



**2018/0208(COD)**

19.11.2018

## **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

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## 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 2

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

(2) These rights and values must continue to be promoted and enforced, shared among the citizens and peoples within the Union and be at the heart of Europe's societies, Therefore, a new Justice, Rights and Values Fund, comprising the Rights and Values and the Justice programmes shall be created in the Union budget. At a time where European societies are confronted with extremism, radicalism and divisions, it is more important than ever to promote, strengthen and defend justice, rights and EU values: human rights, respect for human dignity, freedom, democracy, equality, the rule of law. This will have profound and direct implications for political, social, cultural and economic life in the EU. As a part of the new Fund, the Rights and Values Programme will bring together the 2014-2020 Rights, Equality and Citizenship Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council<sup>10</sup> and the Europe for Citizens programme established by Regulation (EU) No 390/2014 of the Council<sup>11</sup>. The Justice programme (hereafter the 'Programme') will continue to support the development of an integrated European justice area and cross-border cooperation, in continuity with the 2014-2020 Justice Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council<sup>12</sup>

###### *Amendment*

(2) These rights and values must continue to be **actively** promoted and enforced, shared among the citizens and peoples within the Union and be at the heart of Europe's societies, Therefore, a new Justice, Rights and Values Fund, comprising the Rights and Values and the Justice programmes shall be created in the Union budget. At a time where European societies are confronted with extremism, radicalism, **polarisation** and divisions, it is more important than ever to promote, strengthen and defend justice, rights and **common** EU values: human rights, respect for human dignity, freedom, democracy, equality, the rule of law. This will have profound and direct implications for political, social, cultural and economic life in the EU. As a part of the new Fund, the Rights and Values Programme will bring together the 2014-2020 Rights, Equality and Citizenship Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council<sup>10</sup> and the Europe for Citizens programme established by Regulation (EU) No 390/2014 of the Council<sup>11</sup>. The Justice programme (hereafter the 'Programme') will continue to support the development of an integrated European justice area and cross-border cooperation, in continuity with the 2014-2020 Justice Programme established by Regulation (EU) No 1381/2013 of the European Parliament and

(hereafter 'the predecessor Programme').

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<sup>10</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62)

<sup>11</sup> Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period 2014-2020 (OJ L 115, 17.4.2014, p.3)

<sup>12</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62).

of the Council<sup>12</sup> (hereafter 'the predecessor Programme').

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<sup>10</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62)

<sup>11</sup> Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period 2014-2020 (OJ L 115, 17.4.2014, p.3)

<sup>12</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62).

## Amendment 2

### Proposal for a regulation

#### Recital 3

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

(3) The Justice, Rights and Values Fund and its two underlying funding programmes will focus primarily on people and entities which contribute to make our common values, rights and rich diversity alive and vibrant. The ultimate objective is to nurture and sustain our **rights-based**, equal, inclusive and democratic society. That includes a vibrant civil society, encouraging people's democratic, civic and social participation **and to** fostering the rich diversity of European society, also based on our common history and memory. Article 11 of the EU Treaty further specifies that the institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

##### *Amendment*

(3) The Justice, Rights and Values Fund and its two underlying funding programmes will focus primarily on people and entities which contribute to make our common values, rights and rich diversity alive and vibrant. The ultimate objective is to nurture and sustain our **rights- and freedoms-based**, equal, inclusive and democratic society. That includes **stimulating** a vibrant civil society, encouraging people's democratic, civic and social participation, **protecting independent media, and** fostering the rich diversity of European society, also based on our common history and memory. Article 11 of the EU Treaty further specifies that the institutions shall, by appropriate means, give citizens and representative associations the opportunity

to make known and publicly exchange their views in all areas of Union action.

### Amendment 3

#### 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.

### Amendment 4

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

*Amendment*

(5) Financing ***is*** one of the ***most*** 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 effective Justice Programme which should facilitate planning and implementation of those goals, ***taking into account which activities bring the highest Union added value, using key performance indicators,***

*whenever possible.*

## Amendment 5

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

(6) For the gradual establishment of an area of freedom, security and justice, the Union is to adopt measures relating to judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and judicial decisions, which is a cornerstone of judicial cooperation within the Union since the Tampere European Council of 15 and 16 October 1999. Mutual recognition requires a high level of mutual trust among Member States. Measures to approximate the laws of the Member States in several areas have been adopted to facilitate mutual recognition and foster mutual trust. A well-functioning area of justice, where obstacles in cross-border judicial proceedings and access to justice in cross-border situations are eliminated, is also key to ensure economic growth.

*Amendment*

(6) For the gradual establishment of an area of freedom, security and justice ***for all***, the Union is to adopt measures relating to judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and judicial decisions, which is a cornerstone of judicial cooperation within the Union since the Tampere European Council of 15 and 16 October 1999. Mutual recognition requires a high level of mutual trust among Member States. Measures to approximate the laws of the Member States in several areas have been adopted to facilitate mutual recognition and foster mutual trust. A well-functioning area of justice, where obstacles in cross-border judicial proceedings and access to justice in cross-border situations are eliminated, is also key to ensure economic growth ***and further integration.***

## Amendment 6

### Proposal for a regulation

#### Recital 7

*Text proposed by the Commission*

(7) Respect for the rule of law is essential for a high level of mutual trust in the area of justice and home affairs, in particular for effective judicial cooperation in civil and criminal matters which is based on mutual recognition. The rule of law is one of the common values enshrined in Article TEU 2, and the principle of effective judicial protection provided for in

*Amendment*

(7) Respect for the rule of law is essential for a high level of mutual trust in the area of ***freedom, security and*** justice and home affairs, in particular for effective judicial cooperation in civil and criminal matters which is based on mutual recognition. The rule of law is one of the common values enshrined in Article TEU 2, and the principle of effective judicial

Articles 19(1) TEU and 47 of the Charter of Fundamental Rights is a concrete expression of the rule of law. Promoting the rule of law by supporting the efforts to improve the independence, quality and efficiency of national justice systems enhances the mutual trust which is indispensable for judicial cooperation in civil and criminal matters.

protection provided for in Articles 19(1) TEU and 47 of the Charter of Fundamental Rights is a concrete expression of the rule of law. Promoting the rule of law by supporting the efforts to improve the independence, **transparency, accountability**, quality and efficiency of national justice systems enhances the mutual trust which is indispensable for judicial cooperation in civil and criminal matters.

## Amendment 7

### Proposal for a regulation Recital 8

#### *Text proposed by the Commission*

(8) Pursuant to Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the EU, the Union shall support the training of the judiciary and judicial staff as a tool to improve judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and of judicial decisions. Training of justice professionals is an important tool to develop a common understanding of how best to uphold the rule of law. It contributes to the building of the European area of justice by creating a common judicial culture among justice professionals of the Member States. It is essential to ensure the correct and coherent application of law in the Union and mutual trust between justice professionals in cross-border proceedings. The training activities supported by the Programme should be based on sound training needs' assessments, use state of the art training methodology, include cross-border events gathering justice professionals of different Member States, comprise active learning and networking elements and be sustainable.

#### *Amendment*

(8) Pursuant to Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the EU, the Union shall support the training of the judiciary and judicial staff as a tool to improve judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and of judicial decisions. **Harmonised** training of justice professionals is an important tool to develop a common understanding of how best to uphold the rule of law. It contributes to the building of the European area of justice by creating a common judicial culture among justice professionals of the Member States. It is essential to ensure the correct and coherent application of law in the Union and mutual trust **and understanding** between justice professionals in cross-border proceedings. The training activities supported by the Programme should be based on sound training needs' assessments, use state of the art training methodology, include cross-border events gathering justice professionals of different Member States, comprise active learning and networking elements and be sustainable.

## Amendment 8

### 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.

## Amendment 9

### Proposal for a regulation

#### Recital 12

*Amendment*

(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 ***coordinating and promoting quality 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 within this respect.***



*Text proposed by the Commission*

(12) Pursuant to Article 3(3) of the TEU, Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child, the Programme should support the protection of the rights of the child, and should mainstream the promotion of the rights of the child in the implementation of all of its actions.

*Amendment*

(12) Pursuant to Article 3(3) of the TEU, Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child, the Programme should support the protection of the rights of the child, and should mainstream the promotion of the rights of the child in the implementation of all of its actions. ***For this purpose, particular attention should be paid to actions aimed at the protection of children's rights in the context of criminal and civil justice, including the protection of children accompanying parents in detention and children of imprisoned parents. Appropriate support should also be considered in favour of training activities aimed at the proper implementation of Directive (EU) 2016/800 of the European Parliament and of the Council<sup>1a</sup>.***

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***<sup>1a</sup> Directive (EU) 2016/800 of the European Parliament and of the Council of May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (EUT OJ L 132, 21.5.2016, p. 1).***

## **Amendment 10**

### **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,

*Amendment*

(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.***

legal practitioners and the rights holders themselves, at national as well as at Union level.

## Amendment 11

### 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 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.

*Amendment*

(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 ***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 other authorities than judicial authorities and legal practitioners, ***including*** civil society organisations ***and academia***, which contribute to these objectives.

## Amendment 12

### Proposal for a regulation

#### Recital 16

*Text proposed by the Commission*

(16) Actions covered by this Regulation should contribute to the creation of a European area of justice, increasing cross-border cooperation and networking and achieving the correct, coherent and consistent application of Union law. Funding activities should also contribute to a common understanding of the Union's

*Amendment*

(16) Actions covered by this Regulation should contribute to the creation of a European area of justice, increasing cross-border cooperation and networking and achieving the correct, coherent and consistent application of Union law. Funding activities should also contribute to a common understanding of the Union's

values, the rule of law, to better knowledge of Union law and policies, to sharing know-how and best practices in using judicial cooperation instruments by all concerned stakeholders, as well as to ***a proliferation of*** interoperable digital solutions underpinning seamless and efficient cross-border cooperation, and should provide a sound analytical basis to support the development, enforcement and proper implementation of Union law and policies. Union intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover, the Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning.

values, the rule of law, to better knowledge of Union law and policies, to sharing know-how and best practices in using judicial cooperation instruments by all concerned stakeholders, as well as to ***promote*** interoperable digital solutions underpinning seamless and efficient cross-border cooperation, and should provide a sound analytical basis to support the development, enforcement and proper implementation of Union law and policies. Union ***financial*** intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover, the Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning.

### **Amendment 13**

#### **Proposal for a regulation**

##### **Recital 17**

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

(17) The Commission should ensure overall consistency, complementarity and synergies with the work of Union bodies, offices and agencies, such as EUROJUST, EU-LISA and the European Public Prosecutor Office, and should take stock of the work of other national and international actors in the areas covered by the Programme.

###### *Amendment*

(17) The Commission should ensure overall consistency, complementarity and synergies with the work of Union bodies, offices and agencies, such as EUROJUST, EU-LISA, ***the European Anti-Fraud Office (OLAF)*** and the European Public Prosecutor Office, and should take stock of the work of other national and international actors in the areas covered by the Programme.

### **Amendment 14**

#### **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

###### *Amendment*

(18) It is necessary to ensure ***the viability, the visibility, the core principle of*** European added value ***and the sound***

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>.

***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 be 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

## **Amendment 15**

### **Proposal for a regulation**

#### **Recital 21**

*Text proposed by the Commission*

*Amendment*

(21) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.

(21) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver *the desired* results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.

## Amendment 16

### 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 activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public

##### *Amendment*

(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 *complete transparency of the Programme financing and selection procedures*, 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) *should* 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 activity affecting the financial interests of

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).

<sup>19</sup> Directive (EU) 2017/1371 of the

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>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).

<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).

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).

## Amendment 17

### Proposal for a regulation

#### Recital 23

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

(23) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.

##### *Amendment*

(23) ***Subject to complying with all its rules and regulations***, third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.

## Amendment 18

### 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***,

##### *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

*can* include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.

measurable indicators, *whenever possible*, as a basis for evaluating the effects of the Programme on the ground.

## Amendment 19

### 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 proceedings.

##### *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.

## Amendment 20

### 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 and the objectives of the financed actions are complementary*. [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 21

### 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.***

## Amendment 22

### 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 ***correct*** 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.

## Amendment 23

### 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.

## Amendment 24

### 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 Commission.

*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.

## Amendment 25

### 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.

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Justice programme
<b>References</b>	COM(2018)0384 – C8-0235/2018 – 2018/0208(COD)
<b>Committees responsible</b> Date announced in plenary	JURI                      LIBE 14.6.2018                  14.6.2018
<b>Opinion by</b> Date announced in plenary	CONT 14.6.2018
<b>Rapporteur</b> Date appointed	Dennis de Jong 2.7.2018
<b>Rule 55 – Joint committee procedure</b> Date announced in plenary	5.7.2018
<b>Date adopted</b>	15.11.2018
<b>Result of final vote</b>	+:                      19 –:                      1 0:                      0
<b>Members present for the final vote</b>	Nedzhmi Ali, Inés Ayala Sender, Zigmantas Balčytis, Dennis de Jong, Martina Dlabajová, Luke Ming Flanagan, Ingeborg Gräble, Arndt Kohn, Gilles Pargneaux, Georgi Pirinski, Petri Sarvamaa, Bart Staes, Indrek Tarand, Derek Vaughan, Tomáš Zdechovský, Joachim Zeller
<b>Substitutes present for the final vote</b>	Caterina Chinnici, Marian-Jean Marinescu, Julia Pitera, Richard Sulík

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

19	+
ALDE	Nedzhmi Ali, Martina Dlabajová
GUE/NGL	Luke Ming Flanagan, Dennis de Jong
PPE	Ingeborg Gräßle, Marian-Jean Marinescu, Julia Pitera, Petri Sarvamaa, Tomáš Zdechovský, Joachim Zeller
S&D	Inés Ayala Sender, Zigmantas Balčytis, Caterina Chinnici, Arndt Kohn, Gilles Pargneaux, Georgi Pirinski, Derek Vaughan
VERTS/ALE	Bart Staes, Indrek Tarand

1	-
ECR	Richard Sulík

0	0

**Key to symbols:**

+ : in favour

- : against

0 : abstention