# EUROPEAN PARLIAMENT

*2004* *2009*

*Committee on Budgets*

**2005/0040(COD)**

27.2.2006

# OPINION

of the Committee on Budgets

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a decision of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme "Civil Justice" as part of the General programme "Fundamental Rights and Justice".
(COM(2005)0122 – C6-0096/2005 – 2005/0040(COD))

Draftsman: Neena Gill

PA_Leg

## SHORT JUSTIFICATION

The Commission proposed a new Heading 3 "Citizenship, Freedom, Security and Justice in its proposal for the next financial framework of the Union (2007-2013) presented to Parliament and Council[1] with a total allocation of EUR 24,705 billion out of which 65% were proposed to be addressed to the completion of an Area of Freedom, Security and Justice.

In its resolution of 8 June 2005 "Policy Challenges and Budgetary Means of the Enlarged Union 2007-2013"[2] the European Parliament proposed an increase of EUR 1 billion (2004 prices) specifying that it should be dedicated to fundamental rights and the fight against crime.

### COMMISSION PROPOSAL

This proposal is one of the four draft decisions which comprise the framework programme "Fundamental Rights and Justice"[3] 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 present proposal for a civil justice programme is mainly focused on the promotion of judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil and commercial matters based on mutual recognition and mutual confidence. Other priorities of the programme are:

- To promote the adjustment of the existing judicial system in Member States to the European Union being a territory without border controls, with a single currency, and with free movement of persons, services, goods and capital;
- To foster access to justice;
- To improve the contacts and exchange of information between the legal professions, and to foster the training of the members of the judiciary.

The financial allocation for the specific programme "Civil Justice" for the period 2007-2013 is EUR 106,5 million which breaks down as follows:

| | **2007** | **2008** | **2009** | **2010** | **2011** | **2012** | **2013** | **2014...** | **TOTAL** |
|---|---|---|---|---|---|---|---|---|---|
| **Commitments** | 14,1 | 14,3 | 14,6 | 15,5 | 15,7 | 16 | 16,3 | | **106,5** |
| **Payments** | 7,05 | 12,81 | 14,41 | 14,99 | 15,42 | 15,81 | 16,09 | 9,92 | **106,5** |

[1] COM(2004)0101.
[2] P6_TA(2005)0224.

[3] COM(2005)0122.

Within the overall reference amount for the framework programme EUR 11,1 million are foreseen for administrative expenditure.

**RAPPORTEUR'S PROPOSALS**

The Commission proposal can be welcomed, since it means a more and better cooperation based on the principal of mutual recognition and confidence-building, in order to avoid borders between countries from being an obstacle to the settlement of civil and commercial law matters or to the bringing of court proceedings and the enforcement of decisions. The draftswoman notes that the drafting of the proposal, nonetheless, 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.

The proposal raises a number of comments:

1. It should be pointed out that the amount for the financial framework mentioned in Article 12 can only be considered indicative at this stage, since there has been no decision on the financial perspective yet. A further amendment has therefore been tabled to the legislative resolution.

2. 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 programme, 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, paragraph 3.

3. In order to avoid the risk of overlapping of the actions of the present proposal with the actions of the general programme on "Security and Safeguarding Liberties" and the corresponding specific programmes of the general programme "Fundamental Rights and Justice" and "Solidarity and Management of Migration Flows, an amendment to Article 11 is proposed.

4. 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

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. Points out that the appropriations indicated in the legislative proposal beyond 2006 are subject to the decision on the next multiannual financial framework;***

Amendment 2
Paragraph 1 b (new)

***1b. Calls on the Commission, once the next multiannual financial framework is adopted, to present, if appropriate, a proposal to adjust the financial reference amount of the programme;***

*Justification*

*The reference amount for the financial framework cannot be set until such time as a decision has been reached on the Financial Perspective. Once a decision is reached, the Commission shall present a legislative proposal to set the reference amount with the respect to the appropriate ceiling of the financial framework concerned.*

**Proposal for a decision**

| Text proposed by the Commission[4] | Amendments by Parliament |
|---|---|

Amendment 3
Article 8, paragraph 2 a (new)

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| | ***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 speeding up the transparency of the selection procedure and facilitate access to the programme.*

[4] OJ C 000, 12.12.2005, p. 000
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Amendment 4
Article 9, paragraph 3

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| ***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(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;*** |
| | ***(e) the arrangements for monitoring and evaluating the actions and for the dissemination and transfer of results;*** |
| | ***(f) 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 5
Article 11, paragraph 2 a (new)

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| | ***2a. The Commission shall ensure that the actions covered by this Decision are complementary to those covered by the programmes mentioned in paragraph 1 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 "Security and Safeguarding Liberties framework programme; the other specific programmes under the general programmes on "Fundamental Rights and Justice" and " Solidarity and Management of Migration Flows framework programme. The present specific programme will also coordinate its actions with those related to the European Judicial Network in Civil and Commercial Matters*

Amendment 6
Article 12, paragraph 1

| | |
|---|---|
| 1. The budget for the implementation of this instrument is set at EUR 109.3 million for the period set out in Article 1. | 1. The ***indicative*** budget for the implementation of this instrument is set at EUR 109.3 million for the period ***of 7 years starting on 1 January 2007*** set out in Article 1. |

*Justification*

*The reference amount for the financial framework cannot be set until such time as a decision has been reached on the Financial Perspective. Once a decision is reached, the Commission shall present a legislative proposal to set the reference amount with the respect to the appropriate ceiling of the financial framework concerned (see amendment to the legislative resolution).*

Amendment 7
Article 13, paragraph 1, subparagraph 1 a (new)

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| | ***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

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| 3. The Commission shall submit to the European Parliament and the Council: | 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***; | (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 ***no later than 31 December 2012***; | (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 March 2014. | (c) an ex-post evaluation report no later than 31 March 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

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|---|---|
| **Title** | Proposal for a decision of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme "Civil Justice" as part of the General programme "Fundamental Rights and Justice". |
| **References** | COM(2005)0122 – C6-0096/2005 – 2005/0040(COD) |
| **Committee responsible** | LIBE |
| **Committee(s) asked for opinion(s)**<br>Date announced in plenary | BUDG<br>22.6.2005 |
| **Enhanced cooperation**<br>Date announced in plenary | |
| **Draftswoman**<br>Date appointed | Neena Gill<br>9.6.2005 |
| **Previous draftswoman** | |
| **Discussed in committee** | 25.1.2006 21.2.2006 |
| **Date adopted** | 21.2.2006 |
| **Result of final vote** | +: 23<br>–:<br>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)** | ... |