EUROPEAN PARLIAMENT

2004 *2009*

Committee on Budgets

2005/0037B(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 "Fight against violence (Daphne) and drugs prevention and information" as part of the general programme "Fundamental Rights and Justice"
(COM(2005)0122 – C6-0095/2005 – 2005/0037B(COD))

Draftswoman: Neena Gill

PA_Leg

SHORT JUSTIFICATION

The Commission proposed a new Heading 3 on Citizenship, Freedom, Security and Justice in its proposals 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 on "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

The programme seeks to complement national policies in mainly two areas:

- improving public health by reducing health related harm associated with drug dependence

- bringing added value to the actions by Member States by preventing and combating all forms of violence against children, young people and women and the protection of victims and groups at risk.

Within Parliament, the procedure has been split up between the Committee on Civil Liberties, Justice and Home Affairs as lead committee on the issues concerning drugs prevention and information and the Committee on Women's Rights and Gender Equality, as lead committee on the issues concerning violence.

Both lead committees have asked the Commission to present a new proposal dealing with the two policies in two separate programmes. A decision has not yet been taken to this respect.

The financial allocation for operational expenditure of the specific programme "Drug and Violence" for the period 2007-2013 is EUR 134,4 million, which breaks down as follows:

	2007	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014...**	**TOTAL**
Commitments **Payments**	1	17,4	18,8	20,2	20,6	21,0	21,5		**135,4**
	7,95	15,21	17,8	19,22	20,12	20,72	21,17	13,21	**135,4**

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

RAPPORTEUR'S PROPOSALS

Although the Commission proposal can be welcomed, the draftswoman notes that the drafting of the proposal is not of the highest quality, especially in as far as a clear explanation of the

[1] COM(2004)0101.
[2] *Texts adopted,* P6_TA(2005)0224.

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. 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 final decision on the financial perspective yet. An amendment has therefore been tabled to the legislative resolution as well as to this article.

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 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.

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 on "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[3]	Amendments by Parliament

Amendment 3
Article 8, 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 speeding up the transparency of the selection procedure and facilitate access to the programme.

Amendment 4
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(2)***:***

[3] OJ C …, 8.12.2005, p. ….

(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)

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 the 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 138.2 million for the period set out in Article 1.	1. The ***indicative*** budget for the implementation of this instrument is set at EUR 138.2 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)

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 13, paragraph 6

6. The Commission shall take every other step necessary to verify that the actions financed are carried out properly, and in compliance with the provisions of this Decision and Financial Regulation.	6. The Commission shall take every other step necessary to verify that the actions financed are carried out properly, ***effectively***, and in compliance with the provisions of this Decision and Financial Regulation.

Justification

Effectiveness of the actions financed is also to be verified by the Commission.

Amendment 10
Article 15, paragraph 3

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 30 August 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 December 2014.	(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 decision of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme "Fight against violence (Daphne) and drugs prevention and information" as part of the general programme "Fundamental Rights and Justice"
References	COM(2005)0122 – C6-0095/2005 – 2005/0037B(COD)
Committee responsible	LIBE
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 22.6.2005
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)	...