



24.9.2018

# **DRAFT OPINION**

of the Committee on Budgetary Control

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

on the proposal for a regulation of the European Parliament and of the Council  
establishing the Justice programme  
(COM(2018)0384 – C8-0235/2018 – 2018/0208(COD))

Rapporteur for opinion: Dennis de Jong

PA\_Legam

## AMENDMENTS

The Committee on Budgetary Control calls on the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs, as the committees responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

##### Recital 4

###### *Text proposed by the Commission*

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

###### *Amendment*

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

Or. en

### Amendment 2

#### Proposal for a regulation

##### Recital 5

###### *Text proposed by the Commission*

(5) Financing ***should remain*** one of the ***important*** tools for the successful implementation of the ambitious goals set by the Treaties. They should be attained inter alia by establishing a flexible and

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(5) Financing ***is*** one of the tools for the successful implementation of the ambitious goals set by the Treaties. They should be attained inter alia by establishing a flexible and effective Justice Programme which

effective Justice Programme which should facilitate planning and implementation of those goals.

should facilitate planning and implementation of those goals, ***taking into account which activities bring the highest Union added value by using key performance indicators, whenever possible.***

Or. en

### Amendment 3

#### Proposal for a regulation

##### Recital 9

###### *Text proposed by the Commission*

(9) Judicial training can involve different actors, such as Member States' legal, judicial and administrative authorities, academic institutions, national bodies responsible for judicial training, European-level training organisations or networks, or networks of court coordinators of Union law. Bodies and entities pursuing a general European interest in the field of training of the judiciary, such as the European Judicial Training Network ('EJTN'), ***the Academy of European Law ('ERA')***, the European Network of Councils for the Judiciary ('ENCJ'), the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union ('ACA-Europe'), the Network of the Presidents of Supreme Judicial Courts of the European Union ('RPCSJUE') ***and the European Institute of Public Administration ('EIPA')***, should continue to play their role in promoting training programmes with a genuine European dimension for the judiciary and judicial staff, and could therefore be granted adequate financial support in accordance with the procedures and the criteria set out in the annual work programmes adopted by the Commission pursuant to this Regulation.

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(9) Judicial training can involve different actors, such as Member States' legal, judicial and administrative authorities, academic institutions, national bodies responsible for judicial training, European-level training organisations or networks, or networks of court coordinators of Union law. Bodies and entities pursuing a general European interest in the field of training of the judiciary, such as the European Judicial Training Network ('EJTN'), the European Network of Councils for the Judiciary ('ENCJ'), the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union ('ACA-Europe'), ***and*** the Network of the Presidents of Supreme Judicial Courts of the European Union ('RPCSJUE'), should continue to play their role in ***co-ordinating and*** promoting ***national*** training programmes with a genuine European dimension for the judiciary and judicial staff, and could therefore be granted adequate financial support in accordance with the procedures and the criteria set out in the annual work programmes adopted by the Commission pursuant to this Regulation. ***In addition, specialised academic institutions could also contribute to these training programmes***

*and should receive adequate funding for their activities in this respect.*

Or. en

#### **Amendment 4**

##### **Proposal for a regulation Recital 13**

###### *Text proposed by the Commission*

(13) The 2014-2020 Programme has enabled training activities on Union law, in particular on the scope and application of the Charter, targeted at members of the judiciary and other legal practitioners. In its conclusions of 12 October 2017 on the application of the Charter in 2016, the Council recalled the importance of awareness-raising on the application of the Charter, including among policymakers, legal practitioners and the rights holders themselves, at national as well as at Union level. *Therefore, to mainstream fundamental rights in a consistent way, it is necessary to extend financial support to awareness-raising activities for other public authorities than judicial authorities and legal practitioners.*

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Or. en

#### **Amendment 5**

##### **Proposal for a regulation Recital 14**

###### *Text proposed by the Commission*

(14) Pursuant to Article 67 TFEU, the Union should constitute an area of freedom, security and justice with respect for fundamental rights, to which access to justice is instrumental. In order to facilitate

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(14) Pursuant to Article 67 TFEU, the Union should constitute an area of freedom, security and justice with respect for fundamental rights, to which access to justice is instrumental. In order to facilitate

effective access to justice, and with a view to foster the mutual trust which is indispensable for the good functioning of the area of freedom, security and justice, it is necessary to extend financial support to activities of *other authorities than* judicial authorities and legal practitioners, as well as of civil society organisations, which contribute to these objectives.

*equal and* effective access to justice *for all*, and with a view to foster the mutual trust which is indispensable for the good functioning of the area of freedom, security and justice, it is necessary to extend financial support to activities of judicial authorities and legal practitioners, as well as of civil society organisations, which contribute to these objectives.

Or. en

## Amendment 6

### Proposal for a regulation

#### Recital 18

##### *Text proposed by the Commission*

(18) It is necessary to ensure the European added value of all actions and activities carried out within the Programme, their complementarity to Member States' activities, and their consistency with other Union activities. In order to ensure efficient allocation of funds from the general budget of the Union, consistency, complementarity and synergies should be sought between funding programmes supporting policy areas with close links to each other, in particular within the Justice, Rights and Values Fund – and thus with the Rights and Values Programme- and between the Programme and the Single Market Programme, Border management and Security, in particular the Asylum and Migration ('AMIF') and the Internal Security Funds, Strategic Infrastructure in particular the Digital Europe Programme, the Erasmus+ Programme, the Framework Programme for research and innovation, the Instrument for Pre-accession Assistance, and the LIFE Regulation<sup>13</sup>.

##### *Amendment*

(18) It is necessary to ensure the *core principle of* European added value *and sound financial management in the implementation* of all actions and activities carried out within the *Justice* Programme, their complementarity to Member States' activities, and their consistency with other Union activities. In order to ensure efficient *and performance based* allocation of funds from the general budget of the Union, consistency, complementarity and synergies should be sought between funding programmes supporting policy areas with close links to each other, in particular within the Justice, Rights and Values Fund – and thus with the Rights and Values Programme- and between the Programme and the Single Market Programme, Border management and Security, in particular the Asylum and Migration ('AMIF') and the Internal Security Funds, Strategic Infrastructure in particular the Digital Europe Programme, the Erasmus+ Programme, the Framework Programme for research and innovation, the Instrument for Pre-accession Assistance, and the LIFE Regulation<sup>13</sup>. *The implementation of the Justice Programme*

*should, whenever necessary, complement or being co-ordinated with the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in Member States.*

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<sup>13</sup> Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 Text with EEA relevance

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<sup>13</sup> Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 Text with EEA relevance

Or. en

## Amendment 7

### Proposal for a regulation Recital 22

#### *Text proposed by the Commission*

(22) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>15</sup>, Council Regulation (Euratom, EC) No 2988/95<sup>16</sup>, Council Regulation (Euratom, EC) No 2185/96<sup>17</sup> and Council Regulation (EU) 2017/1939<sup>18</sup> the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) **No 883/2013** and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) *may* carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal

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activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) *may* investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council<sup>19</sup> In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

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<sup>15</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999, (OJ L248, 18.9.2013, p. 1.

<sup>16</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p. 1).

<sup>17</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L292, 15.11.96., p. 2).

<sup>18</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017., p. 1).

activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) *should* investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council<sup>19</sup> In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

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<sup>19</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

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Or. en

## Amendment 8

### Proposal for a regulation Recital 27

#### *Text proposed by the Commission*

(27) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on Member States. These requirements, *where appropriate, can* include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.

#### *Amendment*

(27) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on Member States. These requirements, *should* include measurable indicators, *whenever possible*, as a basis for evaluating the effects of the Programme on the ground.

Or. en

## Amendment 9

### Proposal for a regulation Article 3 – paragraph 2 – point c

#### *Text proposed by the Commission*

(c) to facilitate effective access to justice for all and effective redress, including by electronic means, by promoting efficient civil and criminal procedures and by promoting and supporting the rights of victims of crime as well as the procedural rights of suspects and accused persons in criminal

#### *Amendment*

(c) to facilitate *equal and* effective access to justice for all and effective redress, including by electronic means, by promoting efficient civil and criminal procedures and by promoting and supporting the rights of victims of crime as well as the procedural rights of suspects and accused persons in criminal

proceedings.

proceedings.

Or. en

## Amendment 10

### Proposal for a regulation Article 9 – paragraph 1

#### *Text proposed by the Commission*

1. An action that has received a contribution under the Programme may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. [The cumulative financing shall not exceed the total eligible costs of the action and the support from different Union programmes may be calculated on a pro-rata basis].

#### *Amendment*

1. An action that has received a contribution under the Programme may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions ***are effectively managed in order to avoid any double funding and*** do not cover the same costs. [The cumulative financing shall not exceed the total eligible costs of the action and the support from different Union programmes may be calculated on a pro-rata basis].

Or. en

## Amendment 11

### Proposal for a regulation Article 11 – paragraph 2

#### *Text proposed by the Commission*

2. The work programme shall be adopted by the Commission by means of ***an implementing act. That implementing act*** shall be adopted in accordance with ***the advisory procedure referred to in Article 17.***

#### *Amendment*

2. The work programme shall be adopted by the Commission by means of ***a delegated act. That delegated act*** shall be adopted in accordance with Article ***14.***

Or. en

## Amendment 12

### Proposal for a regulation

#### Article 12 – paragraph 3

*Text proposed by the Commission*

3. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in **a** timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and Member States.

*Amendment*

3. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in **an accurate and** timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and Member States.

Or. en

## Amendment 13

### Proposal for a regulation

#### Article 13 – paragraph 2

*Text proposed by the Commission*

2. The interim evaluation of the Programme shall be carried out once there is sufficient information available about the implementation of the Programme, but no later than **four** years after the start of the programme implementation.

*Amendment*

2. The interim evaluation of the Programme shall be carried out once there is sufficient information available about the implementation of the Programme, but no later than **three** years after the start of the programme implementation.

Or. en

## Amendment 14

### Proposal for a regulation

#### Article 13 – paragraph 3

*Text proposed by the Commission*

3. At the end of the implementation of the Programme, but no later than **four** years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the

*Amendment*

3. At the end of the implementation of the Programme, but no later than **three** years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the

Commission.

Commission.

Or. en

## Amendment 15

### Proposal for a regulation Article 16 – paragraph 1

#### *Text proposed by the Commission*

1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.

#### *Amendment*

1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information ***on the European added value of the Programme*** to multiple audiences, including the media and the public.

Or. en