reintroduction of such checks in certain circumstances.</p> <p>To improve integrated border management</p> | <p>Application in MS that apply the Schengen acquis</p> | <p>Harmonisation of rules governing the movement of persons at internal and external borders</p> <p><i>(Source: Commission)</i></p> | <p>Improved border management and control</p> | <p>Improved control of external borders</p> <p>Facilitated travel within the Schengen acquis</p> | <p>This regulation was adopted recently – February 2006.</p> |
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POLICY AREA: CITIZENSHIP AND FUNDAMENTAL RIGHTS

Factors influencing evaluation mechanism:

Relatively new policy area in JLS (although the citizenship policy as such is an established area in the EC/Commission activities), 1st pillar activities, a combination of instruments (legislation, funding programmes, new Community Agency). The nature of the instruments and their objectives leads to reliance on qualitative evaluation methods. However, there is scope for further improvements to the information base through surveys and the development of statistics. The objectives within the policy area are wide ranging and the sub policy areas as defined below are not distinct. There is some scope for evaluating sub sets of instruments in parallel.

Policy sub-area 1: Citizenship of the Union**Global objectives:**

Increase awareness of Union citizens of their rights and of the ways these can be enforced

Decrease any obstacles for the enjoyment of their rights by Union citizens, in particular of the right to free movement and residence

Increase participation of EU citizens in democratic life in the Union

Facilitate the diplomatic and consular protection offered to the Union citizens in third countries

Policy sub-area level indicators:

Levels of citizens' awareness of their rights and mechanisms of redress (*Source: Surveys and Eurobarometer reports*)

Instances of right to free movement and residence hindered (*Source: complaints made to Commission*)

Rates of voting registration and participation – percentage of increase/decrease (*Source: Member States*)

Number of citizens standing for election to public office – percentage of increase/decrease (*Source: Member States*)

Instances of use and complaints from EU citizens over levels of consular protection (*Source: Member States*)

| Main instruments | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
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| | | | Immediate results | Outcomes | Impacts | |
| Directive 2004/38/EC on free movement and residence | Clarify and simplify existing Community law in field | Transposition into national legal systems | Relevant national laws adopted in line with Directive provisions and notified the Commission by 30.4.2006 together with a table of conformity. (Source: Commission) | Correct application of rules and provisions contained in the law <i>Measured by:</i> number of court cases/complaints resulting from the Directive (Source: Commission) | Facilitated free movement and residence | Evaluation leadership by the EU. Would benefit from strong involvement of MS in evaluation |
| Community legislation on the EP elections and on the right of non-national Union citizens' electoral rights in their country of residence | Ensure that the EP elections are conducted according to the basic principles of democratic elections Ensure the participation of non-national Union citizens to the EP elections and to the municipal elections | Transposition into national legal systems | Relevant national laws adopted in line with provisions of Community law and notified to the Commission (Source: Commission) | Correct application of rules and provisions contained in the law <i>Measured by:</i> number of court cases/complaints resulting from the legislation (Source: Commission) | EP elections carried out democratically. Non-national Union citizens participate in the elections on the same conditions as nationals in EP elections and in municipal elections. | |

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| <p>Fundamental Rights and Citizenship programme (part Citizenship)</p> | <p>Improve awareness of citizenship of the Union and related rights</p> <p>Encourage citizens to participate to actively to democratic life</p> | <p>Implementation of measures and projects.</p> | <p>Number of projects supported (studies conducted, activities undertaken)</p> <p><i>(Source: programme monitoring system)</i></p> <p>Number of 'beneficiaries' reached</p> <p><i>(Source: programme monitoring system)</i></p> | <p>Improved intelligence base</p> <p><i>Measured by:</i></p> <p>use of analytical results by policy makers <i>(Source: Commission and MS)</i></p> <p>Dissemination of good practice in voter education and activation.</p> <p><i>Measured by:</i></p> <p>level of awareness of Programme's outputs <i>(Source: MS)</i></p> | <p>Improved awareness of Union citizenship and related rights amongst EU citizens.</p> <p>Increased participation in democratic life.</p> | <p>Clear intervention logic. Evaluation would benefit from systematic surveys of public awareness.</p> |
| <p>Policy sub-area 2: Fundamental Rights</p> | | | | | | |

Global objectives:

Increase the awareness of fundamental rights amongst citizens. (This concerns the rights as protected on European Union and national level including the relevant regional and international instruments.)

Decrease instances of breaches of fundamental rights (including breaches of privacy, personal data protection and protection from violence against children, women and youth)

Reduce the instances of racism, anti-semitism and xenophobia

Establish a Fundamental Rights Agency (from EUMC)

Increase number of participants in and their commitments to civil society

Policy sub-area level indicators:

Levels of citizens' awareness of fundamental rights (*Source: Surveys and Eurobarometer reports*)

Instances of breaches of fundamental rights, especially as a result of EU interventions (including breaches of privacy, personal data protection and protection from violence against children, women and youth) (*Source: Commission and FR Agency*)

Instances of racism, anti-semitism and xenophobia (*Source: FR Agency*)

Time commitments of population to participation in civil society (*Source: MS*)

Number of civil society organisations in NMS since accession (*Source: MS*)

| Main instruments | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
|------------------|------------|----------------------------------|---------------------------------|----------|---------|---------------------------|
| | | | Immediate results | Outcomes | Impacts | |
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| Relevant provisions of the Treaties on European Union and on European Community | Ensure that the EU institutions and the Member States fully respect fundamental rights | Compliance of the national legislation and practices with the fundamental rights | Community legislation as well as implementing national laws adopted in compliance with the Treaty | Correct application of rights and principles contained in the Treaty <i>Measured by:</i> number of court cases/complaints resulting from the legislation (<i>Source: Commission</i>) | Decreased level of breaches of FR Increased protection of rights of citizens | |
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| <p>Fundamental Rights and Citizenship programme (part Fundamental Rights)</p> | <p>Improve awareness of FR as protected on European and national level</p> <p>Improve research base</p> <p>Improve intensity and quality of interfaith and intercultural dialogue in MS</p> <p>Improve tolerance in the EU</p> <p>Improve quality of civil society organisations</p> <p>Improve rule of law</p> <p>Decrease breaches of FR in MS</p> | <p>Implementation of measures and projects.</p> | <p>Number of projects supported (studies conducted, activities undertaken)</p> <p><i>(Source: programme monitoring system)</i></p> <p>Number of 'beneficiaries' reached <i>(Source: programme monitoring system)</i></p> | <p>Improved intelligence base</p> <p><i>Measured by:</i></p> <p>use of analytical results by policy makers <i>(Source: Commission and MS)</i></p> <p>Increased awareness of issues in focus under the action <i>(Source: public opinion surveys, Commission)</i></p> | <p>Improved awareness of FR amongst EU citizens</p> <p>Stronger civil society in the MS</p> | <p>Clear intervention logic. Evaluation would benefit from systematic surveys of public awareness.</p> |
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| <p>Preparatory action to support civil society in the NMS in areas of rule of law, democracy, FR, media pluralism, fight against corruption.</p> | <p>Improve quality of civil society organisations in NMS</p> <p>Improved rule of law in NMS</p> <p>Improve democracy in NMS</p> <p>Decrease breaches of FR in NMS</p> | <p>Implementation of measures and projects.</p> | <p>Number of projects supported (studies conducted, activities undertaken)</p> <p><i>(Source: programme monitoring system)</i></p> <p>Number of beneficiaries reached <i>(Source: programme monitoring system)</i></p> | <p>Increased awareness of issues in focus under the action <i>(Source: public opinion surveys, Commission)</i></p> | <p>Stronger civil society in the NMS</p> | <p>Clear intervention logic but difficult to measure outcomes and impacts, in part because of the scale and scope of the underlying objectives.</p> <p>Strong involvement of MS in evaluation</p> |
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| <p>Daphne programme</p> | <p>II</p> <p>Reduce violence against children, adolescents and women</p> | <p>Implementation of measures and projects.</p> | <p>Number of projects supported (studies conducted, activities undertaken) <i>(Source: programme monitoring system)</i></p> <p>Number of good practices identified <i>(Source: programme monitoring system)</i></p> <p>Number of 'beneficiaries' and victims reached <i>(Source: programme monitoring system)</i></p> | <p>Increased awareness of the issues in wider society <i>(Source: public opinion surveys, Commission)</i></p> <p>Adoption of good practice in tackling violence <i>(Source: MS).</i></p> <p>Better intelligence base.</p> <p><i>Measured by:</i></p> <p>use of analytical results by policy makers <i>(Source: Commission and MS)</i></p> <p>Number of knowledge and practitioner communities created <i>(Source: Commission).</i></p> <p>Number of improved facilities for victims <i>(Source: programme monitoring system)</i></p> | <p>Reduced violence against children, adolescents and women</p> | <p>Evaluation leadership by the EU.</p> <p>Major problems of data reliability at the level of impacts.</p> |
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| <p>Fundamental Rights Agency</p> | <p>Improve the availability, quality, and comparability of information on respect and promotion of FR.</p> <p>Improve co-ordination between stakeholders</p> <p>Improve public awareness of their FR</p> | <p>Participation in Agency's activities</p> | <p>Provision of data and analyses of FR.</p> <p><i>Measured by:</i> number of analytical outputs (Source: Agency)</p> <p>Number of reporting activities (Source: Agency).</p> <p>Number of networks of stakeholders supported (Source: Agency).</p> | <p>Better intelligence base. Measured by: use of analytical results by policy makers (Source: Agency and Commission)</p> <p>Better co-ordination of activities.</p> <p>Increased public awareness (Source: public opinion surveys, Agency and Commission).</p> | <p>Decreased level of breaches of FR</p> | <p>Evaluations of EU agencies have tended to focus on process issues.</p> <p>Whilst objectives are clear it will be difficult to assess causality and measure the impacts of the agency.</p> |
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| <p>Data Protection Directive</p> | <p>Facilitate the free movement of personal information within the EU</p> <p>Protect rights of individuals</p> <p>Conclude agreements with third countries</p> | <p>Transposition of Directive into national legal systems</p> <p>Establishment of National Data Protection Supervisory authorities</p> | <p>Relevant national laws adopted pursuant to the Directive provisions</p> <p><i>(Source: MS and Commission)</i></p> | <p>Application of rules and provisions contained in the law.</p> <p><i>Measured by: -</i></p> <p>Appropriate enforcement mechanisms and remedies available to ensure respect for the law and assistance to individuals through:</p> <p>a) Judicial remedies</p> <p>b) Intervention of data protection supervisory authority (ex officio or following complaints)</p> <p><i>(Source: MS)</i></p> | <p>Facilitated movement of personal information within the EU</p> <p>Harmonised protection of individuals at a high level (both inside the EU and in third countries for personal data transferred from the EU)</p> | <p>Evaluation leadership by the EU but in partnership with MS</p> |
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POLICY AREA: COORDINATION IN THE FIELD OF DRUGS

Factors influencing evaluation mechanism: Activities in this policy area are cross pillar and cover a variety of areas, including health, police cooperation, information, evaluation and coordination.

The EU Drug Action Plan and EU Drug Strategy are very important documents endorsed by the Council as the basic policy framework for all drugs issues within the EU and within the context of the EU's external relations. They cover all activities in this policy area and provide the guidelines for all Member States to implement the objectives and actions they contain into national policy. The Action Plan takes its lead from the objectives of the EU Drug Strategy and translates these objectives into 80 concrete actions. It concentrates on the two major aspects of drug policy, demand reduction and supply reduction, and also covers a number of cross-cutting themes: international cooperation, research, information and evaluation. It includes actions within EU competence (public health, precursor control, money laundering and development aid) as well as close cooperation between Member States and partnerships with international organisations.

The Action Plan furthermore covers monitoring and evaluation and includes assessment tools and indicators for each action. The actions covered by the Action Plan are subject to an annual progress review by the Commission's services. Evaluation in this area is already well-established through the methods and indicators developed during the evaluation of the previous EU Drugs Strategy and Action Plan. Reliable data is available from the European Monitoring Centre on Drugs and Drug Addiction, Europol and the Commission. As with other policies relating to complex, global socio-political issues, the evaluation of the impacts of EU drug policy is a problematical and sensitive matter due to the multiple factors that have to be taken into account and for which there may not be reliable data by their very nature (e.g. figures for trafficking in illicit drugs are always rough estimates; corruption caused by trade in drugs is hidden, etc.).

Objectives:

To significantly reduce the prevalence of drug use among the population and to reduce the social harm and health damage caused by the use of and trade in illicit drugs, and to strengthen international cooperation (EU Action Plan on Drugs 2005-2008)

Policy-level indicators:

The EU Action Plan contains the major legal instruments such as the Council Decision on the information exchange, risk assessment and control of new psychoactive substances, or the Framework Decision on penalties for drug trafficking. It also contains the assessment tools and indicators required for the evaluation process of these instruments and all other actions. These have been drawn up in cooperation with the EMCDDA and Europol, who will help the Commission to keep track of implementation.

On this basis the Commission will publish an Annual Progress Review and if necessary propose adjustments. Responsibility for implementation of actions and deadlines are clearly indicated in the Plan. To keep implementation on track, targets whose deadlines have passed or are unlikely to be met will be subject to recommendations for their implementation or identification of failure to implement. The Commission will carry out an impact assessment in 2008 in view of proposing a second Action Plan for 2009-2012. A final evaluation of the Strategy and the Action Plans will be carried out by the Commission in 2012. These evaluations will go beyond the strict confines of the Action Plan and will include, on the basis of the work of the EMCDDA and Europol, a general view of the evolution of the drugs situation in Europe.

POLICY AREA: COMMON IMMIGRATION AND ASYLUM POLICIES

Factors influencing evaluation mechanism: New policy area. 1st pillar activities. Interventions include legislation, programmes and cooperation activities. Good, comparable data is required and is planned. MS consensus about broad aims but not at individual instrument level. Impacts of these instruments on third-countries, and in particular development countries, to be considered.

Policy sub-area 1: Common European Asylum System

Objectives:

To establish a common asylum procedure and uniform status,

To facilitate practical and collaborative cooperation,

To address pressures on asylum systems and reception capacities.

¹² Asylum acceptance rates can at the moment only be roughly estimated with the data currently available, as asylum decisions in one year often relate to applications made in earlier years.

Policy sub-area level indicators:

Number of asylum seekers applying for asylum in Member States other than the country of first entry (*Source: Eurodac*)

Instances of MS breaching minimum defined standards (*Source: Commission*)

Differences in standards of reception between Member States (*Source: Commission*)

Differences between Member States with regard to the average time taken to determine the outcome of an application for asylum (*Source: MS and Commission*)

Comparison of asylum acceptance rates among Member States¹² (*Source: Commission - Eurostat*)

Differences in the level of capacity per Member State (asylum systems and reception facilities) relative to needs (*Source: Member States*)

| Main instrument (and type of instrument) | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
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| | | | Immediate results | Outcomes | Impacts | |

¹² Asylum acceptance rates can at the moment only be roughly estimated with the data currently available, as asylum decisions in one year often relate to applications made in earlier years.

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| <p>Dublin Regulation (Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national)</p> | <p>To reduce 'asylum shopping'</p> <p>To increase responsibility sharing among MS.</p> <p>To increase efficiency by granting MS a realistic period in which to implement decisions on transfers.</p> | <p>Adoption of measures implementing the Regulation at national level</p> | <p>Number of take back requests <i>(Source: Commission – Eurostat)</i></p> <p>Number of applicants sent to another Member State <i>(Source: Commission – Eurostat)</i></p> <p>Number of multiple claims <i>(Source: Commission – Eurostat)</i></p> <p>Number of registered irregular entrants <i>(Source: Commission – Eurostat)</i></p> <p>Proportion of cases dealt within country of entry <i>(Source: Commission – Eurostat)</i></p> | <p>Decreased delay in the examination of claims and attribution of responsibility</p> <p><i>Measured by:</i> average delay of examination before and after implementation of the Regulation <i>(Source: MS)</i></p> <p>Decreased delay to implement decisions on transfers</p> <p><i>Measured by:</i> average delay of transfer before and after <i>(Source: MS)</i></p> | <p>Increased sharing of responsibility</p> <p>Greater efficiency and effectiveness in implementing decisions on transfers</p> <p>Reduction of persons making multiple claims</p> | <p>Numbers are available through Eurodac which allows for an assessment of trends.</p> <p>Evaluation of the 'Dublin System' will be ready in June 2006.</p> |
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| Eurodac | <p>To facilitate application of the Dublin Regulation by identifying asylum seekers and persons who have entered the EU irregularly.</p> <p>To determine whether a foreign national has previously claimed asylum in another MS.</p> | Member States to send required data to central unit. | <p>Efficiency of the system</p> <p><i>Measured by:</i></p> <p>Number of records per Member State (<i>Source: Eurodac</i>)</p> <p>Number of successful and rejected transactions recorded in the system (<i>Source: Eurodac</i>)</p> | <p>Increased number of asylum applications being examined in the first country of asylum/entry</p> <p><i>Measured by:</i></p> <p>Percentage rate of change before and after introduction of the system (<i>Source: MS</i>)</p> <p>Reduction of persons making multiple claims</p> <p><i>Measured by:</i></p> <p>Percentage rate of change before and after (<i>Source: MS</i>)</p> | Improved efficiency in applying the Dublin Regulation | <p>Difficult to judge whether MS use system correctly and systematically.</p> <p>Some scope for peer review but there could be constraints on independent evaluation.</p> <p>Evaluation is underway of the ‘Dublin system’ which considers both the Regulation and Eurodac.</p> |
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| <p>Qualification Directive</p> <p>(Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted)</p> | <p>To ensure a minimum level of protection in all Member States for those in need of protection.</p> <p>To guarantee the rights of persons qualifying for refugee status or subsidiary protection status</p> <p>To reduce disparities between MS' legislation and practice.</p> <p>To limit secondary movements.</p> <p>To prevent false claims.</p> | <p>Transposition into national legal systems.</p> | <p>Reduction of disparities among Member States</p> <p><i>Measured by:</i></p> <p>Changes made to national legislation (<i>Source: MS and Commission</i>)</p> <p>Numbers of Member States achieving minimum standards or above (<i>Source: Commission</i>)</p> | <p>Reduction of false claims</p> <p><i>Measured by:</i></p> <p>Number of unfounded cases (<i>Source: MS</i>)</p> <p>Improved protection</p> <p><i>Measured by:</i></p> <p>Numbers granted refugee and subsidiary protection status (<i>Source: MS</i>)</p> <p>Improved access to rights</p> <p><i>Measured by:</i></p> <p>Increased numbers of refugees accessing education, services, employment, appropriate accommodation, integration programmes (<i>Source: MS</i>)</p> | <p>Guarantee of a minimum level of protection across the EU</p> <p>Approximation of rights granted to refugees</p> <p>Reduction in disparities between legislation and practice</p> <p>Reduction of secondary movements</p> <p>Fewer false claims</p> <p>Improved integration</p> | <p>Common standards difficult to achieve as Directive allows scope for interpretation</p> |
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| <p>Reception Directive (Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers)</p> | <p>Ensure a dignified standard of living to asylum seekers across the EU.</p> <p>Address applicants special needs.</p> <p>Ensure equal standards across the EU.</p> <p>Limit secondary movements.</p> | <p>Transposition into national legal systems</p> | <p>Improved facilities</p> <p><i>Measured by:</i></p> <p>Expenditure on the improvement of reception facilities (<i>Source: MS</i>)</p> <p>Improvement of equal standards across the EU</p> <p><i>Measured by:</i></p> <p>Numbers of MS achieving minimum standards or above (<i>Source: Commission</i>)</p> | <p>Improved standard of living for asylum seekers</p> <p><i>Measured by:</i></p> <p>Number of asylum seekers living in appropriate accommodation (<i>Source: MS</i>)</p> <p>Number of asylum seekers accessing services (<i>Source: MS</i>)</p> <p>Number of asylum seekers accessing employment and vocational activities (<i>Source: MS</i>)</p> <p>Number of specific provisions for applicants with special needs (<i>Source: MS</i>)</p> | <p>Approximation of standards of living for asylum seekers across the EU</p> <p>Improved facilities and services for asylum seekers</p> <p>Improved socio-vocational integration of asylum seekers</p> <p>Reduction of secondary movements</p> | <p>Common standards difficult to achieve as Directive allows scope for interpretation.</p> <p>Evaluation due at the end of 2006.</p> |
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| <p>ERF II</p> | <p>Support and encourage efforts in receiving refugees and displaced persons</p> <p>Foster solidarity among MS</p> <p>Promote balance in the efforts to receive asylum seekers</p> <p>Promote the social, economic and cultural integration of target groups</p> <p>Promote voluntary return</p> | <p>Disbursement rate/amount spent per year</p> | <p>Increased reception capacity</p> <p><i>Measured by:</i></p> <p>Numbers of projects implemented per type of action (<i>Source: MS</i>)</p> <p>Number of beneficiaries (per country of origin and target group) per type of action (<i>Source: MS</i>)</p> <p>Number of reception places (<i>Source: MS</i>)</p> <p>Increased capacity of services to asylum seekers</p> <p><i>Measured by:</i></p> <p>Number and type of services available(<i>Source: MS</i>)</p> <p>Number of beneficiaries receiving education and training (<i>Source: MS</i>)</p> <p>Increased voluntary returns</p> <p><i>Measured by:</i></p> <p>Number of voluntary returns (<i>Source: MS</i>)</p> | <p>Increased balance of effort among MS</p> <p><i>Measured by:</i></p> <p>The proportion of all resource commitments (<i>Source: MS</i>)</p> <p>Increased social, economic and cultural integration of target groups</p> <p><i>Measured by:</i></p> <p>Percentage of persons per target group and activity able to apply new skills (i.e. percentage of persons who benefited from vocational training in employment)</p> | <p>Improved reception standards and conditions</p> <p>Increased access of asylum seekers to health, housing, education, services and labour market</p> <p>Fairer and more effective asylum procedures (including return)</p> <p>An improved balance in effort to receive asylum seekers</p> | <p>Indicators have been developed in the context of the final evaluation.</p> |
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Policy sub-area 2: Legal and illegal migration

Objectives: To establish admission procedures capable of responding to fluctuating demands for migrant labour

Policy sub-area level indicators:

Skill shortages in vocations and professions (*Source: Commission - Eurostat, MS Labour Force Surveys, EEO*)

Employment rates amongst migrant groups (*Source: Commission - Eurostat, MS Labour Force Surveys*)

Estimation of the numbers of migrants overstaying the duration of their work permits (*Source: MS*)

| Main instrument (and type of instrument) | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
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| | | | Immediate results | Outcomes | Impacts | |
| Family reunification Directive (Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification) | Determine conditions for the exercise of the right to family reunification by TCNs. | Transposition into national legal systems. | Reduction of disparities among Member States <i>Measured by:</i> Changes made to national legislation <i>(Source: MS and Commission)</i> Numbers of MS achieving minimum standards or above <i>(Source: Commission)</i> | Improved efficiency of procedures <i>Measured by:</i> Number of family members reunited <i>(Source: MS)</i> Reduced length of process: average delay before and after <i>(Source: MS)</i> | Facilitated procedures for family reunification Protection of right to family life | Common standards difficult to achieve as Directive allows scope for interpretation. |

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| <p>Directive on status of TCNs as long-term residents</p> | <p>Approximate national laws by creating a single status.</p> <p>Ensure equal treatment of TCNs throughout the EU.</p> | <p>Transposition into national legal systems.</p> | <p>Reduction of disparities among Member States</p> <p><i>Measured by:</i></p> <p>Changes made to national legislation (<i>Source: MS and Commission</i>)</p> <p>Numbers of MS achieving minimum standards or above (<i>Source: Commission</i>)</p> | <p>Equal treatment of TCNs</p> <p><i>Measured by:</i></p> <p>Numbers granted/refused status (<i>Source: MS</i>)</p> <p>Increased number of TCNs accessing employment, education and training (rate of increase) (<i>Source: MS</i>)</p> <p>Increased mobility of TCNs</p> <p><i>Measured by:</i></p> <p>Number of TCNs moving from one MS to another (<i>Source: Commission</i>)</p> | <p>Approximation of national laws</p> <p>Equal treatment and application of uniform rights for TCNs across the EU</p> <p>Improved mobility of TCNs</p> <p>Improved integration of TCNs</p> | <p>Common standards difficult to achieve as Directive allows for scope for interpretation</p> |
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| <p>Directive on the admission of TCNs for the purposes of studies, pupil exchange, unremunerated training or voluntary service</p> | <p>To promote Europe as a world centre of excellence for studies and vocational training by promoting the mobility of TCNs to the Community for the purpose of studies</p> <p>The approximation of the Member States' national legislation on conditions of entry and residence</p> | <p>Transposition into national legal systems.</p> | <p>Approximation of national legislation</p> <p><i>Measured by:</i></p> <p>Changes made to national legislation (<i>Source: MS and Commission</i>)</p> <p>Numbers of MS achieving minimum standards or above (<i>Source: Commission</i>)</p> | <p>Increased mobility of TCNs to the Community for the purposes of study/vocational training</p> <p><i>Measured by:</i></p> <p>Numbers granted entry for study/vocational training/voluntary service (<i>Source: MS</i>)</p> | <p>Approximation of national laws</p> <p>Improved mobility of TCNs for study, vocational and volunteer purposes</p> | <p>Common standards difficult to achieve as Directive allows for scope for interpretation</p> |
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Policy sub-area 3: Integration of third-country nationals

Objectives:

To prevent the isolation of certain groups and achieve successful integration of Third Country Nationals and their descendents

To fight discrimination against legally residing Third Country Nationals

To promote the exchange of experience and information

Policy sub-area level indicators:

Instances of discrimination (*Source: FR Agency, MS*)

Employment rates of third country nationals (*Source: Commission - Eurostat, MS*)

Employment rates of second generation migrants (*Source: SOPEMI Report, MS*)

Relative income levels of third country nationals (*Source: Commission - Eurostat, MS*)

Proportion of third country nationals living in poverty (*Source: Commission - Eurostat, MS*)

| Main instrument (and type of instrument) | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
|--|------------|-------------------------------------|---------------------------------|----------|---------|------------------------------|
| | | | Immediate results | Outcomes | Impacts | |
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| <p>INTI preparatory actions (integration of TCNs)</p> | <p>Promote new and innovative ways of integrating immigrants.</p> <p>To encourage co-operation between MS and the creation of transnational partnerships and networks.</p> <p>Enhance empowerment of migrants.</p> <p>Promote dialogue with civil society.</p> | <p>Disbursement rate/amount spent per year</p> | <p>Successful implementation REFINE</p> <p><i>Measured by:</i></p> <p>Numbers of projects and activities implemented and average sums of money involved (<i>Source: MS + Commission</i>)</p> <p>Number of TCNs benefiting from projects</p> <p>Increased cooperation</p> <p><i>Measured by:</i></p> <p>Number of transnational networks set up (<i>Source: MS + Commission</i>)</p> <p>Number of new integration models identified and exchanged among MS</p> | <p>Identification of new and innovative practices</p> <p>Exchange of information and best practices promoted among EU MS</p> <p>Transnational networks and dialogue between stakeholders supported among MS</p> | <p>Increased cooperation among MS through networks and cooperation activities</p> <p>Increased dialogue with civil society</p> <p>Enhanced integration of TCNs</p> <p>Development and promotion of a European framework approach on integration of TCNs</p> | <p>Integration policies are implemented mainly at regional and local levels in MS.</p> <p>Differences exist among MS in terms of numbers of migrants and integration experience.</p> <p>Potential impacts may not be significant considering that this is a small fund with very diverse projects.</p> <p>Final evaluation is planned for 2007.</p> |
| <p>Policy sub-area 4: External dimension of asylum and migration</p> | | | | | | |

Objectives: Assist third countries in migration management, intensify MS cooperation to manage migration flows and prevent humanitarian crises, integrate migration into third country relations, develop policies that link migration, development cooperation and humanitarian assistance, intensify cooperation with third countries on southern and eastern border of EU

Policy sub-area level indicators:

Increase/decrease over a 5-year period of:

Numbers of legal migrants by third country (*Source: Commission - Eurostat*)

Numbers of illegal migrants by third country intercepted crossing an external border (*Source: Commission – Eurostat*)

Numbers of visa overstayers by third country intercepted (*Source: MS*)

Numbers of asylum applications by third country (*Source: Commission - Eurostat*)

Numbers of failed asylum applications by third country (*Source: Commission - Eurostat*)

Numbers of failed asylum seekers returning to country of origin /other third country (*Source: MS*)

Number of victims of trafficking from third countries (*Source: MS*)

| Main instrument (and type of instrument) | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
|--|------------|-------------------------------------|---------------------------------|----------|---------|------------------------------|
| | | | Immediate results | Outcomes | Impacts | |

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| <p>Programme for financial and technical assistance to third countries (AENEAS)</p> | <p>Give specific and complementary financial and technical aid to third countries in order to support their efforts to improve the management of migratory flows</p> <p>Develop legislation in third countries on legal immigration and international protection</p> <p>Raise public awareness in third countries on advantages of legal migration and consequences of illegal migration</p> <p>Establishment in third countries of preventive policy in the fight against illegal migration</p> <p>Readmission and durable reintegration of</p> | <p>Not applicable (action is at Community level)</p> | <p>Successful implementation</p> <p><i>Measured by;</i></p> <p>Number of information campaigns organised on advantages of legal migration/consequences of illegal migration in third countries (<i>Source: Commission</i>)</p> <p>Number of returnees benefiting from reintegration programmes (<i>Source: Commission</i>)</p> | <p>Development of legislation in third countries</p> <p><i>Measured by:</i></p> <p>New legislation passed in third countries on legal and illegal migration (<i>Source: Commission</i>)</p> <p>Decreased number of illegal migrants entering the EU</p> <p><i>Measured by:</i></p> <p>rate of decrease (<i>Source: Commission</i>)</p> | <p>Improved management of migration flows</p> <p>Decrease in illegal migration and trafficking</p> <p>Increased awareness in third countries on advantages of legal migration/consequences of illegal migration</p> <p>Successful reintegration of returnees</p> | <p>High number of external factors to the programme influence impact indicators. Causality links difficult to establish.</p> <p>As action is at Community level, MS will not contribute to evaluation.</p> <p>May be difficult to evaluate as this is a new area which is also highly political. A Communication on the future of the AENEAS fund was adopted in January 2006.</p> |
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| Policy sub-area 5: Return and re-admission | | | | | | |
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| Objectives: To establish an effective removal and repatriation policy based on common standards for persons to be returned in a humane manner and with full respect for their human rights and dignity. | | | | | | |
| Policy sub-area level indicators: | | | | | | |
| Increase/decrease over a 5-year period of: | | | | | | |
| Proportion of failed asylum seekers (and illegal migrants) who are repatriated (<i>Source: MS</i>) | | | | | | |
| Numbers returned to countries subsequently deemed unsafe within a period of two years (<i>Source: MS</i>) | | | | | | |
| Numbers (of labour market age) in employment in country of origin 12 months after being subject to return | | | | | | |
| Main instrument (and type of instrument) | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
| | | | Immediate results | Outcomes | Impacts | |

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| <p>Preparatory actions for Return Management</p> | <p>To support efforts made by MS to improve the organisation and implementation of integrated return management and specific measures in the area of return management</p> <p>To increase knowledge and capabilities in the area of return management</p> <p>To develop co-operation between MS with respect to return management as well as co-operation with countries of return</p> <p>To promote sustainable return, thereby avoiding secondary movements</p> | <p>Disbursement rate/amount spent per year</p> | <p>Number of actions implemented relating to the introduction and improvement of the organisation and implementation of integrated return management (Source: Commission)</p> <p>Number of actions implemented relating to the introduction and improvement of specific measures in the area of return management (Source: Commission)</p> <p>Number of actions implemented relating to the increase of knowledge and capabilities in the area of return management (Source: Commission)</p> | <p>Increased number of returnees</p> <p><i>Measured by:</i> rate of increase (Source: MS and Commission)</p> <p>Reduction in cost of detaining illegal migrants</p> <p><i>Measured by:</i> rate of reduction (Source: MS and Commission)</p> | <p>The strengthening of efforts made by Member States at improving the organisation and implementation of integrated return management</p> <p>Improved organisation and implementation of integrated return management</p> <p>Increased knowledge and capabilities in return management</p> <p>Increased cooperation between MS and countries of return with respect to return management</p> <p>Reduction in illegal migrants living in the Member States (overstayers)</p> <p>Increased removal of illegal third country nationals</p> <p>Decrease secondary movements</p> <p>Improved return conditions</p> | |
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| <p>Re-admission agreements</p> | <p>To facilitate the readmission to their own country of persons residing without authorisation in a Member State.</p> <p>To combat illegal immigration</p> <p>To improve the effectiveness of return procedures</p> | <p>(These are reciprocal agreements between the EU and third countries.)</p> | <p>Successful implementation of the agreements</p> <p><i>Measured by:</i></p> <p>Number of persons readmitted to third countries covered by the agreements</p> | <p>Increased number of returnees</p> <p><i>Measured by:</i> rate of increase (<i>Source: Commission and MS</i>)</p> <p>Reduction in cost for detaining illegal migrants</p> <p><i>Measured by:</i> rate of reduction (<i>Source: MS</i>)</p> | <p>Decrease in illegal immigration</p> <p>Improved effectiveness of return procedures</p> | <p>Agreements have been signed with Hong Kong, Macao, Albania, Sri Lanka and Russia. Others are currently being negotiated.</p> |
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Policy sub-area 6: Horizontal issues

| Main instrument (and type of instrument) | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
|--|------------|----------------------------------|---------------------------------|----------|---------|---------------------------|
| | | | Immediate results | Outcomes | Impacts | |

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| <p>Proposed mutual information procedure on planned national asylum and immigration measures</p> | <p>Enhance mutual information of national immigration and asylum policies between MS policy-makers</p> | <p>Cooperation by MS</p> | <p>Successful implementation of procedure</p> <p><i>Measured by:</i></p> <p>Number of national measures submitted through the system</p> <p>Number of responses generated to requests for information (Source: MS + Commission)</p> <p>Meetings organised (Source: MS + Commission)</p> | <p>Increased knowledge of other Member State policies and measures</p> | <p>Anticipation of effects of changes to other national policies</p> <p>Better understanding of other national contexts could lead to an enhancement of the possibilities for harmonisation</p> | <p>Procedure yet to be implemented.</p> <p>Implementation could start in 2007.</p> |
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| European Migration Network | Provide the Community and MS with objective, reliable and comparable information on migration and asylum. | Organisation of activities at national level by national contact points | <p>Successful implementation of network</p> <p><i>Measured by:</i></p> <p>Number of products produced (<i>Source: MS + Commission</i>)</p> <p>Number of meetings and conferences held (<i>Source: MS + Commission</i>)</p> <p>Number of networks set up at national level (<i>Source: MS</i>)</p> | <p>Better and faster access to information on migration and asylum</p> <p>Increased knowledge of issues at national level</p> <p>Increased information sharing between actors</p> | <p>Increased knowledge and understanding of the migration phenomenon at Member State and EU level</p> <p>Increased capacity to “anticipate” migratory developments</p> | Proposal and impact assessment due by September 2006 for a Council Decision on the future EMN. |
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| <p>Proposed Regulation on Community statistics on migration and international protection</p> | <p>Improve the statistical knowledge of migration-related phenomena by specifying the data to be collected, the timetables to be applied, the definitions and the quality standards.</p> | <p>Adoption of measures at national level</p> | <p>Successful implementation of Regulation</p> <p><i>Measured by:</i></p> <p>Increased proportion of statistical data items supplied according to the harmonised definitions as opposed to national definitions <i>(Source: MS)</i></p> <p>Increased proportion of statistical data items directly based on appropriate data sources as opposed to statistical estimations <i>(Source: Commission - Eurostat)</i></p> | <p>Increased availability of data</p> <p>Improvement to quality and comparability of data between Member States</p> <p><i>Measured by:</i></p> <p>Improvements in the completeness, timeliness and degree of harmonization of migration and asylum data supplied to the Commission - Eurostat <i>(Source: Commission - Eurostat)</i></p> | <p>Improved analyses of data</p> <p>Improved statistical knowledge</p> | <p>Regulation will probably be adopted in 2006. First reference year for the statistics will be 2008.</p> |
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| <p>Action Programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO)</p> | <p>To promote cooperation between national administrations responsible for implementing Community rules and to ensure that proper account is taken of the Community dimension in their actions</p> <p>To promote the uniform application of Community law</p> <p>To encourage transparency of actions taken by the national authorities</p> <p>To improve the overall efficiency of national administrations in their tasks</p> | <p>Disbursement rate/amount spent per year</p> | <p>Successful implementation of programme measured by:</p> <p>Number of projects implemented per activity area</p> <p>Number of training actions implemented</p> <p>Number of staff exchanges implemented</p> <p>Number of actions promoting data exchange implemented</p> <p>Number of studies, conferences and seminars conducted</p> <p><i>(Source: Commission)</i></p> | <p>Increased cooperation between national administrations and with third countries</p> <p><i>Measured by:</i></p> <p>Number of common operative centres and joint teams set up</p> <p>Number of cooperation activities in third countries set up</p> <p><i>(Source: Commission)</i></p> | <p>Uniform application of Community law</p> <p>Improved transparency of actions taken by national authorities</p> <p>Improved efficiency of national administrations</p> | <p>Mid-term evaluation to be completed in July 2006.</p> |
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POLICY AREA: ESTABLISHING A GENUINE EUROPEAN AREA OF JUSTICE IN CRIMINAL AND CIVIL MATTERS

Factors influencing evaluation mechanism:

The policy area includes both first pillar (civil justice) and third pillar (criminal justice) matters. The main instruments are legislation including the introduction of new legal instruments and activities to stimulate judicial cooperation. Evaluation should cover the implementation of mutual recognition instruments and the various flanking (confidence building) measures that make mutual recognition possible. The potential to identify the causal links between the interventions and the achievement of objectives is greater within civil matters than criminal matters. Information on the scale and nature of the relevant (cross border) civil and criminal matters is however poor. The instruments in both sub policy areas are potentially reinforcing. The classification of the instruments within the civil matters sub policy area relate to both process (cooperation and procedures) and to substantive problems addressed by the instruments (cross border disputes and breakdown of international marriages). There is also a miscellaneous sub category. The achievement of a European area of justice in criminal matters may be constrained by continued variations in definitions of crimes and penalties. Several of the instruments mentioned under civil matters are 'forthcoming'. They are included however because they illustrate aspects of the evaluation challenges in this policy area. The Judicial training instrument is relevant to both sub policy areas. There are close links between the instruments and objectives of the policy sub area 2 Criminal matters, and the objectives and activities in the policy area: law enforcement cooperation, prevention and fight against organised crime. Also, it should be noted that adjustments to the indicators put forward in criminal matters may take place in light of the implementation of the forthcoming Action Plan on statistics in the field of crime and criminal justice (see more expanded reference on page 49).

Policy sub-area 1: Civil matters

Objectives:

To increase mutual recognition and enforcement of judicial decisions

To establish clear rules on jurisdiction and applicable law

To reduce the costs of resolving cross border disputes

To increase the likelihood that cross border disputes are resolved

To reduce the likelihood of cross border disputes arising

To reduce the negative consequences of breakdowns in ‘international’ marriages and prevent child abduction

Policy sub-area level indicators:

Number of mutually recognised judicial decisions

Average costs (of different types) of cross-border disputes

Number of cross-border cases not resolved

Spouses’ (perceptions of) costs of international divorces

The number and amount of cross-border maintenance claims not paid

Source: MS

| Main instrument | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
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| | | | Immediate results | Outcomes | Impacts | |

Horizontal cooperation activities

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| <p>Specific programme ‘Civil justice’ (Framework Programme 2007-2013 Fundamental Rights and Justice)</p> | <p>To increase mutual confidence of judicial actors.</p> <p>To increase instances of mutual recognition.</p> <p>To reduce application of intermediate procedures.</p> | <p>Participation in and support for cooperation programme.</p> | <p>Number of meetings, workshops.</p> <p>Numbers of legal, judicial and administrative authorities involved in cooperation.</p> <p><i>Source: programme monitoring system</i></p> | <p>Increased knowledge of Member States legal and judicial systems in civil matters.</p> <p>Measured by:</p> <p>Levels of knowledge amongst relevant authorities (<i>Source: MS surveys</i>)</p> | <p>Mutually recognised decisions acted upon/ enforced.</p> <p>Increased legal certainty.</p> <p>Improved access to justice.</p> <p>Decreased costs and time spent in accessing justice due to disparities in civil law and civil procedures.</p> | <p>Establishing causal links between the interventions and outcomes and impacts will be problematic</p> |
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| <p>European judicial network in civil and commercial matters</p> | <p>To improve and facilitate co-operation in civil justice matters</p> <p>To facilitate access to justice and information</p> <p>To reduce costs of access to information on international and European law and national judicial systems by EU nationals (and therefore increase access).</p> | <p>Participation in and support for cooperation programme.</p> | <p>Meetings, publications website.</p> <p>Numbers of legal actors involved in cooperation.</p> <p><i>Source: Network management reports (Source: Commission)</i></p> | <p>Hits and usage of website (<i>Source: Commission</i>)</p> | <p>Improved access to justice and quality of advice on cross (internal) border issues.</p> <p>Improvement of judicial cooperation between MS and courts</p> | <p>Establishing causal links between the interventions and outcomes and impacts will be problematic</p> |
| <p><i>Rules on procedures</i></p> | | | | | | |

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| <p>Regulation on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters (Brussels I 44/2001)</p> | <p>To harmonise national rules of conflict of jurisdiction</p> <p>To simplify procedures for recognition and enforcement of judgements from MS</p> | <p>Implementation</p> | <p>Harmonised Community rules</p> <p><i>(Source: MS reporting to Commission)</i></p> | <p>Simpler and quicker procedures to recognise and enforce the judgements</p> <p>Measured by:</p> <p>Length of time taken to recognise and enforce the judgements</p> <p><i>(Source: MS)</i></p> | <p>Better and quicker access to justice</p> <p>Prevent conflict of jurisdiction</p> | <p>Clear intervention logic</p> |
| <p>Regulation on taking evidence in civil and commercial matters (1206/2001)</p> | <p>To improve, simplify and speed up procedures for taking evidence between the courts of different MS</p> | <p>Implementation</p> | <p>Establishment of facilitated cross-border procedures between courts in different MS for taking evidence</p> <p><i>(Source: MS reporting to Commission)</i></p> | <p>Quicker and more efficient judicial procedures</p> <p>Measured by:</p> <p>Length of time taken to take evidence between courts</p> <p><i>(Source: MS)</i></p> | <p>Better and quicker access to justice</p> | <p>Clear intervention logic.</p> |

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| <p>Regulation on the service of documents in civil and commercial matters (Regulation 1348/2000)</p> | <p>To increase efficiency and speed in judicial procedures</p> <p>To improve and expedite the transmission of documents between MS</p> | <p>Implementation</p> | <p>Establishment of common rules on transmission of judicial and extrajudicial documents between MS(<i>Source: MS reporting to Commission</i>)</p> | <p>Quicker and more efficient judicial procedures</p> <p>Measured by:</p> <p>Length of time taken to transmit the documents and enforce judgements</p> <p>(<i>Source: MS</i>)</p> | <p>Better and quicker access to justice</p> <p>Quicker judicial procedures</p> | <p>Clear intervention logic.</p> |
| <p>Directive on legal aid in cross-border disputes (Council Directive 2003/8/EC)</p> | <p>To guarantee adequate level of legal aid in cross-border disputes through establishing minimum common standards between MS</p> | <p>Implementation</p> | <p>Minimum common standards relating to legal aid in cross-border disputes</p> <p>(<i>Source: MS reporting to Commission</i>)</p> | <p>Adequate levels of legal aid in cross-border disputes</p> <p>(<i>Source: MS</i>)</p> | <p>Improved access to justice, especially of vulnerable groups</p> | <p>Clear intervention logic.</p> |
| <p><i>Resolution of cross border disputes</i></p> | | | | | | |

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| European payment order (forthcoming) | <p>To reduce the costs and time taken to make payments.</p> <p>To increase the number of cross-border orders for payment</p> | Implementation | Numbers of cross-border orders for payment made | Reduction of intermediate procedures | <p>Reduced costs and time of litigation in cross-border cases concerning uncontested pecuniary claims.</p> <p>Improved access to justice.</p> <p>Facilitated recovery of cross-border debts</p> | Establishing causal links between the interventions and outcomes and impacts will be problematic. Proposal yet to be adopted. |
| European enforcement order for uncontested claims (Regulation 805/2004) | To enable quick and efficient enforcement of an uncontested claim between MS | Implementation | <p>Number of applications of European enforcement order in EU MS</p> <p><i>(Source: MS)</i></p> | <p>Quicker and more efficient enforcement of uncontested claims in another MS</p> <p>Measured by:</p> <p>Length of time needed to enforce such a claim</p> <p><i>(Source: MS)</i></p> | <p>Reduced costs and time in such cross-border cases</p> <p>Improved access to justice</p> | Establishing causal links between the interventions and outcomes and impacts will be problematic |

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| Instrument on Alternative Dispute Resolution (ADR) | <p>To reduce the costs of dispute resolution</p> <p>To facilitate recourse to mediation by improving legal certainty</p> | Implementation | More possibilities and better awareness of possibilities for ADR | More attempts to use ADR | <p>Reduced costs of dispute resolution</p> <p>More disputes resolved without going to court</p> | Establishing causal links between the interventions and outcomes and impacts will be problematic |
| Instrument on small claims | <p>To facilitate cross-border access to justice for small claims</p> <p>To reduce the costs and time taken to resolve small claims.</p> <p>To increase the number of legitimate small claims made.</p> | Implementation | <p>Application of Small Claims Procedure in the 25 EU MS</p> <p><i>(Source: MS)</i></p> | <p>Increased number of small claims pursued.</p> <p><i>(Source: MS)</i></p> | <p>More small claims resolved.</p> <p>Increased legal certainty.</p> <p>Increased access to justice.</p> | Proposal yet to be adopted. |
| <i>Marriage and divorce law</i> | | | | | | |

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| <p>Instrument on maintenance obligations</p> | <p>To improve and simplify enforcement procedures of maintenance obligations.</p> <p>To enhance cooperation.</p> <p>To clarify what is applicable (non-conflicting) law</p> | <p>Implementation</p> | <p>Application of Regulation in maintenance obligations proceedings in 25 EU MS</p> <p><i>(Source: MS)</i></p> | <p>Reduction of intermediate procedures.</p> <p>Reduced cases of forum shopping</p> <p>Increased cooperation between legal professionals / competent authorities in the Member States</p> <p><i>(Source: MS)</i></p> | <p>Increased legal certainty</p> <p>Better informed decisions</p> <p>Mutually recognised decisions acted upon/ enforced.</p> <p>Facilitated recovery of debts (maintenance for creditors)</p> | <p>Instrument is at the Council discussion stage.</p> <p>Establishing causal links between the interventions and outcomes and impacts will be problematic. Evaluation requires good data from the Member States.</p> |
| <p>Regulation on jurisdiction and recognition and enforcement of judgements in matrimonial matters and parental responsibility (Brussels II, 2201/2003)</p> | <p>To harmonise rules of jurisdiction</p> <p>To enable automatic recognition and enforcement of judgements between MS</p> | <p>Implementation</p> | <p>Establishment of harmonised rules on jurisdiction</p> <p><i>(Source: MS)</i></p> | <p>Quicker and more efficient recognition and enforcement of judgements</p> <p>Measured by:</p> <p>Length of time taken to recognise and enforce a judgement</p> <p><i>(Source: MS)</i></p> | <p>Better access to justice</p> <p>Better protection of citizens in case of divorce</p> <p>Facilitated visiting rights for parents</p> <p>Better protection of children's' rights</p> | <p>Evaluation requires good data from the Member States.</p> |

| <i>Various</i> | | | | | | |
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| Instrument on the conflict of laws in the area of contractual obligations (Rome I). | <p>To reduce costs associated with differences regarding non-contractual obligations</p> <p>To increase party autonomy and flexibility</p> <p>To increase legal certainty for consumers and internal market</p> | Implementation | <p>Numbers of cross-border disputes settled</p> <p>Application of conflict of law rules in the MS</p> <p><i>(Source: MS)</i></p> | <p>Improved mutual trust between judicial authorities</p> <p>Faster procedures.</p> <p><i>(Source: MS)</i></p> | <p>Reduced uncertainty.</p> <p>Reduced costs.</p> <p>Facilitated mutual recognition of international contracts</p> | Proposal in discussion stage. |
| Proposal for a regulation on the law applicable to non-contractual obligations (Rome II, COM(2003) final) | <p>To harmonise rules on non-contractual obligations</p> <p>To increase legal certainty</p> | Implementation | <p>Provision of a set of community rules</p> <p>Application of rules in the MS</p> <p><i>(Source: MS)</i></p> | <p>Improved mutual trust between judicial authorities</p> <p>Faster procedures.</p> <p><i>(Source: MS)</i></p> <p>Increased legal certainty for victims of damages and perpetrators of torts</p> | <p>Reduced legal uncertainty.</p> <p>Better access to justice</p> <p>Reduced costs of accessing justice</p> | Establishing causal links between the interventions and outcomes and impacts will be problematic |

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| <p>Regulation on insolvency proceedings (1346/2000)</p> | <p>To improve efficiency and effectiveness of cross-border insolvency proceedings</p> <p>To prevent shopping for a more favourable legal position</p> | <p>Implementation</p> | <p>Provision of a set of community rules</p> <p>Application of rules in the MS</p> <p><i>(Source: MS)</i></p> | <p>More efficient and effective cross-border insolvency proceedings</p> <p>Prevention of shopping for a more favourable legal position</p> <p>Measured by:</p> <p>Time taken for proceedings</p> <p>Perceptions of shopping amongst legal professionals</p> <p><i>(Source: MS, surveys)</i></p> | <p>Better access to justice</p> <p>Reduced costs of accessing justice</p> <p>Better resolution of cross border insolvencies</p> <p>Better cooperation between courts and administrators of insolvency</p> | <p>Clear intervention logic</p> |
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| <p>Directive on compensation to crime victims (2004/80/EC)</p> | <p>To facilitate better access for victims to compensations where crime was committed in another MS</p> <p>To establish a compensation mechanism in such cases</p> | <p>Implementation</p> | <p>Co-operation mechanism between MS set up</p> <p><i>(Source: MS)</i></p> | <p>Better access to compensation to victims of crimes in cross-border situations</p> <p><i>(Source: MS)</i></p> | <p>Better access to justice</p> <p>Better compensation for victims of cross-border crime in Europe</p> | <p>Clear intervention logic</p> |
| <p>Policy sub-area 2: Criminal matters (Justice)</p> | | | | | | |

Objectives:

To promote mutual recognition

To increase confidence and other conditions leading to mutual recognition

To reduce differences in the definition of crimes. In particular, to explore common definitions and procedures for human trafficking and cross border crimes

To reduce differences in detention and trial procedures

To improve taking of evidence

To reduce differences in penalties

To speed up cross border arrest and surrender procedures

To facilitate cross border management, freezing and confiscation of criminal assets

To protect victims of crime

Policy sub-area level indicators:

Number of mutually recognised judicial decisions

Extent of mutual confidence: proportion of officials in national administrations who have high confidence in other MS systems (measured by surveys of national authorities)

Level of awareness of judicial actors of other MS systems

Number of definitions of crimes approximated

Number of reduced differences in detention and trial procedures and definition of penalties

Length of cross-border arrest and surrender procedures

Size of criminal assets frozen and confiscated in cross-border cases

Source: MS

| Main instrument (and type of instrument) | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific /comments issues |
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| <p>European arrest warrant and the surrender procedures between Member States (Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA))</p> | <p>To facilitate and expedite surrender procedures in respect of persons wanted for trial and sentenced persons between Member States</p> | <p>Transposition</p> | <p>Numbers of arrest warrants issued, executed and refused</p> <p>Numbers of persons surrendered and of persons received from other Member States and numbers of persons consenting to surrender.</p> <p>(Source: MS)</p> | <p>Faster and simpler surrender procedures</p> <p><i>Measured by:</i></p> <p>Average duration of surrender procedures (<i>Source: MS</i>)</p> | <p>Increased visibility of mutual recognition, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.</p> <p>Increased security and safety within the EU</p> | <p>Requires good data from MS. MS must actively participate in evaluation.</p> |
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| <p>Instrument on the execution of orders freezing property or evidence (Council Framework Decision 2003/577/JHA of 22 July 2003)</p> | <p>To facilitate recognition and execution of freezing orders issued by a judicial authority of another Member State</p> | <p>Transposition</p> | <p>Number of freezing requests issued and executed (Source: MS)</p> | <p>Increased efficiency and effectiveness of freezing orders <i>Measured by:</i> Faster procedures to freeze assets Increased use of procedures to freeze assets Increased speed of national procedures as a consequence of freezing order Improved access to evidence obtained/ Improved recovery of assets <i>(Source: MS)</i></p> | <p>Increased efficiency of procedures; increased mutual confidence between judicial authorities. Decreased levels of organised crime <i>(Source: Europol reports)</i></p> | <p>Requires good data from MS.</p> |
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| <p>Instrument on the application of the principle of mutual recognition to financial penalties (Council Framework Decision 2005/214/JHA of 24 February 2005)</p> | <p>To facilitate the enforcement of financial penalties imposed by judicial or administrative authorities in a Member State other than the State in which the penalties were imposed.</p> | <p>Transposition</p> | <p>Number of decisions and issued and executed <i>(Source: MS)</i></p> | <p>Faster and more effective procedures to ensure enforcement of financial penalties Measured by: Average length of procedures <i>(Source: MS)</i></p> | <p>Dissuasive effect to potential criminals and decreased level of financial crime Increased visibility of mutual recognition, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.</p> | <p>Requires good data from MS. Difficult to measure causal links between outcomes and impacts</p> |
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| <p>Instrument on the exchange of information extracted from the criminal record (Council Decision 2005/876/JHA of 21 November 2005)</p> | <p>To improve exchanges of information on criminal records between Member States</p> | <p>Voluntary compliance</p> | <p>Number of requests sent , number of replies sent</p> <p>-for the purpose of criminal proceedings, and</p> <p>- for other purposes</p> <p>Respect of deadlines</p> <p><i>(Source: MS)</i></p> | <p>Improved knowledge available to sentencing authorities about the convicted person's full European criminal record.</p> <p>Improved circulation of information on criminal records for other purposes (e.g. employment)</p> <p>Improved quality of information on criminal records from abroad in the Member State of nationality</p> <p><i>(Source: MS)</i></p> | <p>Dissuasive effect to potential criminals and hence decreased levels of crime</p> <p>Increased visibility of mutual recognition, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.</p> <p>More appropriate and better informed sentencing decisions</p> | <p>Requires good data from MS.</p> <p>Difficult to measure causal links between outcomes and impacts</p> |
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| <p>Instrument on the standing of victims in criminal proceedings (Council Framework Decision of 15 March 2001)</p> | <p>To assist victims before or after criminal proceedings</p> | <p>Transposition</p> | <p>Application of rules the instrument <i>(Source: MS)</i></p> | <p>Better information for victims on legal advice and on their rights, protection for vulnerable victims and more appropriate methods of obtaining evidence</p> <p>Improved situation for victims in relation to criminal proceedings <i>(Source: MS)</i></p> | <p>Raised awareness of victims' rights amongst practitioners</p> <p><i>Measured by MS surveys</i></p> <p>Better access to justice</p> | <p>Requires good data from MS.</p> |
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| <p>Framework programme on police and judicial cooperation in criminal matters (AGIS)</p> | <p>Help legal practitioners, law enforcement officials and representatives of victim assistance services from the EU Member States and Candidate Countries set up Europe-wide networks, exchange information and best practices.</p> <p>Encourage Member States to step-up co-operation with the applicant countries and other third countries</p> | <p>Commitments to AGIS projects</p> <p>Participation</p> | <p><i>Number of activities promoting training and expert mobility</i></p> <p><i>Number of dissemination activities</i></p> <p><i>Number of conferences and seminars</i></p> <p><i>Number of studies, research and evaluations</i></p> <p><i>(Source: Commission)</i></p> | <p>Development of instruments, strategies and activities for cooperation</p> <p>Development of methods, techniques and instruments for operational and training use</p> <p>Exchange and dissemination of information, experience and best practices</p> <p><i>(Source: Commission)</i></p> | <p>Improved operational procedures and approaches</p> <p>Better operational cooperation</p> <p>Cross-border use of good practices</p> <p>Mutual understanding of respective police, legal and administrative systems</p> <p>Common perception of criminality</p> | <p>Transnational cooperation activities normally require qualitative approaches to evaluation taking account of varying contexts.</p> |
| <p>Flanking measures in place</p> | | | | | | |

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| <p>The European Judicial Network (Joint Action of 29 June 1998 adopted by the Council)</p> | <p>To improve judicial cooperation between Member States through direct contacts between judicial authorities</p> | <p>Designation of national contact points</p> | <p>Regular meetings, creation and updating of specific tools (website, "fiches belges", atlas and SOLON legal glossary)</p> <p>Number of cases in which the EJNI is involved.</p> <p><i>(Source: EJNI and Member States)</i></p> | <p>Increased efficiency of procedures and better communication between judicial authorities.</p> <p>Measured by:</p> <p>Average duration of procedures, analysis of outcomes of proceedings, perceptions of ECJ as a communication tool</p> <p><i>(Source: EJNI and Member States)</i></p> | <p>Improved functioning of mutual recognition instruments, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.</p> | |
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| <p>Eurojust (Council Decision of 28 February 2002)</p> | <p>Better co - ordination of investigation and prosecution of serious cross-border crime</p> | <p>Appointment of national experts to Eurojust</p> | <p>Immediate access to information about legal systems from a practitioner of the nationality of the Member States in question.</p> <p>Measured by: number of cases where Eurojust is used</p> <p>Establishment of the coordination role.</p> <p>Establishment of Eurojust as a potential arbiter of conflicts of jurisdiction.</p> <p>Establishment of Eurojust as reporting authority for problems with European Arrest Warrants.</p> <p><i>(Source: Eurojust and MS)</i></p> | <p>Increased efficiency of procedures and better communication between prosecutors and judicial authorities.</p> <p>Measured by:</p> <p>Average duration of procedures, analysis of outcomes of proceedings</p> <p><i>(Source: Eurojust and MS)</i></p> | <p>Increased cross border prosecution rates and improved efficiency (evidence gathering, mutual information exchange on procedural matters)</p> <p>Improved functioning of mutual recognition instruments, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.</p> | |
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| <p>Joint investigation teams</p> <p>(Council Framework Decision of 13 June 2002)</p> | <p>To facilitate, expedite and improve investigations in cross border cases</p> | <p>Transposition</p> | <p>Setting up of joint investigation teams</p> <p>Number of cases investigated by such teams</p> <p>(Source: MS)</p> | <p>Efficient gathering of evidence in cross border cases</p> <p>Measured by:</p> <p>Average duration of cross-border case reaching the court</p> <p>(Source: MS)</p> | <p>Increased range of judicial cooperation tools.</p> <p>Improved functioning of mutual recognition instruments, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.</p> | |
| <p>Horizontal instrument for both Sub Policy area 1 (Civil matters) and Sub Policy area 2 (Criminal matters)</p> | | | | | | |

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| <p>Judicial training</p> | <p>To improve knowledge of relevant EU instruments among legal practitioners</p> <p>To enhance mutual understanding of legal systems among judges and prosecutors</p> <p>To co-ordinate national judicial training programmes</p> <p>To promote better language skills among European legal practitioners</p> | <p>Participation in training activities</p> | <p>Organisation of training activities</p> <p><i>Measured by:</i> Training programmes offered, number of participants benefiting from training on EU matters)</p> <p><i>(Source: Commission. Participant feedback)</i></p> | <p>In evaluating the success of this policy, regard must be had to the effective use of available EU funding.</p> <p>Increased number of judicial training activities, increased coordination between national judicial training programmes, development of the European Judicial Training Network.</p> <p><i>Measured by:</i></p> <p>Quality of training activities, number of participants in exchanges Improved knowledge of European and international instruments amongst judges and prosecutors</p> <p>(Source: MS Interviews with law enforcement and judicial actors)</p> | <p>Increased understanding of mutual recognition</p> <p>Promotion of a European judicial culture.</p> | |
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5.1. POLICY AREA: LAW ENFORCEMENT COOPERATION AND PREVENTION OF AND FIGHT AGAINST GENERAL ORGANISED CRIME

Factors influencing evaluation mechanism: Policy based on the TEU Title VI (third pillar). Activities include legislation, including the approximation of crimes and penalties and cooperation measure. Establishing causal links between the EU interventions and the ultimate objective of reducing crime is always likely to be problematic. The current factsheet intends to facilitate the assessment of the implementation of EU instruments in this area. Full fledged evaluation will require substantial improvements in the quality and availability of statistical information in the field of crime and criminal justice. The forthcoming Action Plan in this field (to be adopted by the Commission in July 2006) will address these issues and put forward concrete proposals, including carrying out an inventory and setting-up an expert group. In this context, this factsheet and the indicators included therein will necessarily be adjusted and improved in the light of the implementation of the Action Plan, and could be used as a starting point for discussions in this field.

Policy sub-area 1: Crimes and Sanctions (i.e. legislation to fight organised (cross border) crime and terrorism)

Objectives:

To combat:

- Terrorism
- Smuggling and trafficking of human beings,
- Sexual exploitation, racism and xenophobia,
- Financial and economic crime,
- Environmental crime,
- Illicit trafficking in goods,
- Organised crime and cyber crime.

To reduce the financial resources available to those involved in organised crime

To criminalise active and passive corruption

Policy sub-area level indicators:

Numbers and trends of successful prosecutions for (Source: *UN crime and criminal justice trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics*):

- Smuggling and trafficking of human beings,
- Sexual exploitation,
- Financial and economic crime,
- Environmental crime,
- Illicit trafficking in goods (including firearms),

Numbers of successful prosecutions for organised crime (Source: *UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics*)

Numbers of prosecutions for active and passive corruption (Source: *UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics*)

Perception of levels of active and passive corruption (Source: *Transparency International survey*)

Numbers of crimes subject to EU interventions and instruments (Source: *UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics*)

| Main instrument | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
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| | | | Immediate results | Outcomes | Impacts | |

Terrorism

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| <p>Council Framework Decision (FD) of 13 June 2002 on combating terrorism (2002/475/JHA)</p> | <p>To approximate the definition of terrorist offences, and penalties and sanctions in all MS</p> <p>To establish jurisdictional rules to ensure that offences are prosecuted</p> <p>To apply specific measures for victims of terrorist offences</p> | <p>Implementation of FD</p> | <p>Application of FD provisions.</p> <p><i>Measured by:</i></p> <p>The number of definitions of offences, penalties and sanctions approximated</p> <p>Number of measures applied for victims of terrorist offences</p> <p><i>(Sources: MS)</i></p> | <p>Number of terrorists prosecuted as a result of FD</p> | <p>Reduced instances of terrorist activities</p> <p>Improved help to victims of terrorism</p> | <p>Difficult to assess the causal links between outputs, outcomes and impacts</p> |
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| <p>Pilot project on victims of terrorism</p> | <p>To help the victims of terrorist acts and/or their relatives to recover by means of social or psychological support provided by organisations and/or their networks.</p> <p>To raise the awareness of the European public against the terrorist threat, so that the traditional fight against terrorism through police and judiciary measures can be complemented by public opinion condemning terrorism in all its forms.</p> | <p>Implementation of projects</p> | <p>Number of beneficiaries assisted through psychological support</p> <p>Number of special training programmes organised</p> <p>Number of social integration programmes organised for victims</p> <p>Number of special medical programmes created</p> <p>Number of events and information campaigns organised</p> | <p>Improved cooperation and exchange</p> <p>Increased research on the situation of victims of terrorist acts</p> <p>Creation of reception centres for victims</p> | <p>Improved social and psychological support to victims of terrorist attacks</p> <p>Increase awareness of the European public</p> | |
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| Pilot project on prevention, preparedness and response to terrorist attacks | To combat terrorism To improve the security of citizens | Implementation of projects | Number of studies carried out Number of expert networks set up | Development of capabilities for the management of crises Exchange of experience and best practice | Improved expertise on terrorism Increased exchange of expertise Increased cooperation with international partners | |
| Smuggling and trafficking of human beings | | | | | | |
| Council Framework Decision (FD) 2002/629/JHA of 19 July 2002 on combating trafficking in human beings | Reduce human trafficking | Implementation of FD | Application of FD provisions. <i>Measured by:</i> Number of detentions resulting from FD <i>(Source: MS)</i> | Successful prosecutions resulting from FD <i>(Source: MS)</i> | Reduced trafficking in human beings Reduction in damage to victims of trafficking | Identifying cases specifically linked to FD may be problematic |
| Sexual exploitation | | | | | | |

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| <p>Council framework decision (FD) 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography</p> | <p>Reduce sexual exploitation of children. Reduce child pornography.</p> | <p>Implementation of FD</p> | <p>Application of FD provisions. <i>Measured by:</i> Number of detentions resulting from FD <i>(Source: MS)</i></p> | <p>Successful prosecutions resulting from FD <i>(Source: MS)</i></p> | <p>Reduced sexual exploitation of children. Indicated for example by reductions in numbers of complaints. Reduced child pornography. Indicated for example by reduction in number of illicit websites and other outlets.</p> | <p>Identifying cases specifically linked to FD may be problematic</p> |
| <p>Financial and economic crime</p> | | | | | | |

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| Council Framework Decision (FD) of 22 July 2003 criminalising corruption in private sector | Criminalise active and passive corruption | Implementation of FD | Application of FD provisions. <i>Measured by:</i> New crimes detected as a result of FD Number of detentions resulting from FD <i>Source: MS)</i> | Successful prosecutions resulting from FD <i>(Source: MS)</i> | Reduced corruption in private sector. <i>(Source: Transparency International surveys)</i> | |
| FD on money laundering and counterfeiting of non-cash payments | Criminalise fraud involving any form of non-cash means of payment in all MS | Implementation of FD | Application of FD provisions. <i>Measured by:</i> New crimes detected as a result of FD Number of detentions resulting from FD <i>Source: MS)</i> | Successful prosecutions resulting from FD <i>(Source: MS)</i> | Reduced money laundering and counterfeiting of non-cash payments <i>(Source: national criminal justice statistics)</i> | |
| Illicit trafficking in goods | | | | | | |

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| Proposal for a regulation on import/export licensing system for firearms | Reduce firearms trafficking. Harmonize the regime for import and export of firearms. | Establishment of the system | Application of the regulation <i>Measured by:</i> Numbers of arms licensed <i>(Source: MS)</i> | Increased control over imports and exports of firearms <i>Measured by:</i> perceptions of law enforcement agencies <i>(Source: MS)</i> | Reduced firearms trafficking Reduced use of illicit firearms | Clear intervention logic (forthcoming) The instrument is relevant to borders policy area. |
| Organised crime | | | | | | |

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| <p>Council Framework Decision 2001/500/JHA of 26 June 2001 relating to money laundering, identification, tracing, freezing or seizing and confiscation of the instrumentalities and proceeds from crime</p> | <p>Approximate definitions, incriminations and sanctions</p> <p>Improve mutual legal assistance in the investigation and prosecution of this type of crime</p> | <p>Implementation of FD</p> | <p>Application of rules and provisions contained in FD</p> <p><i>Measured by:</i></p> <p>Instances of suspicious transactions reported to entities subject to reporting obligations</p> <p>Penalties resulting from FD</p> <p>Prosecutions resulting from FD</p> <p>Reduction of the differences in maximum penalties among MS</p> <p><i>(Source: MS, Commission)</i></p> | <p>Assets frozen and confiscated.</p> <p><i>Measured by:</i></p> <p>Effective judgments pronounced</p> <p>Amounts frozen and confiscated <i>(Source: MS)</i></p> | <p>Reduced money laundering</p> <p>Reduced crime</p> <p><i>Measured by:</i></p> <p>Perceptions of law enforcement agencies.</p> | <p>Regular monitoring reports from the Commission</p> <p>Identifying cases specifically linked to the FD may be problematic</p> <p>(This instrument might fit better under financial crime although it is about enacting penalties and might better fit under Justice criminal matters. Evaluation need to be done in combination with the third money laundering directive).</p> |
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| <p>Proposal for a FD on fight against organised crime (2005)</p> | <p>Harmonise the definition of offences and penalties</p> <p>Facilitate cooperation between judicial authorities and coordinate their activities.</p> | <p>Implementation of FD</p> | <p>Application of rules and provisions contained in FD.</p> <p><i>Measured by:</i></p> <p>Better harmonised definition of offences and penalties.</p> <p>Instances of judicial cooperation</p> <p><i>(Source: MS, Commission)</i></p> | <p>Increased judicial co-operation</p> <p><i>Measured by:</i></p> <p>Trials and successful prosecutions resulting from FD</p> <p><i>(Source: MS)</i></p> | <p>Reduced organised crime</p> <p><i>Measured by:</i></p> <p>Perceptions of law enforcement agencies.</p> | <p>Difficult to measure impacts</p> <p>Identifying cases specifically linked to the FD may be problematic</p> <p>(This too might better fit under Justice criminal matters policy area)</p> |
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| <p>Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. (April 2004)</p> | <p>Reduce organised crime participation in illegal migration and human trafficking</p> <p>Facilitate victims giving evidence against suspected criminals</p> | <p>Implementation of Directive</p> | <p>Application of rules and provisions contained in Directive</p> <p><i>Measured by</i></p> <p>Instances of residence permits issued</p> <p><i>(Source: MS)</i></p> | <p>More victims testifying against suspected criminals</p> <p>Successful prosecution of suspected criminals</p> <p><i>(Source: MS)</i></p> | <p>Reduced organised crime participation in illegal migration and human trafficking</p> <p><i>Measured by:</i></p> <p>Perceptions of migration and law enforcement agencies.</p> | <p>This instrument is relevant to borders policy area.</p> <p>(It does not fit easily in this sub category.)</p> |
| <p>Policy sub area 2: Cooperation and exchange of information to enforce the law.</p> | | | | | | |
| <p>(The architecture of the instruments in this sub policy area is such that the instruments should be reinforcing. Capturing these synergies in evaluation work would be of value)</p> | | | | | | |

Objectives:

To increase cooperation between police and customs authorities of MS

To increase cooperation of MS police and customs authorities with Europol

To develop and improve use of ‘intelligence led law enforcement’ and Joint Investigation Teams

To encourage exchange of experiences on best practice on investigative techniques

To improve the quality of Member States law enforcement data with the assistance of Europol

Policy sub-area level indicators:

Number of formal joint investigations

Number of informal joint investigations

Number of successful prosecutions resulting from joint investigations (formal and informal)

Number of successful prosecutions resulting from the adoption of best practice investigative techniques

Extent of mutual confidence: proportion of officials in national administrations/law enforcement authorities who have confidence in other MS systems (measured by surveys of national authorities)

Periods of time (person days) on (trans-national) exchanges of staff

Source: MS

| Main instrument | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
|-----------------|------------|----------------------------------|---------------------------------|----------|---------|---------------------------|
| | | | Immediate results | Outcomes | Impacts | |
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| <p>Schengen Information System (SIS) II</p> | <p>Sharing of information among MS in order to refuse entry on the basis of uniform practices</p> | <p>Consistent input and further use of information among MS</p> | <p>Quality and a Availability of SIS II information for competent national authorities</p> <p><i>Measured by:</i></p> <p>Number of records per category</p> <p><i>(Source: MS and Commission)</i></p> | <p>Success in using SIS information.</p> <p><i>Measured by:</i></p> <p>Number of correctly identified persons who should be refused entry and wanted goods discovered</p> <p><i>(Source: MS)</i></p> | <p>Reduced permeability of the external border.</p> <p>Increased confidence to promote ‘free movement’ policies.</p> | <p>Clear intervention logic.</p> <p>Evaluation methods – analysis of trends and process changes.</p> <p>Commission responsible for evaluation co-ordination and analysis, MS for information analysis. Most of the analysis will depend upon information from MS.</p> <p>Evaluation will be very difficult.</p> |
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| <p>Common position on the exchange of data with Interpol on passports</p> | <p>To prevent and combat serious and organised crime including terrorism through improved cooperation between MS' law enforcement authorities and between them and such authorities in third Countries by exchanging passport data with Interpol</p> | <p>Exchange of data with Interpol through database on stolen travel documents</p> | <p>Number of data records forwarded to Interpol</p> | <p>Enhanced cooperation between law enforcement authorities</p> | <p>Decreased illicit activities</p> | |
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| <p>Task Force of Police Chiefs</p> | <p>Create conditions for cooperation</p> | <p>Participation of police chiefs (or alternates)</p> | <p>Cooperation activities. <i>Measured by:</i> Meetings held Informal contacts Formal cooperation agreements <i>(Source: MS)</i></p> | <p>Mutual cooperation <i>Measured by:</i> Instances of cooperation Perceptions of participants <i>(Source: MS)</i></p> | <p>Sustained cooperation <i>Measured by:</i> Instances of cooperation arising indirectly and at lower levels. Decrease in criminal activities <i>Measured by:</i> Number of arrests, prosecutions, and convictions</p> | <p>By its nature a difficult instrument to evaluate in its own right.</p> |
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| Europol | Promote cooperation between MS law enforcement agencies | Provision of information, application and use of information received from Europol or via bilateral cooperation initiated by Europol | <p>Cooperation activities</p> <p><i>Measured by</i></p> <p>Strategic analyses undertaken,</p> <p>Instances of exchange of intelligence.</p> <p>Use of formal joint investigation teams</p> <p>Use of informal joint investigation teams</p> <p>Number of investigations informed.</p> <p><i>(Source: Europol and perceptions of participating MS and law enforcement agencies).</i></p> | <p>Better law enforcement</p> <p><i>Measured by:</i></p> <p>Trials resulting from exchanges of intelligence and cooperation.</p> <p>Successful prosecutions resulting from exchanges of intelligence and cooperation.</p> <p><i>(Source: MS and Europol)</i></p> | <p>Reduced ‘cross border’ crime</p> <p>Reduced crime</p> <p><i>(Sources: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, UK Home Office international criminal justice statistics)</i></p> | <p>Evaluation needs to acknowledge the real constraints on multilateral police cooperation (issues of confidentiality and credit for solving cases) and the potentially weak links between police cooperation and reductions in crime.</p> <p>Evaluation work has included peer reviews</p> |
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| <p>CEPOL</p> | <p>Improve likelihood of (transnational) cooperation.</p> <p>Improve competences of trainees.</p> | <p>Commitment to EU level training</p> | <p>EU level Training activities</p> <p><i>Measured by:</i></p> <p>Number of police officers trained</p> <p>Number of courses offered</p> <p><i>(Source: CEPOL, including potential follow up survey of trainees.)</i></p> | <p>Improved cooperation</p> <p><i>Measured by:</i></p> <p>Resulting instances of cooperation between individual officers.</p> <p>Resulting instances of cooperation between agencies</p> <p>Resulting improved investigations.</p> <p>Resulting detentions and prosecutions</p> <p><i>(Sources: MS Law enforcement agency records, judicial records)</i></p> | <p>Increased competence in cross border level practice</p> <p>Reduced ‘cross border’ crime</p> <p>Reduced crime</p> <p><i>(Sources: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, UK Home Office international criminal justice statistics)</i></p> | <p>Identifying causal links with impacts will be especially difficult.</p> <p>An report on the operation and future of CEPOL was published in January 2006.</p> |
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| <p>Framework programme on police and judicial cooperation in criminal matters (AGIS)</p> | <p>Help legal practitioners, law enforcement officials and representatives of victim assistance services from the EU Member States and Candidate Countries set up Europe-wide networks, exchange information and best practices.</p> <p>Encourage Member States to step-up co-operation with the applicant countries and other third countries</p> | <p>Commitments to AGIS projects</p> <p>Participation</p> | <p><i>Number of activities promoting training and expert mobility</i></p> <p><i>Number of dissemination activities</i></p> <p><i>Number of conferences and seminars</i></p> <p><i>Number of studies, research and evaluations</i></p> <p><i>(Source: Commission)</i></p> | <p>Development of instruments, strategies and activities for cooperation</p> <p>Development of methods, techniques and instruments for operational and training use</p> <p>Exchange and dissemination of information, experience and best practices</p> <p><i>Source: Commission)</i></p> | <p>Improved operational procedures and approaches</p> <p>Better operational cooperation</p> <p>Cross-border use of good practices</p> <p>Mutual understanding of respective police, legal and administrative systems</p> <p>Common perception of criminality</p> | <p>Transnational cooperation activities normally require qualitative approaches to evaluation taking account of varying contexts.</p> |
| <p>Policy sub area 3: Crime Prevention</p> | | | | | | |

Objectives:

To reduce instances of (cross border organised) crime

To establish European instruments for collecting, analysing and comparing information on crime and victimisation.

To provide better information on trends in crime in Member States

Policy sub-area level indicators:

Numbers of successful prosecutions of cross border organised crime

The frequency with which EU level statistics are collected (benchmark: annually)

The level of reliability of data (for example, number of definition changes), also indicated by the levels of confidence in data by key actors
(*source: regular surveys*)

Consistency of data between Members States (for example, numbers of definition variations), indicated the levels of confidence in data by key actors
(*source: regular surveys*)

Source: Commission, MS

| Main instrument | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
|-----------------|------------|----------------------------------|---------------------------------|----------|---------|---------------------------|
| | | | Immediate results | Outcomes | Impacts | |
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| Forum on organised crime prevention | <p>Better exchange of information</p> <p>Creation of a Platform of expertise</p> | Active participation from MS | <p>Coordination and cooperation of activities</p> <p><i>Measured by:</i></p> <p>Meetings and seminars held</p> <p>Studies undertaken etc.</p> <p><i>(Source: Commission)</i></p> | <p>Better and increased information base</p> <p>Better legal and other instruments</p> <p><i>Measured by:</i></p> <p>Application and dissemination of information and best practices exchanged</p> <p><i>(Source: MS)</i></p> | Reduced crime | Difficult to measure causal links |
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| European crime prevention network | Provide expertise and knowledge in developing effective crime prevention measures | Active participation from MS | <p>Network Activities</p> <p><i>Measured by</i></p> <p>Meetings,</p> <p>Exchange of information</p> <p>Identification and propagation of good practice.</p> <p>Copies/hits on good practice and recommendations.</p> <p>(Source: Commission)</p> | <p>Application of Network Knowledge</p> <p><i>Measured by:</i></p> <p>Uptake of recommendations</p> <p>Improved policy making processes</p> <p><i>(Source: MS via Consultations)</i></p> | <p>Improved policies and practices with respect to crime prevention</p> <p>Reduced crime</p> | Difficult to measure causal links |
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| <p>EU action plan on EU statistics on crime and criminal justice</p> | <p>Provide better information base on EU crime trends, levels and on victimisation as well as on criminal justice.</p> | <p>Active participation from MS</p> | <p>Availability of information on crime and criminal justice covering EU</p> <p><i>Measured by:</i></p> <p>Availability, coverage and comparability of data.</p> <p><i>(Source: Commission)</i></p> | <p>Application of improved information</p> <p><i>Measured by:</i></p> <p>Dissemination of information to EU and MS policy makers</p> <p>Citation of statistics in policy documents</p> <p><i>(Source: Commission and MS)</i></p> | <p>Better informed policy making at EU level.</p> <p>Better informed policy making at MS level.</p> | <p>Difficult to measure causal links</p> <p>Statistical information is not available</p> <p>Instrument underpins evaluation of other instruments as it should improve statistics available at the EU level</p> |
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| Action plan on public-private partnerships | Establish public-private partnerships at EU level to tackle multinational organised crime and terrorism | Active participation from MS | <p>Implementation of Action plan</p> <p>Creation of a EU level Platform for public-private partnership against organised crime and terrorism</p> <p><i>Measured by</i></p> <p>Reports from old and new partnership structures to the platform</p> <p>Effective participation in the work of the Platform and new partnerships</p> <p>Composition of partnerships established (<i>Source: Commission</i>)</p> | <p>Increased co-operation between public and private sector</p> <p><i>Measured by:</i></p> <p>Number of co-operation activities</p> <p><i>Source:</i></p> <p><i>Commission:</i></p> <p><i>Follow up studies of specific partnerships)</i></p> | Reduced level of damage from organised crime and terrorism | Process evaluation could be appropriate |
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Policy sub area 4: Management of crises¹³ with cross border effects

¹³ With particular regard to preparedness and response to terrorist attacks.

| Objectives: Reduce detrimental cross border impacts of crises | | | | | | |
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| Policy sub-area level indicators: | | | | | | |
| Number of cross border crises reported in press/media | | | | | | |
| Number of cross border crises involving EU crisis management | | | | | | |
| Main instrument | Objectives | Implementation at national level | Indicators/evaluation questions | | | Specific issues /comments |
| | | | Immediate results | Outcomes | Impacts | |
| Setting up of integrated and co-ordinated EU crisis-management arrangements in the Commission and the Council | Increase the level of preparedness to tackle cross-border crises within the EU | Active participation from MS in the structures to be established | Establishment of integrated and co-ordinated structures at the EU level <i>Measured by:</i> Assessments of MS capacities Training and joint exercises conducted Operational plans established <i>(Source: MS administrative records)</i> | Increased level of preparedness for cross border crises <i>Measured by:</i> Actual responses to crises Results of 'Exercises' undertaken. <i>(Source: MS Potential stakeholder surveys)</i> | Reduced impacts of such crises | There are likely to be particular difficulties in establishing the counterfactual with respect to this instrument. Impacts may only be assessed sometime following emergencies. Some scope for peer review |

ANNEX 2

Current practice for monitoring and evaluating EU policies on freedom, security and justice

1. Monitoring

1.1. The Tampere scoreboard

The Tampere European Council in 1999 invited the Commission to compile a **scoreboard** to keep implementation of policies on freedom, security and justice under continuous review. The scoreboard would specifically keep track of progress made with implementation of the measures and compliance with the deadlines set in the Amsterdam Treaty, the Vienna Action Plan and the Tampere programme. In response, the Commission produced its first scoreboard in March 2000, followed by regular updates every six months taking into account the objectives set by the European Councils in Laeken (2001), Seville (2002) and Thessaloniki (June 2003). The last Tampere scoreboard was presented in June 2004, marking the end of the first five-year period (1999-2004).

The scoreboards indicated the objectives and deadlines set at Tampere and in each case the responsibilities assigned to launch, advance and complete the process. To provide a clear view of the progress made in each area, the scoreboard showed the outstanding proposals and initiatives presented, progress in Council and European Parliament proceedings and the work planned. A specific section of the scoreboard focused on transposition of the instruments adopted.

1.2. Reviewing implementation of EU legislation

1.2.1. *Instruments adopted under the EC Treaty*

Implementation by the Member States of Community legislation concerning free movement of persons, visas, asylum, immigration, judicial cooperation in civil matters and citizens' rights adopted under the European Community Treaty is monitored by the Commission. If a Member State fails to comply with its legislative obligations, the Commission can then initiate infringement proceedings under Article 226 of the EC Treaty and may bring the matter before the Court of Justice.

Apart from normal application of the monitoring mechanism under Articles 226 of the EC Treaty, monitoring implementation of the instruments adopted under Title IV of the EC Treaty is not systematic, although it is usual practice. For example, none of the four directives adopted on illegal migration provides for a monitoring report by the Commission.

Some reports, such as the evaluation of the derogation for issuing visas to members of the Olympic family¹⁴, go beyond mere analysis of implementation and contain information on

¹⁴ Report on the functioning of the derogation system introduced by Regulation 1295/2003 regarding measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens (SEC(2005) 1051). This report was written by the Commission on the basis of information provided by the Greek authorities.

results. There are other examples concerning instruments adopted under Title II of the Treaty, such as reports¹⁵ relating to free movement of Union citizens or reports¹⁶ on their electoral rights in municipal and European Parliament elections.

1.2.2. *Instruments adopted under Title VI of the Treaty on European Union*

In the case of instruments adopted under Title VI of the EU Treaty concerning police and judicial cooperation in criminal matters, there is **no equivalent compliance mechanism** allowing the Commission to exercise its institutional powers as guardian of the Treaties.

For all Framework Decisions adopted by the Council, it is compulsory for Member States to transmit a detailed set of national implementing measures to the Commission and to the Council. Based on this information, the Commission then issues a report (e.g. 2002 Framework Decision on combating terrorism¹⁷), allowing the Council to debate the need for further measures in the field concerned. The Council generally expresses its position in a final report.

For some Framework Decisions, the Commission repeats or updates its monitoring exercise (e.g. “Victims” Framework Decision¹⁸).

Similarly, the Commission systematically monitors common positions and issues a monitoring report on national implementing measures. The Commission has also taken the initiative to issue specific reports on certain Council Decisions imposing no monitoring obligation such as those relating to Eurojust¹⁹

This monitoring exercise deals only with the **legal transposition** aspect and rarely includes details on the **practical implementation of instruments**. Such assessments of legal transposition answer the following questions: are the implementing measures effective, correct and in line with the Framework Decision? Are they clear and do they provide legal certainty? Do they fully apply the instrument and comply with the time limit for transposition?

In some cases this exercise has been backed up by an initial assessment of practical implementation in the Member States and of the tangible results of the national legislation. For example, in the case of the Framework Decision on the European Arrest Warrant²⁰, some of the practical results of the implementing measures were included in the monitoring report, such

¹⁵ Reports from the Commission to the Council and the European Parliament on the implementation of Directives 90/364, 90/365 and 93/96 (Right of residence), COM(1999) 127 final and COM(2003) 101 final.

¹⁶ Reports on the application of Directive 93/109/EC: Right of EU citizens residing in a Member State of which they are not nationals to vote in European Parliament elections, COM(97) 731 final and COM(2000) 843, or Report from the Commission to the European Parliament and the Council on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections, COM(2002) 260 final.

¹⁷ Report from the Commission based on Article 11 of the Council Framework Decision of 13 June 2002 on combating terrorism, COM(2004) 409 final, 8.6.2004.

¹⁸ Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.

¹⁹ Report from the Commission on the legal transposition of the Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, COM(2004) 457 final, 6.7.2004.

²⁰ Report from the Commission based on Article 34 of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States (COM(2005) 63 final), p.2, paragraph 2: “*The evaluation criteria adopted by the Commission for this report are, firstly, the general criteria normally used nowadays to evaluate the implementation of framework decisions (practical effectiveness, clarity and legal certainty, full application and*

as the question of effectiveness and rapidity of surrender. The Commission's report also included some preliminary figures, such as the number of warrants issued or the average time taken to execute a warrant, which mainly illustrated the difficulty of obtaining adequate statistics in this field.

1.3. Information-gathering mechanisms on policy implementation

1.3.1. Existing mechanisms

Following the call by the 2001 Laeken European Council to set up an enhanced exchange of information in the field of immigration and asylum, the Commission launched an information and consultation procedure with a "**Committee on Immigration and Asylum**" (CIA) at its heart. The CIA is made up of experts from the Member States but also frequently provides a forum for representatives of civil society, such as European social partners and the UNHCR, to present their views on pertinent immigration and asylum issues.

In the field of integration, the "**National Contact Points on Integration**" (NCP) play an important role in monitoring progress across policy fields and in ensuring that integration efforts at national and EU level support each other. They convey key results to the CIA.

A **European Migration Network** (EMN) was set up in 2002 as a preparatory measure in response to the need to improve exchanges of information on all aspects of migration and asylum. Its primary objective is to provide the Community and the Member States with objective, reliable and comparable information in these fields by systematically collecting and storing existing data and information from Member States and carrying out national and European level analysis. At present, the EMN consists of national contact points designated by the Member States.

1.3.2. Mechanisms in preparation

In the field of asylum, a Communication²¹ on strengthened practical cooperation proposed bringing into operation a **system for sharing expertise**, resources and knowledge between key stakeholders, as a tool for strengthening common approaches to implementation of the first-stage legislative instruments of the European asylum system, building - amongst others - on existing mechanisms, such as the EURASIL group.

In September 2005 the Commission tabled a proposal for a **Regulation on Community statistics on migration and international protection**. The Regulation will improve statistical knowledge of migration-related phenomena by specifying the data to be collected, the timetables to be applied, the definitions and the quality standards.

In October 2005 the Commission tabled a proposal for a Council Decision on the establishment of a **mutual information procedure on national measures** taken in the areas of asylum and immigration which could affect other Member States. The proposal is based on the recognition that the absence of border checks in the Schengen area and the gradual development of common EU immigration and asylum policies require timely exchanges of information and discussion of national measures taken on asylum and immigration.

compliance with the time limit for transposal), and, secondly, criteria specific to the arrest warrant, principally the fact that it is a judicial instrument, its effectiveness and its rapidity."

²¹ COM(2006) 67 final.

1.4. Monitoring implementation of The Hague Programme

The Hague Multi-Annual Programme (2005-2009) and the Action Plan implementing it invited the Commission to present an **annual report on implementation** of these two instruments to the Council (the "Scoreboard plus").

The "Scoreboard plus" will aim predominantly at assessing proper and adequate transposition of the legislative acts adopted and effective implementation of the measures agreed. In concrete terms, "Scoreboard plus" will assess the outcome of both (a) the **significant political progress** achieved at the point of adoption at EU level and (b) **implementation at national level of measures** related to freedom, security and justice.

This structure will bring visibility to monitoring and provide a comprehensive overview of implementation of the Action Plan, meeting the requirements of the European Council in The Hague Programme. It will increase transparency and visibility and improve and facilitate implementation. The **first "Scoreboard plus"** is presented **in parallel** to this Communication, one year after adoption of the Action Plan implementing The Hague Programme.

2. Evaluation

This section briefly describes the state of play with evaluation in the field of freedom, security and justice, depending on the subject-matter: (1) **programmes**, (2) **legislation** or (3) **policies**²². Evaluations on freedom, security and justice mainly focus on **individual policy instruments**, be they legislative or financial. As in other areas, evaluation of policies (defined as a coherent set of instruments serving the same coherent objective) is **still developing**. As a consequence, evaluation activities are currently very diverse (internal or external evaluations, annual progress reports, peer reviews, etc.) and very different in scope. This results in a **lack of comparable evaluation** results across policies and of a true overview of the results achieved in establishing an Area of Freedom, Security and Justice.

The evaluation mechanism put forward in this Communication aims at tackling this issue. It provides a **platform** for exhaustive presentation and comparability of existing evaluation results, and identification of any information gaps. Whilst taking into account the fact that evaluation is more advanced for some activities than others, it will allow the establishment of a **common set of minimum evaluation requirements** across the different policies.

2.1. Evaluation of Community programmes

Evaluation of **programmes** is **well developed** within the Commission, including in the area of freedom, security and justice, where major programmes such as the European Refugee Fund, AGIS and DAPHNE are regularly evaluated²³. Available evaluation results demonstrate that whilst the immediate results of funding programmes are easily identified and measured, their longer-term effects are sometimes more difficult to grasp. In this context, the Commission

²² Evaluations of agencies and external bodies have not been included, for example the evaluation of the draft Council Decision transforming the European Police College (CEPOL) into an EU body, the evaluation of the European Monitoring Centre for Drugs and Drug Addiction and the evaluation of the functioning of the European Judicial Network (EJN) in civil and commercial matters.

²³ The results of these evaluations are available online at: http://europa.eu.int/comm/dgs/justice_home/evaluation/dg_coordination_evaluation_annexe_en.htm.

proposals for the 2007-2013 programmes on freedom, security and justice establish a better link between the programmes' specific objectives and the overall political objectives. This will have an impact on the evaluation framework for these programmes, in particular through assessment of their consistency with other instruments (legislative or other) in the same field.

2.2. Evaluation of legislation

Contrary to the evaluation of programmes, evaluation of **legislation** is a **more recent** development in the case of freedom, security and justice. Recent examples include the evaluation of the European Arrest Warrant²⁴ (2005), the economic evaluation of the Data Protection Directive²⁵ (2005) and the on-going evaluations of the Directive on minimum standards for the reception of asylum-seekers²⁶ and of the Brussels I Regulation²⁷. Also, the introduction of impact assessments of EU legislation has led to systematic *ex-ante* appraisal, which should greatly facilitate further interim and/or *ex-post* evaluation. In this context, systematic scrutiny of legislative proposals and other draft instruments to ensure that they are compatible with the Charter of Fundamental Rights should serve the same purpose²⁸.

2.3. Evaluation of policies

2.3.1. Mechanism for Schengen evaluation

The Schengen evaluation system, first established in the intergovernmental Schengen framework and then integrated into the European Union framework²⁹, assesses correct implementation of the Schengen *acquis* by participating Member States through a peer review mechanism, including visits to Member States. It has issued restricted reports, given details of cases of non-compliance with existing rules and practices and made further recommendations. This mechanism applies to both Community and third pillar measures.

When internal border controls with and between new EU Member States are lifted, the Commission will submit a “*proposal to supplement the existing Schengen evaluation mechanism with a supervisory mechanism*”, as requested by The Hague Programme.

2.3.2. Mechanism for the fight against organised crime

Joint Action 97/827/JHA, adopted by the Council on 5 December 1997, established a mechanism for evaluating the application and implementation at national level of international undertakings in the **fight against organised crime**³⁰. Two rounds of evaluation have already been completed and two others are ongoing. The first round focused on mutual legal assistance in criminal matters, on which a report was subsequently released on 1 August 2001³¹. The second assessed instruments dealing with law enforcement and drug trafficking. Finally, the

²⁴ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States.

²⁵ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

²⁶ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum-seekers.

²⁷ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

²⁸ SEC(2001) 380/3, COM(2005) 172.

²⁹ Decision 26 DEF 1998 of the Schengen Executive Committee.

³⁰ For further information see: <http://europa.eu.int/scadplus/leg/en/lvb/l33053.htm>.

third and fourth rounds, not yet completed, are evaluating exchanges of information and intelligence between the Member States and Europol and the European Arrest Warrant respectively. The 1997 mechanism is operated by teams of experts designated by Member States, assisted by the General-Secretariat of the Council, with the involvement of the Commission. It is based on **study visits** and allows an in-depth examination of how instruments or policies are working in practice.

The Commission believes that although this mechanism has proved **useful and effective**, it nevertheless has some **shortcomings**, in particular the total duration of the process, the scope limited to only matters related to organised crime and the limited dissemination of the evaluation results.

2.3.3. *Mechanism for the fight against terrorism*³²

Following the conclusions of the extraordinary meeting of the Justice and Home Affairs Council on 20 September 2001, the Council set up a procedure for peer assessment of national anti-terrorist arrangements in the framework of international cooperation between Member States. The first round of evaluations started in 2003 and focused on exchanges of information. Evaluation teams are made up of national experts and their reports are confidential.

2.3.4. *Evaluation of the EU Action Plan on Drugs*

In 2004 the Commission carried out the final evaluation of the EU Drugs Strategy and Action Plan on Drugs for 2000-2004³³, in cooperation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol. The evaluation exercise provided an **overview of the drugs situation in the European Union** over the reference period. The Strategy and the Action Plan included a wide range of drug-related measures, mainly within the competence of the Member States. Their impact on the drug situation in the European Union could not be considered, mainly because the EU Strategy and Action Plan failed to establish impact indicators.

The EU Action Plan on Drugs for 2005-2008 takes into account the evaluation of the preceding Action Plan and has been designed from the outset to facilitate full evaluation. Accordingly, it clearly allocates responsibilities for each action and includes specific assessment tools, indicators and schedules for implementation. The Action Plan provides for the Commission to present annual reviews of implementation of the Plan plus a final evaluation in 2008, with a view to preparing the next Plan. The **first annual progress** review will be presented in **autumn 2006**.

2.3.5. *Mechanism for evaluating respect of fundamental rights*

The **European Monitoring Centre on Racism and Xenophobia** studies the extent and development of the phenomena of racism, xenophobia and anti-Semitism and analyses their consequences and effects. Its findings are presented in annual reports. Once established, the Agency on Fundamental Rights, with its wider mandate, is expected to play a key role in evaluating respect of fundamental rights.

³¹ Final report on the first evaluation exercise - mutual legal assistance in criminal matters (2001/C 216/02).

³² Council Decision 2002/996/JHA of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism.

³³ COM(2004) 707.

The **network of fundamental rights experts** was created by the European Commission in 2002 in response to a recommendation in the European Parliament's report³⁴ on the state of fundamental rights in the European Union. The network assesses the fundamental rights situation through an annual report, on the basis of an **analysis of the legislation, the case-law and the administrative practice** of the national authorities of the Member States and in the institutions of the Union. The reference points for the evaluation are the rights set out in the European Union's Charter of Fundamental Rights. The results are published annually (so far, in 2003, 2004 and 2005).

³⁴ 2000/2231(INI).

ANNEX 3

Glossary

Activity: A coherent area of action with objectives and resources. In other words, "Activities" consist of well-defined and delimited measures to which inputs are allocated and converted into outputs.

The policy for the development of an Area of Freedom, Security and Justice has been divided into different Activity-Based Management (ABB) activities such as:

- Activity 1802 “External borders, visa policy and free movement of persons”,
- Activity 1803 “Common immigration and asylum policies”,
- Activity 1804 “Citizenship and fundamental rights”,
- Activity 1805 “Law enforcement cooperation and prevention of and fight against general organised crime”,
- Activity 1806 “Establishing a genuine European area of justice in criminal and civil matters”,
- Activity 1807 “Coordination in the field of drugs”.

Evaluation: “Judgement of interventions according to their results, impacts and the needs they aim to satisfy”³⁵. It is a process undertaken by the Commission in order to identify what can be learned for policy and planning.

***Ex ante/ex post* evaluation**

Ex ante evaluation: Evaluation performed before implementation of a measure. For the purposes of the Commission, *ex ante* evaluation is defined as a process that supports the preparation of proposals for new or renewed Community activities. Its purpose is to gather information and carry out analyses that help to define objectives and to ensure that these objectives can be met, that the instruments used are cost-effective and that reliable subsequent evaluation will be possible.

Intermediate (or mid-term) evaluation: Evaluation performed during implementation of a measure. If the evaluation extends throughout the period of implementation, this is also called "on-going evaluation". This type of evaluation critically appraises the first outputs and results, in order to assess the quality of monitoring and implementation of the measure. The main focus is to help to prepare adjustments and reprogramming and to provide input for the preliminary deliberations on the future of the measures.

Ex post evaluation: Evaluation conducted either on or after completion of a measure. The main interest is overall assessment of the measure, in particular by analysing the impact achieved and examining its efficiency. The objective is to understand the reasons for success or failure and

³⁵ Communication on Evaluation (SEC(2000) 1051):
http://europa.eu.int/comm/budget/evaluation/keydocuments_en.htm.

the sustainability of the results and impact. It also tries to draw conclusions that can be applied generally to other measures.

Impact: A general term used to describe the effects of a measure on society. Impact can be either positive or negative and foreseen or unforeseen. Initial effects are called outcomes/results, whilst impact is usually longer-term.

Impact assessment: Impact assessment is about examining the likely economic, social and environmental impact of the Commission's proposals. It identifies and assesses the issue at stake and the objectives pursued. It identifies the main options for achieving the objectives and analyses their likely impact. It outlines the advantages and disadvantages of each option as well as synergies and trade-offs.

Indicators: A characteristic or attribute which can be measured to assess an activity in terms of its outputs or impacts. Output indicators are normally straightforward. Impact indicators may be more difficult to obtain, and it is often appropriate to rely on indirect indicators as proxies. Indicators can be either quantitative or qualitative.

Monitoring: A continuous process of examining delivery in terms of adoption and implementation of different measures, especially legislation. It is not to be confused with programme monitoring, which consists of examining the delivery of programme outputs to the intended beneficiaries. Evaluation, on the other hand, is carried out at a discrete point in time, and consists of an in-depth study. Monitoring generates data which can be used in evaluations.

Outcomes/results: The intermediate effects of a measure.

Policy: A set of activities, which may differ in type (programmes, measures, procedures, laws or rules) and beneficiaries or target groups, directed towards common general objectives or goals. Unlike projects and programmes, a policy is not usually delimited in terms of time or budget.

Policy area: Within the EU the concept *policy* may designate various scope and levels of complexity, ranging from an overall Commission strategy or objective over a policy area to an ABB-activity. In this context, a policy will normally embrace a range of instruments. At Commission level, the ABB-activities (215 altogether) have been grouped into some 30 policy areas, closely identifiable with Directorates-General. This Communication deals with policy area 18: Freedom, security and justice.

Policy instruments: A set of techniques by which public authorities attempt to ensure support and to effect or prevent social change. In this sense, there is a strong emphasis on the dynamic evolving nature of policies, with individual policy instruments being added, withdrawn or redesigned over time. The variety of available policy instruments includes, for example, legislation such as regulations or directives and may involve resource commitments, for example in the form of operational programmes; they also include Communications, action plans, etc. However, policy instruments differ significantly in the way in which they bring about results and impacts and the timescales over which these can be expected.

Programme: A set of organised but often varied actions (a programme may encompass several different projects, measures and processes) directed towards achieving specific objectives, often with a definite time schedule and budget.