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REPORT

on the proposal for a Council decision establishing for the period 2007-2013 the specific programme "Fundamental rights and citizenship" as part of the General programme "Fundamental Rights and Justice"
(COM(2005)0122 – C6-0236/2005 – 2005/0038(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Inger Segelström

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- *** Assent procedure
majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on establishing for the period 2007-2013 the specific programme "Fundamental rights and citizenship" as part of the General programme "Fundamental Rights and Justice"
(COM(2005)0122 – C6-0236/2005 – 2005/0038(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2005)0122)¹,
 - having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0236/2005),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Budgets and the Committee on Culture and Education (A6-0465/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Calls for initiation of the conciliation procedure under the Joint Declaration of 4 March 1975 if the Council intends to depart from the text approved by Parliament;
 5. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and Commission.

Amendments by Parliament² to the

Proposal for a

¹ Not yet published in OJ..

² This text has been provided by Council services and is subject to legal linguistic verification.

COUNCIL DECISION

Establishing for the period 2007-2013 the specific programme "Fundamental rights and citizenship" as part of the General programme "Fundamental Rights and Justice"

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

[...]

Whereas:

- (1) The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States.
- (2) The Charter of Fundamental Rights of the European Union³ [...], bearing in mind its status and scope, and the accompanying explanations, reflects the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms⁴, the social charters adopted by the Community and by the Council of Europe and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights.

¹ OJ C , , p. .

² OJ C , , p. .

³ Proclaimed in Nice on 7 December 2000, OJ C 364, 18.12.2000, p. 1.

⁴ Signed in Rome on 4 November 1950.

- (3) In November 2004 the European Council recognised the importance of communication to bring all persons close to the European project by encouraging an active citizenship.
- (4) In its Communication to the Council and the European Parliament on Article 7 of the Treaty on European Union¹, the Commission underlines the importance of the role that civil society plays both in protecting and promoting fundamental rights; the Commission therefore should establish an open, transparent and regular dialogue with civil society.
- (4a) According to the Hague Programme, strengthening mutual cooperation requires an explicit effort to improve mutual understanding among judicial authorities and different legal systems. European networks of national public authorities should deserve special attention and support in this respect;
- (4b) The Conference of the European Constitutional Courts and the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union contribute, in particular by maintaining relevant databases, to an exchange of views and experience on matters concerning the jurisprudence, organisation and functioning of their Members in the performance of their judicial and advisory functions with regard to Community law. It ought to be possible to co-finance the activities of the Conference and the Association to the extent that the expenditure is incurred in pursuing an objective of general European interest. However, such co-financing should not imply that a future program would cover such networks, nor should it prejudice other European networks from benefiting from support to their activities in accordance with the Decision.
- (5) It is appropriate to stress the importance of information and communication with respect to the rights that citizenship of the Union confers on its citizens to improve their awareness of their rights and to provide them with easy access to reliable information.

¹ COM(2003) 609, 15.10.2003.

- (6) Fostering an interfaith and multicultural dialogue at the level of the European Union would contribute to preserving and strengthening peace and Fundamental Rights.

- (7) The objectives of this programme should be complementary to those of the European Union Agency for Fundamental Rights established by Council Regulation EC.../2006 of ..., and should focus on those areas where European added-value can be engendered. Appropriate co-ordination should be undertaken to these ends.
- (8) With a view to achieving complementarity and guaranteeing the best possible use of resources, it should be ensured that any duplication between the actions supported by this programme and the activities of international organisations competent in the field of Fundamental Rights, such as the Council of Europe, is avoided, while permitting joint activities for the achievement of the objectives of this programme. Appropriate co-ordination should be undertaken to these ends.
- (8a) According to the principle of opening the Community programmes to the candidate countries and to the countries of the Western Balkans, as enshrined in the Thessaloniki Agenda, the Programme should be open to the participation of the acceding countries, candidate countries and the Western Balkan countries. Such participation should necessitate fulfilling the general conditions of bilateral agreement and contribution to the Programme budget. When it serves the objectives of the action concerned, also authorities, bodies or non-governmental organisations of countries not participating to the Programme may be associated to individual actions as partners, however without them being the main beneficiaries of the project.
- (9) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulations (EC Euratom) No 2988/95 of 18 December 1995 on the protection of the Communities' financial interests¹ (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission² and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)³.

¹ OJ L 312, 23.12.1995, p. 1.

² OJ L 292, 15.11.1996, p. 2.

³ OJ L 136, 31.05.1999, p. 1-7.

- (10) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹, hereinafter “the Financial Regulation”, and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002², which safeguard the Community’s financial interests, have to be applied taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.
- (11) The Financial Regulation requires a basic act to be provided to cover operating grants.
- (12) In accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission³ measures for the implementation of this Decision should be adopted, with a distinction being made between those measures which are subject to the management committee procedure and those which are subject to the advisory committee procedure, the advisory committee being in certain cases, with a view to increased efficiency, the more appropriate.
- (13) The objectives of the programme, namely the support to civil society associations, the fight against racism, xenophobia and anti-Semitism, the protection of Fundamental Rights and the protection of the Rights of the Citizen, through an interfaith and multicultural dialogue cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or impact of the initiative, be better achieved at Community level. The Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.

¹ OJ L 248, 16.9.2002, p. 1.

² OJ L 357, 31.12.2002, p. 1.

³ OJ L 184, 17.7.1999, p. 23.

(14) The Treaty does not provide, for the adoption of this Decision, powers other than those under Article 308.

(15) The Economic and Social Committee has delivered an opinion¹

HAS DECIDED AS FOLLOWS:

Article 1

Creation of the programme

1. This Decision establishes the programme “Fundamental Rights and Citizenship”, hereinafter referred to as “the programme” as part of the general programme “Fundamental Rights and Justice”.
2. The programme shall cover the period from 1 January 2007 to 31 December 2013.
3. The Programme shall be implemented within the scope of application of Community law.

Article 2

General objectives

1. This programme shall have the following general objectives:
 - (a) To promote the development of a European society based on respect for Fundamental Rights as recognised in Article 6(2) of the Treaty on European Union [...], including rights derived from citizenship of the Union.
 - (b) To strengthen civil society and to encourage an open, transparent and regular dialogue with it in respect of fundamental rights.
 - (c) To fight against racism, xenophobia and anti-Semitism and to promote a better interfaith and intercultural understanding and improved tolerance throughout the European Union.

¹ OJ C 69 21.3.2006.

- (d) To improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals.
- 2. The general objectives of the programme are complementary to the objectives pursued by the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 2006/ .
- 3. The general objectives of the programme contribute to the development and implementation of the Community policies in full respect of Fundamental Rights.

Article 3

Specific objectives

The programme shall have the following specific objectives:

- (a) To promote the Fundamental Rights as recognised in Article 6(2) of the Treaty on European Union [...] and to inform all persons of their rights including those derived from the citizenship of the Union in order to encourage Union citizens to participate actively in the democratic life of the Union.
- (b) To examine, when necessary, the respect of specific fundamental rights in the European Union and its Member States when implementing, Community law, [...] and to obtain opinions on specific questions related to fundamental rights within this scope.
- (c) To support non-governmental organisations and other bodies from civil society to enhance their capability to participate actively in the promotion of fundamental rights, the rule of law and democracy.
- (d) To create relevant structures in order to foster an interfaith and multicultural dialogue at the level of European Union.

Article 4

Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, this programme will support the following types of actions:

- (a) specific actions taken by the Commission, such as, studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events; development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities; or
- (b) specific trans-national projects of Community interest presented by an authority or any other body of a Member State, an international or non-governmental organisation, and involving in any case at least two Member States or at least one Member State and one other state which may either be an acceding or a candidate country, under the conditions set out in the annual work programmes; or
- (c) support to the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme under the conditions set out in the annual work programmes.
- (d) operating grants to co-finance expenditure associated with the permanent work programme of the Conference of the European Constitutional Courts and the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, which maintains certain databases providing for a European-wide collection of national judgments relating to the implementation of Community law, insofar as the expenditure is incurred in pursuing an objective of general European interest by promoting exchanges of views and experience on matters concerning the jurisprudence, organisation and functioning of their members in the performance of their judicial and/or advisory functions with regard to Community law.

Article 5

Participation of third countries

1. The following countries, hereinafter referred to as « participating countries » may participate in the actions of the programme: the acceding countries, candidate countries and the Western Balkan countries included in the stabilisation and association process, in accordance with the conditions laid down in the association agreements or their additional protocols relating to participation in Community programmes concluded or to be concluded with those countries;
2. Actions under Article 4 may associate authorities, bodies or non-governmental organisations of countries not participating in this programme pursuant to paragraph 1, where this would contribute to the preparation for accession of the countries referred to in paragraph 1 or serve the objectives of the actions concerned.

Article 6

Target Groups

The programme is targeted at European Union citizens, citizens of participating countries or third country nationals legally residing within the European Union territory and civil society associations, among other groups active in promoting the objectives of this programme.

Article 7

Access to the programme

1. Access to this programme shall be open, *inter alia*, to institutions and public or private organisations, universities, research institutes, non-governmental organisations, national, regional and local authorities, international organisations and other not-for-profit organisations established in the European Union or in one of the countries participating, pursuant to Article 5.

2. The programme shall permit joint activities with international organisations competent in the field of fundamental rights, such as the Council of Europe, on the basis of joint contributions and in accordance with the various rules prevailing in each institution or organisation, for the achievement of the objectives of this programme.

Article 8

Types of intervention

1. Community funding may take the following legal forms:
 - grants,
 - public procurement contracts.
2. Community grants shall be awarded further to calls for proposals, save in duly substantiated exceptional cases as foreseen in Financial Regulation applicable to the General budget of the European Communities and shall be provided through operating grants and grants to actions. The maximum rate of co-financing will be specified in the annual work programmes.
3. Furthermore, expenditure is foreseen for accompanying measures, through public procurement contracts, in which case Community funds will cover the purchase of services and goods. This will cover, *inter alia*, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 9

Implementing measures

1. The Commission shall implement the Community Assistance in accordance with the Financial Regulation applicable to the general budget of the European Communities.

2. To implement the programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt an annual work programme specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in Article 8 and if necessary a list of other actions.
3. The annual work programme will be adopted in accordance with the procedure set out in Article 10(3).
4. The evaluation and award procedures relating to grants to actions shall take into account, *inter alia*, the following criteria:
 - (a) conformity with the annual work programme, the general objectives as specified in Article 2 and measures taken in the different domains as specified in Articles 3 and 4;
 - (b) quality of the proposed action regarding its conception, organisation, presentation and expected results;
 - (c) amount requested for Community financing and its appropriateness as to expected results;
 - (d) impact of the expected results on the general objectives defined in Article 2 and on measures taken in the different domains as specified in Articles 3 and 4.
5. The applications for operating grants, referred to in Article 4 (b) and (c), shall be assessed in the light of:
 - consistency with the programme objectives;
 - quality of the planned activities;
 - likely multiplier effect on the public of these activities;
 - geographic impact of the activities carried out;
 - citizen involvement in the organisation of the bodies concerned;

- cost/benefit ratio of the activity proposed.

6. The Decisions related to actions submitted under Article 4 (b) and (c) shall be taken by the Commission in accordance with the procedure set out in Article 10 (2).
7. Pursuant to Article 113(2) of the Financial Regulation, the principle of gradual reduction shall not apply to the operating grant given to the Conference of the European Constitutional Courts and the Association of the Council of States and Supreme Administrative Jurisdictions of the European Union insofar as they pursue an objective of general European interest.

Article 10

Committee

1. The Commission shall be assisted by a Committee (hereinafter referred to as "the Committee")
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.
3. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.
The period laid down in Article 4 (3) of Decision 1999/468/EC shall be set at 3 months.
4. The Committee shall adopt its Rules of Procedure.

Article 11

Complementarity

1. Synergies and complementarity with other Community instruments shall be sought, particularly the Framework programmes "Security and Safeguarding Liberties" and "Solidarity and Management of Migration Flows", as well as the programme "Progress." Complementarity with the European Union Agency for Fundamental Rights, shall be secured. The statistical element of information on fundamental rights and citizenship shall be developed in collaboration with Member States, on the basis of available data using as necessary the Community Statistical Programme.

2. The programme may share resources with other Community instruments, in particular the general programmes “Security and Safeguards Liberties” and “Solidarity and Management of Migration Flows” in order to implement actions meeting the objectives of all programmes.
3. Operations financed under this Decision shall not receive assistance for the same purpose from other Community financial instruments. It shall be ensured that the beneficiaries of this Decision shall provide the Commission with information about funding received from the Community budget and from other sources, as well as information about ongoing applications for funding.

Article 12

Budgetary Resources

The budgetary resources allocated to the actions provided for in this programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

Article 13

Monitoring

1. The Commission shall ensure that for any action financed by the programme, the beneficiary shall submit, technical and financial reports on the progress of work. A final report shall also be submitted within three months of the completion of the action. The Commission shall determine the form and content of the reports.
2. The Commission shall ensure that contracts and agreements resulting from the implementation of the programme will provide in particular for supervision and financial control by the Commission (or any representative authorized by it), if necessary by means of on-the-spot checks , including sample checks and audits by the Court of Auditors.
3. The Commission shall ensure that for a period of five years following the last payment in respect of any action, the beneficiary of financial assistance shall keep

available for the Commission all the supporting documents regarding expenditure on the action.

4. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall ensure that, if necessary, the scale or the conditions of allocation of the financial assistance originally approved and also the timetable for payments will be adjusted.
5. The Commission shall ensure that every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation will be taken.

Article 14

Protection of Community financial interests

1. The Commission shall ensure that, when actions financed under the present Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.
2. For the Community actions financed under this programme, Regulation (EC, Euratom) No 2988/95 and Regulation (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Communities or budgets managed by them, by an unjustified item of expenditure.
3. The Commission shall ensure that the amount of financial assistance granted for an action will be reduced, suspended or recovered if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires

that, without Commission approval having being sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall ensure that the beneficiary will submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission shall ensure that the remaining financial assistance and demand repayment of sums already paid might be cancelled.
5. The Commission shall ensure that an undue payment shall be repaid to the Commission. . Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

Article 15

Evaluation

1. The programme will be monitored regularly in order to follow the implementation of activities carried out there under.
2. The Commission shall ensure the regular, independent, external evaluation of the programme.
3. The Commission shall submit to the European Parliament and the Council:
 - (a) an annual presentation on the implementation of the programme;
 - (b) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme, including on the work carried out by the beneficiaries of operating grants referred to in Article 4(d), no later than 31 March 2011;
 - (c) a Communication on the continuation of this programme no later than 30 August 2012;
 - (d) an ex post evaluation report no later than 31 December 2014.

Article 15a

Publication of actions

Each year the Commission shall publish the list of actions financed under this programme with a short description of each project.

Article 16

Entry into force

This Decision shall take effect on the twentieth day following that of its publication in the *Official Journal of the European Union*. It shall apply from 1 January 2007.

Done at Brussels,

For the Council

The President

26.1.2006

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council decision establishing for the period 2007-2013 the specific programme 'Fundamental rights and citizenship' as part of the General programme 'Fundamental Rights and Justice'
(COM(2005)0122 – C6-0236/2005 – 2005/0038(CNS))

Draftsman: Ignasi Guardans Cambó

AMENDMENTS

The Committee on Culture and Education calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1

Article 2, paragraph 1, point (c a) (new)

(ca) To encourage citizens to live together peacefully and to integrate.

Justification

It is important to make this appeal because healthy interactions between individuals in society are the basis for good relations and equal status.

¹ Not yet published in OJ.

Amendment 2
Article 2, paragraph 2

The general objectives of the programme **are complementary to the objectives pursued** by the Fundamental Rights Agency built upon the European Monitoring Centre on Racism and Xenophobia.

The general objectives of the programme **could be implemented** by the Fundamental Rights Agency built upon the European Monitoring Centre on Racism and Xenophobia.

Justification

In the interests of ensuring that the Union's efforts to promote and monitor fundamental rights are effective, the management of this kind of programme should be performed by the Fundamental Rights Agency, so as to avoid pointless and counter-productive duplication.

Amendment 3
Article 3, point (a)

(a) **To promote the Charter of Fundamental Rights and** to inform all persons of their rights including those derived from the EU citizenship in order to encourage European Union citizens to participate actively in the democratic life of the Union.

(a) To inform all persons **in the European Union** of their rights **and to encourage their exercise, particularly** those derived from the EU citizenship in order to encourage European Union citizens to participate actively in the democratic life of the Union, **within the framework of the Charter of Fundamental Rights.**

Justification

The initial wording is inaccurate, since it is not the Charter itself which should actually be promoted, but rather the rights contained in it.

Amendment 4
Article 3, point (aa) (new)

(aa) To promote the full support and participation of citizens in the construction of a European society based on freedom, democracy, tolerance, solidarity and respect for cultural diversity, highlighting the shared cultural values and roots, as part of the cultural heritage which forms the basis

of the European identity.

Justification

Specific reference should be made to values such as freedom, democracy, tolerance and respect for cultural diversity.

Amendment 5
Article 3, point (c)

(c) To explain the consequences of the insertion of the Charter of Fundamental Rights into the Constitution and of the European Union's accession to the European Convention of Human Rights. **deleted**

Justification

The clear problems that have arisen in the ratification of the Constitutional Treaty and the uncertainty surrounding it mean that it would be advisable to delete this paragraph, so as to avoid confusing citizens still further.

Amendment 6
Article 3, point (e)

(e) To promote peace and fundamental rights namely through an interfaith and multicultural dialogue at EU level. **(e) To promote peace and *respect for* fundamental rights namely through an interfaith and multicultural dialogue at EU level.**

Justification

Rights cannot be 'promoted'. I suggest therefore that respect for rights should be promoted.

Amendment 7
Article 4, point (a)

(a) specific actions taken by the Commission, such as, studies and research, opinion polls and surveys, formulation of **(a) specific actions taken by the Commission, *without prejudice to the provisions of Article 2(2)*, such as, studies**

indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events; development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities; or

and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events; development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities; or

Justification

The aim is to make the text consistent from a legal standpoint with the changes introduced by Amendment 1.

Amendment 8 Article 7, paragraph 1

Access to this programme shall be open, inter alia, to institutions and public or private organisations, universities, research institutes, non-governmental organisations, national, regional and local authorities, international organisations and other not-for-profit organisations established in the European Union.

Access to this programme shall be open, inter alia, to institutions and public or private organisations, universities, research institutes, non-governmental organisations, national, regional and local authorities, **religious communities**, international organisations and other not-for-profit organisations established in the European Union.

Justification

We should not omit religious communities from the list of institutions. Their programmes are concerned with the oppressed and underprivileged; indeed, that is generally their mission
Article 11, paragraph 1

Amendment 9 Article 11, paragraph 1

Synergies and complementarity with other Community instruments will be sought, particularly the general programmes “Security and Safeguarding Liberties” and “Solidarity and Management of Migration Flows”, as well as the “Progress programme. ***Complementarity with the Fundamental Rights Agency, built upon the European Monitoring Centre on Racism and Xenophobia will be actively pursued.*** The statistical element of information on fundamental rights and citizenship will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.

Synergies and complementarity with other Community instruments will be sought, particularly the general programmes “Security and Safeguarding Liberties” and “Solidarity and Management of Migration Flows”, as well as the “Progress programme, ***the Integrated Action Programme on Lifelong Learning, the Youth in Action Programme, the Culture 2007 Programme and the Citizens for Europe Programme, which all cover the period 2007-2013.*** The statistical element of information on fundamental rights and citizenship will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.

Justification

The aim of this amendment is to make the text consistent from a legal standpoint. Given the aims of this specific programme, it would be advisable to seek synergies and complementarity not only with the programmes mentioned, but also with the Integrated Action Programme on Lifelong Learning, the Youth in Action Programme, the Culture 2007 Programme and the Citizens for Europe Programme, which all cover the period 2007-2013.

Amendment 10 Article 11, paragraph 2

2. The programme may share resources with other Community instruments, in particular the general programmes “Security and Safeguards Liberties” and “Solidarity and Management of Migration Flows” in order to implement actions meeting the objectives of all programmes.

2. The programme may share resources with other Community instruments, in particular, ***inter alia***, the general programmes “Security and Safeguards Liberties” and “Solidarity and Management of Migration Flows” in order to implement actions meeting the objectives of all programmes.

Justification

We should leave open the possibility of the programme also being able to share resources with other programmes in the field of culture having similar objectives.

PROCEDURE

Title	Proposal for a Council decision establishing for the period 2007-2013 the specific programme 'Fundamental rights and citizenship' as part of the General programme 'Fundamental Rights and Justice'
References	COM(2005)0122 – C6-0236/2005 – 2005/0038(CNS)
Committee responsible	LIBE
Opinion by Date announced in plenary	CULT 6.9.2005
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Ignasi Guardans Cambó 16.6.2005
Previous drafts(wo)man	
Discussed in committee	28.11.2005 23.1.2005
Date adopted	23.1.2006
Result of final vote	+ : 24 - : 0 0 : 1
Members present for the final vote	Christopher Beazley, Ivo Belet, Giovanni Berlinguer, Guy Bono, Marie-Hélène Descamps, Jolanta Dičkutė, Milan Gaľa, Claire Gibault, Vasco Graça Moura, Luis Herrero-Tejedor, Bernat Joan i Mari, Manolis Mavrommatis, Doris Pack, Zdzisław Zbigniew Podkański, Christa Prets, Pál Schmitt, Nikolaos Sifunakis, Hannu Takkula, Thomas Wise, Tomáš Zatloukal
Substitute(s) present for the final vote	Emine Bozkurt, Alejandro Cercas, Erna Hennicot-Schoepges, Catherine Trautmann, Jaroslav Zvěřina
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	

27.2.2006

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council decision establishing for the period 2007 - 2013 the specific programme "Fundamental rights and citizenship" as part of the General programme "Fundamental Rights and Justice"
(COM(2005)0122 – C6-0236/2005 – 2005/0038(CNS))

Draftswoman: Neena Gill

SHORT JUSTIFICATION

This proposal is one of the four draft decisions which comprise the framework programme "Fundamental Rights and Justice"¹ presented by the Commission on April 2005 and proposed for a period from January 2007 to December 2013 with a global allocation of EUR 543 million in commitment appropriations. Four specific programmes are set up as part of the framework programme: The fight against violence and drugs prevention programme, the fundamental rights and citizenship programme, the criminal justice programme and the civil justice programme.

The objectives of the programme are derived from the Charter of Fundamental Rights and from EU citizenship and seek to support civil society associations and the fight against racism and xenophobia through a dialogue and by complementing action by Member States, respecting the principle of subsidiarity (Art. 5 of the Treaty).

The financial allocation for operational expenditure of the specific programme "Fundamental Rights and Citizenship" for the period 2007-2013 is EUR 93,8 million which breaks down as follows:

	2007	2008	2009	2010	2011	2012	2013	2014...	TOTAL

¹ COM(2005)0122.

Commitments Payments	10,6	12,0	13,2	13,5	13,8	15,2	15,5	-	93,8
	5,3	10,38	12,32	13,11	13,59	14,44	15,07	9,59	93,8

Within the overall reference amount for the framework programme "Fundamental Rights and Justice" EUR 11,1 million are to be foreseen for administrative expenditure.

RAPPORTEUR PROPOSALS

Although the Commission proposal can be welcomed, the draftsman notes that the drafting of the proposal is not of the highest quality, especially in as far as a clear explanation of the rationalisation was concerned, where a breakdown of the budget lines to be merged, the estimated saving and where this money will be used would have been useful.

1. The appropriations indicated in the financial statement of the proposal for a Council decision are purely for guidance until a final agreement is reached on the financial perspective for the period 2007 and the following years. Regarding this particular point two amendments are tabled to the draft legislative resolution.
2. Given that the present decision is subject to a consultation procedure, it will not contain an amount deemed necessary according to the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure¹. Thus an amendment to recital 11 is proposed.
3. In order to assure coherence and simplification, a new paragraph specifying the implementing measures for the programme to be discussed within the advisory committee is proposed. This article includes the annual work plan, the guidelines and the proposals for project selection among other measures to be adopted within the advisory committee in order to assure transparency. An amendment is thus proposed to change Article 9.
4. In order to avoid the risk of overlapping of the actions of the present proposal with the actions of the specific programme "Security and Safeguarding Liberties" and the corresponding specific programmes of the general programmes on "Fundamental Rights and Justice" and "Solidarity and Management of Migration Flows", an amendment to Article 11 is proposed.
5. It is important to ensure democratic scrutiny by means of suitable arrangements for fund monitoring and evaluation. Three amendments have been tabled in this respect to Articles 13 and 15.

AMENDMENTS

¹ OJ C 172 of 18.06.1999, p. 1. Agreement as last amended by Decision 2005/708/EC of the European Parliament and of the Council (OJ L 269, 14.10.2005, p. 24).

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Draft legislative resolution

Amendment 1 Paragraph 1 a (new)

- 1a. *Specifies that should a reference to the appropriations be included in the proposal for a decision it will be purely for guidance until agreement is reached on the financial perspective for the period 2007 and the following years;***

Justification

Reference to the conciliation procedure that can be initiated on the basis of Rule 56 of EP's Rules of Procedure refers to legislative texts and not to financial reference amounts.

Amendment 2 Paragraph 2 a (new)

- 2a. *Calls on the Commission to confirm, once the next financial perspective has been adopted, the amounts indicated in the proposal for a decision or, should the case arise, to submit the adjusted financial statement to the Parliament and the Council, thereby ensuring their compatibility with the ceilings;***

Justification

Amendments seeking to emphasize that pending a decision on the next multiannual Financial Framework the amounts in the financial statements are purely indicative.

Proposal for a decision

Text proposed by the Commission¹

Amendments by Parliament

Amendment 3 Recital 11

(11) This Decision establishes a financial framework for the entire duration of the programme, ***which is to be the principal point of reference*** for the budgetary

(11) This Decision establishes a financial framework for the entire duration of the programme, ***which illustrates the will of the legislative authority and will not affect the***

¹ OJ C ..., 8.12.2005, p.

authority within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure.

powers of the budgetary authority as defined by the Treaty within the meaning of point 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure.

Justification

The present decision is not subject to the co-decision procedure, therefore, according to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure, will not contain an amount deemed necessary.

Amendment 4 Article 8, paragraph 2 b (new)

2b. Access to funding shall be facilitated by the application of the principle of proportionality as regards the documents to be supplied and by the creation of a database for the submission of applications.

Justification

The methods and the procedures need to be simplified in order to speeding up the transparency of the selection procedure and facilitate access to the programme.

Amendment 5 Article 9, paragraph 3

3. The annual work programme will be adopted in accordance with the procedure set out in Article 10(2).

3. The measures necessary for the implementation of the programme relating to the following matters shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 10, paragraph 2:

- (a) the annual work programme;***
- (b) the annual budget and distribution of funds between the various actions of the programme;***

(c) the general guidelines for implementing the programme and the selection criteria procedures;

(d) the arrangements for monitoring and evaluating the actions and for the dissemination and transfer of results;

(e) the proposals for project selection.

Justification

The annual work plan, the annual budget and distribution of funds among actions, the general guidelines and the proposals for project selection may be submitted to the Committee for transparency reasons.

Amendment 6

Article 11, paragraph 2 a (new)

2a. The Commission shall ensure that the actions covered by this Decision are complementary to those covered by the programmes mentioned in paragraph 1 of this Article and that they do not overlap.

Justification

*The legislative act should be more specific and clear in order to avoid the risk of overlapping and double financing of the actions of the present proposal with the actions of : the specific programme **Prevention of and Fight against Crime**, which focuses on law enforcement and crime prevention, in the sense of cooperation between police and other non-judicial law enforcement agencies; the other specific programmes under the general programmes on **Fundamental Rights and Justice**; **Eurojust and Solidarity and management of migration flows**, in particular in the area related to the asylum and third country national integration legal system.*

Amendment 7

Article 13, paragraph 1, subparagraph 1 a (new)

The Commission shall ensure that the actions covered by this Decision are subject to prior evaluation, monitoring and ex-post evaluation. It shall ensure that the programme is accessible and is implemented in a transparent manner.

Justification

The programme needs to be monitored and evaluated at the appropriate times, so as to ensure democratic scrutiny.

Amendment 8

Article 13, paragraph 1, subparagraph 1 b (new)

The Commission shall give the European Parliament and the Council regular and timely notice of the implementation of the programme, in particular the use of the available resources.

Justification

The two arms of the budgetary authority should receive regular and timely information in order to ensure that the programme is monitored and assessed in an effective manner

Amendment 9

Article 15, paragraph 3

3. The Commission shall submit to the European Parliament and the Council:

(a) ***an*** interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme ***no later than 31 March 2011;***

(b) a Communication on the continuation of this programme ***no later than 30 August 2012;***

(c) an ex-post evaluation report no later than 31 December 2014.

3. The Commission shall submit to the European Parliament and the Council:

(a) ***a detailed*** interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this programme ***three years after the adoption of this Decision;***

(b) a Communication on the continuation of this programme, ***having regard to its objectives, three years after the adoption of this Decision. Moreover, the Commission shall present annually a short report monitoring the situation of the implementation of the programme;***

(c) an ex-post evaluation report no later than 31 December 2014 ***covering the implementation and results of the programme, on completion of its implementation.***

Justification

The fund needs to be monitored and evaluated at the appropriate times, so as to ensure democratic scrutiny.

PROCEDURE

Title	Proposal for a Council decision establishing for the period 2007 - 2013 the specific programme "Fundamental rights and citizenship" as part of the General programme "Fundamental Rights and Justice"
References	COM(2005)0122 – C6-0236/2005 – 2005/0038(CNS)
Committee responsible	LIBE
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 6.9.2005
Enhanced cooperation Date announced in plenary	
Draftswoman Date appointed	Neena Gill 9.6.2005
Previous draftswoman	
Discussed in committee	25.1.2006 21.2.2006
Date adopted	21.2.2006
Result of final vote	+: 23 -: 0:
Members present for the final vote	Reimer Böge, Herbert Bösch, Simon Busuttil, Bárbara Dührkop Dührkop, James Elles, Salvador Garriga Polledo, Ingeborg Gräßle, Louis Grech, Nathalie Griesbeck, Catherine Guy-Quint, Jutta D. Haug, Anne E. Jensen, Wiesław Stefan Kuc, Alain Lamassoure, Janusz Lewandowski, Vladimír Maňka, Mario Mauro, Jan Mulder, Gérard Onesta, Esko Seppänen, László Surján, Kyösti Virrankoski, Ralf Walter
Substitute(s) present for the final vote	
Substitutes under Rule 178(2) present for the final vote	
Observations (information available in only one language)	...

PROCEDURE

Title	Proposal for a Council decision establishing for the period 2007-2013 the specific programme "Fundamental Rights and citizenship" as part as the General programme "Fundamental Rights and Justice"			
References	COM(2005)0122 - C6-0236/2005 - 2005/0038(CNS)			
Date of consulting Parliament	19.7.2005			
Committee responsible Date announced in plenary	LIBE 6.9.2005			
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 6.9.2005	CULT 6.9.2005		
Not delivering opinion(s) Date of decision				
Enhanced cooperation Date announced in plenary				
Rapporteur(s) Date appointed	Inger Segelström 6.6.2005			
Previous rapporteur(s)				
Simplified procedure – date of decision Date of decision				
Legal basis disputed Date of JURI opinion				
Financial endowment amended Date of BUDG opinion				
Parliament to consult European Economic and Social Committee – date decided in plenary				
Parliament to consult Committee of the Regions – date decided in plenary				
Discussed in committee	4.10.2005 18.4.2006	1.12.2005 1.6.2006	6.3.2006 23.10.2006	3.4.2006 22.11.2006
Date adopted	22.11.2006			
Result of final vote	+ – 0	36 1 0		
Members present for the final vote	Roberta Angelilli, Edit Bauer, Johannes Blokland, Mihael Brejc, Giusto Catania, Carlos Coelho, Fausto Correia, Agustín Díaz de Mera García Consuegra, Elly de Groen-Kouwenhoven, Kinga Gál, Lilli Gruber, Livia Járóka, Ewa Klamt, Magda Kósáné Kovács, Barbara Kudrycka, Stavros Lambrinidis, Claude Moraes, Inger Segelström, Ioannis Varvitsiotis, Donato Tommaso Veraldi, Stefano Zappalà, Tatjana Ždanoka			
Substitute(s) present for the final vote	Ignasi Guardans Cambó, Lutz Goepel, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Vincent Peillon, Marie-Line Reynaud			
Substitute(s) under Rule 178(2) present for the final vote	Pilar Ayuso, Bárbara Dührkop Dührkop, Iratxe García Pérez Esther Herranz García, Mary Honeyball, Ana Mato Adrover, Manolis			

	Mavrommatis, María Isabel Salinas García, Alejo Vidal-Quadras
Date tabled	13.12.2006
Comments (available in one language only)	