

EUROPEAN PARLIAMENT

2004



2009

Committee on Budgets

2005/0035(CNS)

26.4.2006

OPINION

of the Committee on Budgets

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council decision establishing the specific programme 'Prevention of and Fight against Crime' for the period 2007-2013 as part of the general programme 'Security and Safeguarding Liberties' (COM(2005)0124 – C6-0242/2005 – 2005/0035(CNS))

Draftsman: Yannick Vaugrenard

PA_Leg

SHORT JUSTIFICATION

I. Commission proposal

This proposal is one of the two decisions forming part of the framework programme on ‘Security and Safeguarding Liberties’¹ which the Commission submitted in April 2005 for the period from January 2007 to December 2013, with EUR 745 m in commitment appropriations. The proposed framework programme sets up two programmes with differing legal bases: the specific programme on prevention, preparedness and consequence management of terrorism, and the specific programme on the prevention of and fight against crime.

Apart from this programme, scheduled to run from 2007 to 2013, Community action to combat terrorism and organised crime is made up of two pilot schemes and preparatory actions²:

1. Victims of terrorist acts (preparatory action)

As there is at present no valid legal basis allowing for funding in 2006, the activity is being continued as a preparatory action. From 2007 onwards, it will be covered by the programme ‘Security and Safeguarding Liberties - Prevention of and Fight against Crime’. The aim of the preparatory action is to help fund measures to assist victims of terrorist acts and/or the members of their families to overcome the consequences of what they have experienced, plus measures to mobilise the European public against the terrorist threat. The 2004 allocation was fully utilised. Of the 2005 budget, EUR 1 950 000 was committed.

Budget heading	Year implemented			Title of preparatory action	2004 budget		2005 budget		2006 budget	
	2004	2005	2006		Commit.	Paym.	Commit.	Paym.	Commit.	Paym.
18 05 04	PS1	PS2	PA1	Victims of terrorist acts	1.00	1.00	2.00	1.00	2.00	1.20

2. Fight against terrorism (pilot scheme)

The aim of the pilot scheme is to give a boost to activities to improve European Union citizens' security and cooperation in the fight against terrorism by bridging the gaps between Community measures. Following a call for proposals in 2004, close to 100% of appropriations was utilised for 2005.

¹ COM(2005)0124.

² Article 49 of the Financial Regulation stipulates that, while pilot schemes (PS) are designed ‘to test the feasibility of an action and its usefulness’, preparatory actions (PA) must be ‘designed to prepare proposals with a view to the adoption of future actions’.

Budget heading	Year implemented		Title of pilot scheme	2005 budget		2006 budget	
	2005	2006		Commit.	Paym.	Commit.	Paym.
18 05 06	PS1	PS2	Fight against terrorism	7.00	4.00	9.00	7.00

The EUR 745 m under the framework programme therefore comes on top of this funding.

The specific programme 'Prevention of and Fight against Crime' replaces the current framework programme on police and judicial cooperation in criminal matters (AGIS) and is intended to provide a high level of public security through preventing and combating crime, particularly terrorism, people trafficking and offences against children, drug trafficking, arms trafficking, corruption and fraud.

The programme has three themes:

- law enforcement
- crime prevention and criminology
- protection of witnesses and victims.

To achieve these three priority goals, the programme is intended to provide funding for projects to promote and develop coordination, cooperation and mutual understanding within the EU, cross-cutting methods and tools necessary for building a strategy to prevent and fight crime, and best practices for the protection of crime victims and witnesses. To this end it will support European, transnational and national projects.

The Commission proposes underpinning this action with an overall financial package of EUR 597.6 m divided up as follows:

	2007	2008	2009	2010	2011	2012	2013	2014	TOTAL
Operational Expenditure								...	
CA	44.6	50.9	71.8	85.6	108	117.2	119.5		597.6
PA	22.3	43.92	60.09	74.52	94.04	108.12	116.51	78.1	597.6

The financial statement in the Commission proposal shows total administrative expenditure of EUR 10 m without specifying the amount for each specific programme.

II. COMMENTS

In addition to the innovative measures put forward by the Commission, your draftsman has the following proposals:

1. It should be stressed that the amount indicated in the financial statement should be considered purely indicative until an agreement on the financial perspective is reached. Two amendments to the draft legislative resolution are being proposed to that effect.
2. All Commission financial support for beneficiaries must comply with Financial Regulation rules, in particular as regards grants and public procurement contracts. An amendment to that effect is being proposed to Article 6.
3. To simplify the legislative act and make it clearer, there should be a direct reference to the provisions on the advisory procedure under the comitology decision¹. An amendment to that effect is being proposed to Article 9.
4. To ensure the coherence and budgetary effectiveness of EU action in implementing the new programmes to develop an area of security, freedom and justice, this instrument must complement other Community programmes, particularly:
 - the programmes on the prevention, preparedness and consequence management of terrorism²;
 - the framework programmes for research and technological development³;
 - the existing pilot schemes and preparatory actions referred to⁴;
 - the EU Solidarity Fund and the major emergency preparedness and response mechanism⁵.

An amendment is therefore being proposed to Article 14 to ensure that European funds managed by different Commission DGs are not squandered.

5. Finally, it is important to ensure democratic scrutiny through appropriate monitoring and evaluation of the programme. Two amendments to that effect are being proposed to Article 14.

AMENDMENTS

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:

¹ EC/1999/468, OJ L 184, 17.7.1999, pp. 23-26.

² 2005/0034(CNS), COM(2005)0124.

³ Budget heading 02 04 02 with an allocation of EUR 15 m in commitments and EUR 19 m in payments.

⁴ Budget headings 18 05 04 and 18 05 06.

⁵ COM(2005)0123.

Draft legislative resolution

Amendment 1 Paragraph 1 a (new)

1a. Considers that the indicative financial reference amount indicated in the legislative proposal must be compatible with the ceiling of heading 3 A of the new Multi-annual Financial Framework (MFF) and points out that the annual amount will be decided within the annual budgetary procedure in accordance with the provisions of point 38 of the IIA of xxx;

Proposal for a decision

Text proposed by the Commission¹

Amendments by Parliament

Amendment 2 Article 6, paragraph 1

1. Union financial support may take the following legal forms:

- (a) Grants,
- (b) Public procurement contracts.

1. Union financial support may take the following legal forms ***within the meaning of Articles 108 and 88 of the Financial Regulation:***

- (a) Grants,
- (b) Public procurement contracts.

Justification

There must be clarification that EU financial support is subject to Financial Regulation rules (Regulation (EC, Euratom) No 1605/2002).

Amendment 3 Article 6, paragraph 2

2. Union grants shall be awarded further to calls for proposals, ***save in duly substantiated exceptional cases of urgency or where the characteristics of the beneficiary leave no other choice for a given action,*** and shall be provided through operating grants and grants for actions. The

2. Union grants shall be awarded further to calls for proposals and shall be provided through operating grants and grants for actions. The maximum rate of co-financing will be specified in the annual work programmes.

¹ OJ C 00, 12.12.2005, p. 00.

maximum rate of co-financing will be specified in the annual work programmes.

Justification

There must be clarification that EU financial support is subject to Financial Regulation rules (Regulation (EC, Euratom) No 1605/2002).

Amendment 4
Article 6, paragraph 2 a (new)

2a. 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 enhance the transparency of the selection procedure and facilitate access to the programme.

Amendment 5
Article 9

1. Where reference is made to this Article, the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the Chair may lay down according to the urgency of the matter, if necessary by taking a vote.

2. The opinion shall be recorded in the minutes; each Member State may request that its position be recorded in the minutes.

3. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which the opinion has been taken into account.

Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC shall apply.

Justification

To simplify the legislative act and make it clear, it is proposed that direct reference be made to the provisions on the advisory procedure under the 1999 decision on comitology. That Council decision, which is far from ideal, at least provides for a degree of information and transparency for Parliament's benefit, whereas, under the procedure provided for by the Commission, the provision of information for Parliament is in no way allowed for.

Amendment 6 Article 14, paragraph 1 a (new)

1a. The Commission shall ensure that the actions provided for under this Decision are subject to ex ante evaluation, monitoring and ex post evaluation. It shall ensure that the programme is accessible and is implemented in a transparent manner.

Justification

It is important to ensure democratic scrutiny by monitoring and evaluating the programme at the appropriate times.

Amendment 7 Article 14, 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 2010***;

(b) a Communication on the continuation of the programme ***no later than 31 December 2010***;

(c) ***an*** ex-post evaluation report ***no later than 31 March 2015***.

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

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

(b) ***four years after adoption of the programme***, a Communication on the continuation of the programme;

(c) ***no later than 31 March 2015, a detailed ex-post evaluation report on implementation and outcome of the programme after its completion.***

Justification

It is important to ensure democratic scrutiny by monitoring and evaluating the programme at the appropriate times.

PROCEDURE

Title	Proposal for a Council decision establishing the specific programme 'Prevention of and Fight against Crime' for the period 2007-2013 as part of the general programme 'Security and Safeguarding Liberties'
References	COM(2005)0124 – C6-0242/2005 – 2005/0035(CNS)
Committee responsible	LIBE
Opinion by Date announced in plenary	BUDG 9.6.2005
Enhanced cooperation – date announced in plenary	0.0.0000
Drafts(wo)man Date appointed	Yannick Vaugrenard 6.9.2005
Previous drafts(wo)man	
Discussed in committee	6.3.2006 3.4.2006 18.4.2006 25.4.2006
Date adopted	25.4.2006
Result of final vote	+: 33 -: 0:
Members present for the final vote	Richard James Ashworth, Simon Busuttil, Paulo Casaca, Gérard Deprez, Bárbara Dührkop Dührkop, James Elles, Markus Ferber, Salvador Garriga Polledo, Neena Gill, Dariusz Maciej Grabowski, Ingeborg Gräßle, Louis Grech, Catherine Guy-Quint, Jutta D. Haug, Ville Itälä, Sergej Kozlík, Wiesław Stefan Kuc, Zbigniew Krzysztof Kuźmiuk, Alain Lamassoure, Janusz Lewandowski, Vladimír Maňka, Mario Mauro, Gérard Onesta, Wojciech Roszkowski, Antonis Samaras, Esko Seppänen, Nina Škottová, László Surján, Yannick Vaugrenard, Kyösti Virrankoski, Ralf Walter
Substitute(s) present for the final vote	Lidia Joanna Geringer de Oedenberg, Peter Šťastný
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...