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Committee on Civil Liberties, Justice and Home Affairs

PROVISIONAL
2005/0037(COD)

14.2.2006

***I
DRAFT REPORT

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))

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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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))

(Codecision procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0122)[1],

– having regard to Article 251(2) and Article 152 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0095/2005),

– 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 (A6-0000/2006),

1. Approves the Commission proposal as amended;

2. Calls on the Commission and the Council to consider the amendments to the proposal so as to establish the specific programme "Fight against violence (Daphne)" and the specific programme "Drugs prevention and information" in two separate decisions, and to incorporate the amendments adopted by Parliament correspondingly into each;

3. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;

4. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission	Amendments by Parliament
Amendment 1 Title	
Proposal for a decision of the European Parliament and of the Council on establishing a specific programme "***Fight against violence (Daphne) and*** drugs prevention and information" as part of the General programme "Fundamental Rights and Justice.	Proposal for a decision of the European Parliament and of the Council on establishing a specific programme "Drugs prevention and information" as part of the General programme "Fundamental Rights and Justice.

[1] not yet published.

(This amendment applies to the entire legislative text: the adoption of this amendment means that technical adjustments throughout the text will be necessary)

Justification

This amendment is in accordance with the decision to split the programme. Owing to the importance and different characteristics of the Community measures concerning fight against violence and drugs prevention and information, those issues should not be dealt within a single specific programme "Fight against violence (Daphne) and drugs prevention and information" but rather in two separate specific programmes: "Fight against violence (Daphne)" and "Drugs prevention and information". The deleted parts are covered by the report from the Committee on Women's Rights and Gender Equality on the Daphne Programme.

Amendment 2
Recital 2

(2) Community action should complement national policies directed towards improving public health, obviating sources of danger to human health and reducing health-related harm associated with drug dependence.	(2) Community action should complement national policies directed towards improving public health, obviating sources of danger to human health and reducing health-related harm associated with drug dependence, ***including information and prevention policies.***

Justification

This amendment follows article 152 of the Treaty establishing the European Community.

Amendment 3
Recital 3

(3) Physical, sexual and psychological violence against children, young people and women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life, constitute a breach of their right to life, safety, freedom, dignity and physical and emotional integrity and a serious threat to the physical and mental health of the victims of such violence. The effects of such violence, being so	***deleted***

widespread throughout the Community, constitute a genuine health scourge and an obstacle to the enjoyment of safe, free and just citizenship.

Justification

See justification on amendment 1

Amendment 4
Recital 4

(4) The World Health Organisation defines health as a state of complete physical, mental and social well being and not merely the absence of disease or infirmity. ***According to a 1996 World Health Assembly resolution violence is a leading worldwide public health problem. In its report on violence and health of 3 October 2002 the organisation recommends promoting primary prevention responses, strengthening responses for victims of violence and increasing collaboration and exchange of information on violence prevention.***	(4) The World Health Organisation defines health as a state of complete physical, mental and social well being and not merely the absence of disease or infirmity.

Justification

See justification on amendment 1

Amendment 5
Recital 5

(5) These principles are recognised in numerous conventions, declarations and protocols of the main international organisations and institutions such as the United Nations, the International Labour Organisation, the World Conference on Women and the World Congress against Commercial Sexual Exploitation of Children.	***deleted***

Justification

See justification on amendment 1

Amendment 6
Recital 7

(7) The Commission has been called upon by the European Parliament to draw up and implement action programmes to combat such violence, inter alia, in its Resolutions of 19 May 2000 on the communication from the Commission to the Council and the European Parliament. 'For further actions in the fight against trafficking in women' and of 20 September 2001 on female genital mutilation.	***deleted***

Justification

See justification on amendment 1

Amendment 7
Recital 8

(8) The action programme set up by Decision No 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young people and women has helped increase awareness within the European Union and increase and consolidate cooperation between organisations in the Member States active in combating violence.	***deleted***

Justification

See justification on amendment 1

Amendment 8
Recital 9

(9) The action programme set up by Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) further developed the results already achieved by the Daphne programme; according to Article 8(2) thereof the Commission shall take the necessary steps to ensure the consistency of the annual appropriations with the new financial perspectives.	***deleted***

Justification

See justification on amendment 1

Amendment 9
Recital 10

(10) It is desirable to ensure continuity for the projects supported by the Daphne and the Daphne II programmes.	***deleted***

Justification

See justification on amendment 1

Amendment 10
Recital 17

(17) It is important and necessary to recognise the serious immediate and long-term implications of ***violence and*** drugs for health, psychological and social development, and for the equal opportunities of those concerned, for individuals, families and communities, and the high social and economic costs to society as a whole.	(17) It is important and necessary to recognise the serious immediate and long-term implications of drugs for health, psychological and social development, and for the equal opportunities of those concerned, for individuals, families and communities, and the high social and economic costs to society as a whole.

Justification

See justification on amendment 1.

Amendment 11
Recital 17 a (new)

(17a) Special attention should be paid to the prevention of drug use among young people, who are the most vulnerable in the population. The main challenge in prevention is to encourage young people to change their attitudes and behaviour by devising social and cognitive strategies to help them withstand the influence of what is perceived to be normal in their social environment.

Amendment 12
Recital 19

(19) Concerning the prevention of ***violence, including abuse and sexual exploitation perpetrated against children, young people and women and the protection of victims and groups at risk, the European Union can bring added value to the actions predominantly to be undertaken by Member States by the following means***: the dissemination and exchange of information, experience and good practices; the promotion of an innovative approach; the joint establishment of priorities; the development of networking ***as*** appropriate; the selection of Community-wide projects; and the motivation and mobilisation of all parties concerned. ***These actions should also encompass children and women brought to the Member States through human trafficking.***	(19) Concerning the prevention of ***drugs, Community action in the following areas can provide benefits over and above those provided by measures mainly to be taken by Member States***: the dissemination and exchange of information, experience and good practices; the promotion of an innovative approach; the joint establishment of priorities; the development of networking***, where*** appropriate; the selection of Community-wide projects; and the motivation and mobilisation of all parties concerned.

Justification

See justification on amendment 1

Amendment 13
Recital 20

(20) The European Federation for Missing and Sexually Exploited Children groups together at European level different NGOs dealing with the problem of the disappearance and sexual exploitation of children. The Federation raises awareness and fights against the phenomena of missing and sexually exploited children by facilitating communication between European organisations towards a more efficient approach, stimulating the creation of a European study centre to centralise and analyse data concerning these phenomena and promoting and conducting activities to improve the situation of minors, victims of disappearance and/or sexual abuse, and to change the legal norms, the mentality and behaviour in Europe.	***deleted***

Justification

See justification on amendment 1

Amendment 14
Recital 21

(21) The objectives of the proposed action, namely ***to prevent and combat all forms of violence against children, young people and women and*** drugs prevention and information cannot be sufficiently achieved by the Member States because of the need for an exchange of information at EU level and for the Community-wide dissemination of good practices. This can be better achieved at Community level. Due to the need for a coordinated and multidisciplinary approach and by reason of the scale or impact of the initiative, 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	(21) The objectives of the proposed action, namely drugs prevention and information**,** cannot be sufficiently achieved by the Member States because of the need for an exchange of information at EU level and for the Community-wide dissemination of good practices. This can be better achieved at Community level. Due to the need for a coordinated and multidisciplinary approach and by reason of the scale or impact of the initiative, 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 in order to achieve those

proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.	objectives.

Justification

See justification on amendment 1

Amendment 15
Article 1, paragraph 1

1. This Decision establishes the programme "***Fight against violence (Daphne) and*** drugs prevention and information", hereinafter referred to as "the programme", as part of the general programme "Fundamental Rights and Justice", in order to contribute to the strengthening of the area of Freedom, Security and Justice.	1. This Decision establishes the programme "Drugs prevention and information", hereinafter referred to as "the programme", as part of the general programme "Fundamental Rights and Justice", in order to contribute to the strengthening of the area of Freedom, Security and Justice.

Justification

See justification on amendment 1

Amendment 16
Article 2, paragraph 1, point (a)

(a) To contribute to the setting up of an area of freedom, security and justice ***by combating violence and*** by informing on and preventing drugs use	(a) To contribute to the setting up of an area of freedom, security and justice by informing on and preventing drugs use.

Justification

See justification on amendment 1

Amendment 17
Article 2, paragraph 1, point (b)

(b) To ***protect citizens against violence and to*** attain a high level of health protection, well being and social cohesion.	(b) To attain a high level of health protection, well being and social cohesion.

Justification

See justification on amendment 1

Amendment 18
Article 2, paragraph 2

2. Without prejudice to the objectives and powers of the European Community, the general objectives of the programme shall contribute to the development of *the community* policies and more specifically, to those related to the protection of public health***, gender equality, protection of children's rights, and fight against trafficking of human beings and sexual exploitation***.	2. Without prejudice to the objectives and powers of the European Community, the general objectives of the programme shall contribute to the development of *Community* policies and more specifically, to those related to the protection of public health, ***in particular the EU Drug Action Plan 2005-2008.***

Justification

See justification on amendment 1

Amendment 19
Article 3, points (a) and (b)

(a) To prevent and combat ***all forms of violence occurring in the public or the private domain against*** children, young people and ***women*** by taking preventive measures and by providing support for victims and groups at risk by the following means:	(a) To prevent and combat ***drug abuse, particularly by*** children, young people and ***other vulnerable groups,*** by taking preventive measures and by providing support for victims and groups at risk by the following means:
• To assist and encourage NGOs and other organisations active in ***protecting against*** and preventing ***violence, and assisting victims***;	• To assist and encourage NGOs and other organisations active in ***disseminating information about*** and preventing ***drug abuse***;
• To develop and implement awareness-raising actions targeting specific audiences, to design materials to supplement those already available, or to adapt and use the existing materials in other geographical areas or for other target groups;	• To develop and implement awareness-raising actions targeting specific audiences ***concerning the risks attached to drugs***, to design materials to supplement those already available, or to adapt and use the existing materials in other geographical areas or for other target groups;
• ***To disseminate the results obtained under the two Daphne programmes***	

including their adaptation, transfer and use by other beneficiaries or in other geographical areas; ***• To identify and enhance actions contributing to positive treatment of people at risk of violence, namely to follow an approach that encourages respect for them and promotes their well-being and self-fulfilment.***	
(b) To promote transnational actions to • set up multidisciplinary networks; • ensure the expansion of the knowledge base, the exchange of information and the identification and dissemination of good practice, including through training, study visits and staff exchange; ***• raise awareness of violence among targeted audiences such as specific professions to improve understanding thereof, to promote the adoption of zero tolerance towards violence and to encouraging support for victims and the reporting of violence to the competent authorities;*** ***• study phenomena related to violence, to explore and address the root causes of violence at all levels of society;*** • raise awareness of the health and social problems caused by the drug use and to encourage an open dialogue with a view to promoting a better understanding of the drug phenomenon.	(b) To promote transnational actions to • set up multidisciplinary networks; • ensure the expansion of the knowledge base, the exchange of information and the identification and dissemination of good practice, including through training, study visits and staff exchange; • raise awareness of the health and social problems caused by the drug use and to encourage an open dialogue with a view to promoting a better understanding of the drug phenomenon.

Amendment 20
Article 4, point (b)

(b) specific transnational projects of Community interest presented by at least three Member States under the conditions set out in the annual work programmes; or	(b) specific transnational projects of Community interest presented by at least three Member States ***with possible participation of accession, candidate or other third countries*** under the conditions set out in the annual work programmes; or

Amendment 21
Article 4, point (d)

(d) an operating grant to co-finance expenditure associated with the permanent work programme of the European Federation for Missing and Sexually Exploited Children which pursues an aim of general European interest in the field of children's rights and protection.	***deleted***

Justification

See justification on amendment 1

Amendment 22
Article 6

1. The programme is destined for all groups that directly or indirectly deal with ***violence and*** the drugs phenomena.	1. The programme is destined for all groups that directly or indirectly deal with the drugs phenomena.
2. With regard to the fight against violence, the main target groups are the victims of violence and groups at risk of violence. Other target groups are, inter alia, teachers and educational staff, police and social workers, local and national authorities, medical and paramedical staff, judicial staff, NGO, trade unions and religious communities. It is also relevant to think about treatment programmes for victims on the one hand and for perpetrators on the other, with the aim of preventing violence.	
3. ***With regard to drugs, youth***, vulnerable groups and problematic neighbourhoods are groups at risk and should be identified as target groups. Other target groups are, inter alia, teachers and educational staff, social workers, local and national authorities, medical and paramedical staff, judicial staff, ***NGO***, trade unions and religious communities	3. ***Young people and other*** vulnerable groups***, such as women who are addicted to drugs*** and ***those living in*** problematic ***or disadvantaged*** neighbourhoods, are groups at risk and should be identified as target groups. Other target groups are, inter alia, teachers and educational staff, ***leaders of youth organisations***, ***parents***, social workers, local and national authorities, medical and paramedical staff, ***border guards***, judicial staff, ***NGOs***, trade unions and religious communities.

Justification

Special attention must be given to the most vulnerable groups in society such as young people. Another particularly vulnerable group are women addicted to drugs. Women face different problems then male drug addicts, are often exposed to gender based violence, sexual assault and have a higher mortality rate then men addicted to drugs.

Further, it is important that border control officials are included as a target group, as they are important in the fight to disrupt the distribution channels used to smuggle in drugs. Also, leaders of youth organisations, for example sports and cultural associations, and parents need to be specially targeted.

Also see justification on amendment 1

Amendment 23
Article 7

Access to this programme shall ***be open to public or private organisations and institutions (local authorities at the competent level, university departments and research centres) working to prevent and combat violence against children, young people and women or to protect against such violence or to provide support for victims or to implement targeted actions to promote rejection of such violence or to encourage attitude and behaviour change towards vulnerable groups and victims of violence. The programme shall also*** be open to public or private organisations and institutions (local authorities at the competent level, university departments and research centres) working to ***inform*** and prevent drugs use.	This programme shall be open to public or private organisations and institutions (local authorities at the competent level, university departments and research centres) working to ***provide information on*** and prevent drugs use.

Justification

See justification on amendment 1

Amendment 24
Article 7 a (new)

Article 7a

Acknowledgement of Funding

Any institution, association or network

	receiving a grant under this programme shall acknowledge the Community support received. To that end, the Commission shall lay down detailed visibility guidelines.

Justification

Financial support from the EU should always be acknowledged. This is a matter of transparency as well as an important tool to communicate the Union's efforts

Amendment 25
Article 8, paragraph 2

2. Community 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 to actions. ***The*** maximum rate of co-financing ***will be specified in the annual work programmes***.	2. Community 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 to actions. ***A*** maximum rate of co-financing ***of 20% is established. Such co-financing may be provided partly in kind, provided that the value of any such contribution is no more than the cost actually incurred, as evidenced by accounting documents, or the cost generally obtained on the market in question.***

Amendment 26
Article 8, paragraph 2 a (new)

	2a. The Commission shall ensure that the calls for proposals are straightforward and understandable and do not represent a bureaucratic burden. Wherever appropriate, they shall be organised in two steps, with the first step requiring only the submission of such documentation as is strictly necessary for the assessment of the proposal.

Justification

Many organisations receiving funds from the EU budget complain about overcomplicated

bureaucratic procedures to apply for funding, excessive reporting requirements, and late payments by the Commission. Efforts should therefore be undertaken to limit procedures to the necessary wherever possible.

Amendment 27
Article 9, paragraph 6

6. Pursuant to Article 113(2) of the Financial Regulation, the principle of gradual reduction shall not apply to the operating grant given to the European Federation for Missing and Sexually Exploited Children which pursues an aim of general European interest in the field of children's rights and protection.	***deleted***

Justification

See justification on amendment 1

Amendment 28
Article 10, paragraph 2

2. ***Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.***	2. ***The Committee shall adopt its Rules of Procedure.***

Justification

The right of the Council, as legislator, to partly delegate its implementing powers to the Commission, has been recognized by the European Court of Justice since 1970 (decision Koster 25/70). The Court of Justice decision also required that such a delegation should specify the principles as well as the conditions for its exercise (as setting-up Committees of Member States' representatives to assist the Commission) and eventually the power 'to call-back' the delegation.

These principles have been inserted in Article 202 TEC. The Council however 'forgot' in implementing the Article 202 (in the Comitology Decision 1999/468) to recognize the same right of 'call-back' in acts decided by codecision for the European Parliament.

In order to have the benefit of this right, the European Parliament would have to insert it in the initial decision foreseeing the delegation of implementing powers. This is the purpose of the amendments to Article 10. Instead of making reference to the Articles of the Decision

1999/468, the amendments reproduce their content when it comes to the role of the Council, and propose similar prerogatives for the European Parliament (including the power to 'call back').

Amendment 29
Article 10, paragraph 3

3. ***The committee shall adopt its Rules of Procedure.***	3. ***Where this Regulation imposes procedural requirements for the adoption of implementing measures, the representative of the Commission shall submit a draft of those measures to the Committee and to the European Parliament.***
	The Committee shall deliver its opinion on the draft within a time-limit, which the chairman may lay down according to the urgency of the matter and which shall not be less than one month. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.
	3a. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee and if no objection has been raised in the meantime by the competent committee of the European Parliament.
	3b. Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, or an objection has been raised by the competent committee of the European Parliament, the Commission shall, without delay, submit to the Council and to the European Parliament a proposal relating to the measures to be taken.
	3c. If, within three months from the referral, the proposal has not been rejected either by the European Parliament, by an absolute majority of its members, or by the Council, acting by qualified majority, it shall be adopted by

	the Commission. Otherwise the Commission shall submit an amended proposal or present a legislative proposal on the basis of the Treaty.
	3d. Without prejudice to any implementing measures already adopted, application of the provisions of this Regulation which provide for the adoption of technical rules and decisions shall cease four years after the entry into force of this Regulation. Acting on a proposal from the Commission, the European Parliament and the Council may extend the period of validity of the relevant provisions, in accordance with the procedure laid down in Article 251 of the Treaty, and, with that aim in view, shall review those provisions prior to expiry of the four-year period.

Justification

See justification for amendment to Article 10, point 2

Amendment 30
Article 11, paragraph 1

1. Synergies and complementarity with other Community instruments will be sought, particularly the general programmes "Security and Safeguards Liberties" and "Solidarity and Management of Migration Flows", the 7th Research & Development Framework Programme as well as the programmes on health protection ***and "Safer Internet Plus"***. Complementarity with the European Monitoring Centre for Drugs and Drug Addiction will be actively pursued. The statistical element of information on ***violence and*** drugs will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.	1. Synergies and complementarity with other Community instruments will be sought, particularly the general programmes "Security and Safeguards Liberties" and "Solidarity and Management of Migration Flows", the 7th Research & Development Framework Programme as well as the programmes on health protection. Complementarity with the European Monitoring Centre for Drugs and Drug Addiction will be actively pursued. The statistical element of information on drugs will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.

Justification

See justification on amendment 1

Amendment 31
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 budget for the implementation of this instrument is set at ***EUR ... million*** for the period set out in Article 1.

Justification

See justification on amendment 1

Amendment 32
Article 15 a (new)

Article 15a

Publication of projects

Each year, the Commission, together with the Member States, shall publish the list of projects financed under this programme with a short description of each project.

Justification

This is important for transparency reasons.

Amendment 33
Article 15, paragraph 3, point (- a) (new)

(-a) an annual report on the implementation of the programme with a list of and quantitative data on funded projects;

(This point must be before the point a) of the Commission proposal)

Amendment 34
Article 16

Article 16	***deleted***
Transitory measures	
Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004–2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) is repealed.	
Actions started before 31 December 2006 pursuant to that Decision continue to be governed, until their completion, by it. The committee provided for in Article 7 thereof shall be replaced by the one provided for in Article 10 of the present Decision.	

Justification

See justification on amendment 1