EUROPEAN PARLIAMENT

2004 *2009*

Committee on Budgets

2005/0039(CNS)

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 "Criminal Justice" as part of the General programme "Fundamental Rights and Justice"
(COM(2005)0122 – C6-0237/2005 – 2005/0039(CNS))

Draftsman: Neena Gill

PA_Leg

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 present proposal for a criminal 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 criminal 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 Fund for operational expenditure of the programme "Criminal Justice" for the period 2007-2013 is EUR 196,2 million which breaks down as follows:

	2007	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014...**	**TOTAL**
Commitments	29,2	29,8	30,4	26	26,4	26,9	27,5		**196,2**
Payments	14,6	26,64	29,98	28,08	27,08	26,57	27,1	16,15	**196,2**

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 and enhances the creation of measures in the criminal law field to ensure that there are no safe havens for crime and criminals. 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.

[1] COM(2005)0122.

The proposal nonetheless prompts a number of comments:

1. The appropriations indicated in the financial statement of the proposal for a Council decision are purely for guidance until an 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 procedure[2]. Thus an amendment to Recital 9 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 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.

4. In order to avoid the risk of overlapping 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 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

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

[2] 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).

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 Commission[3]	Amendments by Parliament

Amendment 3
Recital 9

[3] OJ C ...., ..., p. .....

(9) 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 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**.**	(9) 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 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 the budgetary discipline and improvement of the budgetary procedure, will not contain an amount deemed necessary.

Amendment 4
Article 7, 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 5
Article 8, paragraph 3

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

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

Justification

A reference to the current Decision on comitology specifying the Articles where the advisory procedure is laid on makes the legal act more accurate and transparent .

Amendment 7
Article 11, paragraph 1 a (new)

	1a. 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 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 8
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 9
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 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 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

Title	Proposal for a Council decision establishing for the period 2007-2013 the specific programme "Criminal Justice" as part of the General programme "Fundamental Rights and Justice"
References	COM(2005)0122 – C6-0237/2005 – 2005/0039(CNS)
Committee responsible	LIBE 6.9.2005
Committee(s) asked for opinion(s) Date announced in plenary	BUDG
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)	...