



2018/0208(COD)

8.11.2018

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
establishing the Justice programme
(COM(2018)0384 – C8-0235/2018 – 2018/0208(COD))

Committee on Legal Affairs
Committee on Civil Liberties, Justice and Home Affairs

Rapporteurs: Heidi Hautala, Josef Weidenholzer

(Joint committee procedure – Rule 55 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council
establishing the Justice programme
(COM(2018)0384 – C8-0235/2018 – 2018/0208(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0384),
 - having regard to Article 294(2), Article 81(1) and (2) and Article 82(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0235/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Legal Affairs and the Committee the Civil Liberties, Justice and Home Affairs under Rule 55 of the Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Budgets, the Committee on Budgetary Control and the Committee on Women's Rights and Gender Equality (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) These rights and values must continue to be promoted and enforced, shared among the citizens and peoples

Amendment

(2) These rights and values must continue to be promoted and enforced, shared among the citizens and peoples

within the Union and be at the heart of Europe's societies, Therefore, a new Justice, Rights and Values Fund, comprising the Rights and Values and the Justice programmes shall be created in the Union budget. At a time where European societies are confronted with extremism, radicalism and divisions, it is more important than ever to promote, strengthen and defend justice, rights and EU values: human rights, respect for human dignity, freedom, democracy, equality, the rule of law. This will have profound and direct implications for political, social, cultural and economic life in the EU. As a part of the new Fund, the Rights and Values Programme will bring together the 2014-2020 Rights, Equality and Citizenship Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council¹⁰ and the Europe for Citizens programme established by Regulation (EU) No 390/2014 of the Council¹¹. The Justice programme (hereafter the 'Programme') will continue to support the development of an integrated European justice area and cross-border cooperation, in continuity with the 2014-2020 Justice Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council¹² (hereafter 'the predecessor Programme').

¹⁰ Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62)

¹¹ Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period

within the Union and be at the heart of Europe's societies, Therefore, a new Justice, Rights and Values Fund, comprising the Rights and Values and the Justice programmes shall be created in the Union budget. At a time where European societies are confronted with extremism, radicalism and divisions, ***and proceedings under Article 7 of the Treaty on European Union, relating to systematic breaches of the rule of law, as well as infringement proceedings on issues relating to the rule of law in Member States, are ongoing***, it is more important than ever to promote, strengthen and defend justice, rights and EU values: human rights, respect for human dignity, freedom, democracy, equality, the rule of law. This will have profound and direct implications for political, social, cultural and economic life in the EU. As a part of the new Fund, the Rights and Values Programme will bring together the 2014-2020 Rights, Equality and Citizenship Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council¹⁰ and the Europe for Citizens programme established by Regulation (EU) No 390/2014 of the Council¹¹. The Justice programme (hereafter the 'Programme') will continue to support the development of an integrated European justice area and cross-border cooperation, in continuity with the 2014-2020 Justice Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council¹² (hereafter 'the predecessor Programme').

¹⁰ Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62)

¹¹ Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period

2014-2020 (OJ L 115, 17.4.2014, p.3)

¹² Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62).

2014-2020 (OJ L 115, 17.4.2014, p.3)

¹² Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62).

Or. en

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The Treaty on the Functioning of the European Union (TFEU) provides for the creation of an area of freedom, security and justice, with respect for fundamental rights and the different legal systems and traditions of the Member States. To that end, the Union may adopt measures to develop judicial cooperation in civil matters and judicial cooperation in criminal matters and to promote and support the action of Member States in the field of crime prevention. Respect for fundamental rights as well as for common principles and values, such as non-discrimination, gender equality, effective access to justice for all, the rule of law and a well-functioning independent judicial system shall be ensured in the further development of a European area of justice.

Amendment

(4) ***Full respect for and promotion of the rule of law and democracy is fundamental to building people's trust in the Union. Respect for the rule of law within the Union is a prerequisite for the protection of fundamental rights, as well as for upholding all rights and obligations enshrined in the Treaties.*** The Treaty on the Functioning of the European Union (TFEU) provides for the creation of an area of freedom, security and justice, with respect for fundamental rights and the different legal systems and traditions of the Member States. ***The way in which the rule of law is implemented in the Member States plays a vital role in ensuring mutual trust among Member States and between their legal systems. The Programme should therefore promote and safeguard fundamental rights, democracy and the rule of law at local, regional, national and transnational levels.*** To that end, the Union may adopt measures to develop judicial cooperation in civil matters and judicial cooperation in criminal matters and to promote and support the action of Member States in the field of crime prevention, ***especially focusing on environmental crimes and violations of***

fundamental rights, such as human trafficking, as well as other serious cross border crimes. Respect for fundamental rights as well as for common principles and values, such as non-discrimination, gender equality, effective access to justice for all *victims on non-discriminatory grounds*, the rule of law and a well-functioning independent judicial system *should* be ensured in the further development of a European area of justice, *putting emphasis on the cross border nature of judicial cooperation in relation to external action instruments.*

Or. en

Justification

This is in line with explanatory memorandum, page 4 “external, development cooperation and enlargement policies”

Amendment 3

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Pursuant to Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the EU, the Union shall support the training of the judiciary and judicial staff as a tool to improve judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and of judicial decisions. Training of justice professionals is an important tool to develop a common understanding of how best to uphold the rule of law. It contributes to the building of the European area of justice by creating a common judicial culture among justice professionals of the Member States. It is essential to ensure the correct and coherent application of law in the Union and mutual

Amendment

(8) Pursuant to Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the EU, the Union shall support the training of the judiciary and judicial staff as a tool to improve judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and of judicial decisions. Training of justice professionals is an important tool to develop a common understanding of how best to uphold the rule of law. It contributes to the building of the European area of justice by creating a common judicial culture among justice professionals of the Member States. It is essential to ensure the correct and coherent application of law in the Union and mutual

trust between justice professionals in cross-border proceedings. The training activities supported by the Programme should be based on sound training needs' assessments, use state of the art training methodology, include cross-border events gathering justice professionals of different Member States, comprise active learning and networking elements and be sustainable.

trust between justice professionals in cross-border proceedings ***and applicability and implementation of the Union's shared values, especially fundamental rights in legal practice***. The training activities supported by the Programme should be based on sound training needs' assessments, use state of the art training methodology, include cross-border events gathering justice professionals of different Member States, comprise active learning and networking elements and be sustainable.

Or. en

Justification

This is in line with explanatory memorandum, page 1 and 2 "reasons and objectives".

Amendment 4

Proposal for a regulation **Recital 9**

Text proposed by the Commission

(9) Judicial training can involve different actors, such as Member States' legal, judicial and administrative authorities, academic institutions, national bodies responsible for judicial training, European-level training organisations or networks, or networks of court coordinators of Union law. Bodies and entities pursuing a general European interest in the field of training of the judiciary, such as the European Judicial Training Network ('EJTN'), the Academy of European Law ('ERA'), the European Network of Councils for the Judiciary ('ENCJ'), the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union ('ACA-Europe'), the Network of the Presidents of Supreme Judicial Courts of

Amendment

(9) Judicial training can involve different actors, such as Member States' legal, judicial and administrative authorities, academic institutions, national bodies responsible for judicial training, European-level training organisations or networks, or networks of court coordinators of Union law, ***as well as civil society organisations representing the rights of victims***. Bodies and entities pursuing a general European interest in the field of training of the judiciary, such as the European Judicial Training Network ('EJTN'), the Academy of European Law ('ERA'), the European Network of Councils for the Judiciary ('ENCJ'), the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union ('ACA-Europe'), the

the European Union ('RPCSJUE') and the European Institute of Public Administration ('EIPA'), should continue to play their role in promoting training programmes with a genuine European dimension for the judiciary and judicial staff, and could therefore be granted adequate financial support in accordance with the procedures and the criteria set out in the annual work programmes adopted by the Commission pursuant to this Regulation

Network of the Presidents of Supreme Judicial Courts of the European Union ('RPCSJUE') and the European Institute of Public Administration ('EIPA'), should continue to play their role in promoting training programmes with a genuine European dimension for the judiciary and judicial staff, and could therefore be granted adequate financial support in accordance with the procedures and the criteria set out in the annual work programmes adopted by the Commission pursuant to this Regulation

Or. en

Justification

In order to ensure effectiveness of these trainings, it is critical to ensure also involvement of civil society organisations defending the rights of victims.

Amendment 5

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Measures under the Programme should support enhanced mutual recognition of judicial decisions and judgments and the necessary approximation of legislation that will facilitate cooperation between all the relevant authorities, including Financial Intelligence Units, and the judicial protection of individual rights in civil and commercial matters. The Programme should also advance the procedural legislation for cross-border cases and greater convergence in civil law that will help to eliminate obstacles to good and efficient functioning judicial and extra-judicial procedures in benefit of all parties in a civil dispute. Finally, in order to support the effective enforcement and

Amendment

(11) Measures under the Programme should support enhanced mutual recognition of judicial decisions and judgments and the necessary approximation of legislation that will facilitate cooperation between all the relevant authorities, including Financial Intelligence Units, and the judicial protection of individual rights in civil and commercial matters. The Programme should also advance the procedural legislation for cross-border cases, ***especially focusing on facilitating access to justice for all victims***, and greater convergence in civil law that will help to eliminate obstacles to good and efficient functioning judicial and extra-judicial procedures in benefit of all parties in a civil

practical application of the Union law on judicial cooperation in civil matters, the Programme should support the functioning of the European Judicial Network in Civil and Commercial matters established by Council Decision 2001/470/EC.

dispute. Finally, in order to support the effective enforcement and practical application of the Union law on judicial cooperation in civil matters, the Programme should support the functioning of the European Judicial Network in Civil and Commercial matters established by Council Decision 2001/470/EC.

Or. en

Justification

In line with article 3.

Amendment 6

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Pursuant to Article 3(3) of the TEU, Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child, the Programme should support the protection of the rights of the child, and should mainstream the promotion of the rights of the child in the implementation of all of its actions.

Amendment

(12) Pursuant to Article 3(3) of the TEU, Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child **and welcoming International Labour Organization Conventions and Recommendations on child labour**, the Programme should support the protection of the rights of the child, and should mainstream the promotion of the rights of the child in the implementation of all of its actions.

Or. en

Justification

More holistic approach to rights of the child.

Amendment 7

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Pursuant to Article 3(3) TEU, Article 23 of the Charter and the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), the Programme should support the protection of the women's rights, and should mainstream the promotion of gender-based issues in the implementation of all of its actions.

Or. en

Justification

More holistic approach to Women's rights.

Amendment 8

Proposal for a regulation Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) Pursuant to the 2007 United Nations Convention on the Rights of Persons with disabilities, the Programme should support the protection of the rights of persons with disabilities, and should mainstream the promotion of the rights of persons with disabilities in the implementation of all of its actions.

Or. en

Justification

The EU is bound to the UN CRPD. The Convention must therefore be referred to in the proposal. All Member States have ratified the Convention with the exception of Ireland who has signed it.

Amendment 9

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) Actions covered by this Regulation should contribute to the creation of a European area of justice, increasing cross-border cooperation and networking and achieving the correct, coherent and consistent application of Union law. Funding activities should also contribute to a common understanding of the Union's values, the rule of law, to better knowledge of Union law and policies, to sharing know-how and best practices in using judicial cooperation instruments by all concerned stakeholders, as well as to a proliferation of interoperable digital solutions underpinning seamless and efficient cross-border cooperation, and should provide a sound analytical basis to support the development, enforcement and proper implementation of Union law and policies. Union intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover, the Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning.

Amendment

(16) Actions covered by this Regulation should contribute to the creation of a European area of justice, increasing cross-border cooperation and networking and achieving the correct, coherent and consistent application of Union law. ***As Union law can have an extraterritorial nature with application outside the Union, adequate cooperation with third countries should be ensured.*** Funding activities should also contribute to a common understanding of the Union's values, the rule of law, to better knowledge of Union law and policies, to sharing know-how and best practices in using judicial cooperation instruments by all concerned stakeholders, as well as to a proliferation of interoperable digital solutions underpinning seamless and efficient cross-border cooperation, and should provide a sound analytical basis to support the development, enforcement and proper implementation of Union law and policies. Union intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover, the Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning.

Or. en

Justification

This is in line with explanatory memorandum, page 4 “external, development cooperation and enlargement policies”.

Amendment 10

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.

Amendment

(23) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, ***human rights bodies and networks including national institutions responsible for the protection of human rights in each Member State, bodies and networks responsible for non-discrimination and equality policies, ombudsmen, the European Agency for Fundamental Rights (FRA)***, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences ***and enhance their synergies and cooperation.***

Or. en

Justification

This is in line with explanatory memorandum, page 1 and 2 “reasons and objectives”.

Amendment 11

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Pursuant to [reference to be updated as appropriate according to a new decision on OCTs: Article 94 of Council Decision 2013/755/EU¹], persons and entities established in overseas countries and territories are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.

¹ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

Amendment

(25) Pursuant to [reference to be updated as appropriate according to a new decision on OCTs: Article 94 of Council Decision 2013/755/EU¹], persons and entities established in overseas countries and territories are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked. ***The Programme needs to ensure that such persons and entities are sufficiently informed about their eligibility for funding.***

¹ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

Or. en

Amendment 12

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on ***Member States***. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.

Amendment

(27) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on ***Programme beneficiaries***. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.

Amendment 13

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

1. ‘Judiciary and judicial staff’ means judges, prosecutors and court staff, as well as other justice professionals associated with the judiciary, such as lawyers, notaries, bailiffs or enforcement officers, insolvency practitioners, mediators, court interpreters and translators, court experts, prison staff and probation officers.

Amendment

1. ‘Judiciary and judicial staff’ means judges, prosecutors and court staff, as well as other justice professionals associated with the judiciary, such as lawyers, ***in particular legal experts in civil society organisations***, notaries, bailiffs or enforcement officers, insolvency practitioners, mediators, court interpreters and translators, court experts, prison staff and probation officers.

Or. en

Amendment 14

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. The Programme has the general objective of contributing to the further development of a European area of justice based on the rule of law, on mutual recognition and mutual trust;

Amendment

1. The Programme has the general objective of contributing to the further development of a European area of justice based on the rule of law, ***democracy and fundamental rights***, on mutual recognition and mutual trust;

Or. en

Justification

This is in line with explanatory memorandum, page 1 and 2 “reasons and objectives” as well as with the preparatory actions adopted by the EP for the budget 2018 and proposed by the LIBE Committee

Said judicial and procedural challenges include access to better mapping on conflict of laws and possibilities of using universal jurisdiction, access to evidence, access to legal aid, namely more resources on litigation.

The references to grounds of discrimination are reflecting article 10 TFEU and article 21 of the Fundamental Rights Charter.

Amendment 15

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

a) to facilitate and support judicial cooperation in civil and criminal matters, and to promote the rule of law including by supporting the efforts to improve the effectiveness of national justice systems and the enforcement of decision;

Amendment

a) to facilitate and support judicial cooperation in civil and criminal matters, and to promote the rule of law, **democracy and fundamental rights** including by supporting the efforts to improve the effectiveness of national justice systems and the enforcement of decision;

Or. en

Justification

This is in line with explanatory memorandum, page 1 and 2 “reasons and objectives” as well as with the preparatory actions adopted by the EP for the budget 2018 and proposed by the LIBE Committee

Said judicial and procedural challenges include access to better mapping on conflict of laws and possibilities of using universal jurisdiction, access to evidence, access to legal aid, namely more resources on litigation.

The references to grounds of discrimination are reflecting article 10 TFEU and article 21 of the Fundamental Rights Charter.

Amendment 16

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

b) to support and promote judicial

Amendment

b) to support and promote judicial

training, with a view to fostering a common legal, judicial and rule of law culture;

training, **including empowerment of civil society**, with a view to fostering a common legal, judicial, **fundamental rights** and rule of law culture;

Or. en

Justification

This is in line with explanatory memorandum, page 1 and 2 “reasons and objectives” as well as with the preparatory actions adopted by the EP for the budget 2018 and proposed by the LIBE Committee

Said judicial and procedural challenges include access to better mapping on conflict of laws and possibilities of using universal jurisdiction, access to evidence, access to legal aid, namely more resources on litigation.

The references to grounds of discrimination are reflecting article 10 TFEU and article 21 of the Fundamental Rights Charter.

Amendment 17

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

c) to facilitate effective access to justice for all and effective redress, including by electronic means, by promoting efficient civil and criminal procedures and by promoting and supporting the rights of victims of crime as well as the procedural rights of suspects and accused persons in criminal proceedings.

Amendment

c) to facilitate effective access to justice for all, **with the emphasis on inequalities and discrimination on any ground, such as gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, colour, social origin, genetic features, language, political or any other opinion, membership of a national minority, property, birth**, and effective redress, including by electronic means, by promoting efficient civil and criminal procedures and by promoting and supporting the rights of victims of crime as well as the procedural rights of suspects and accused persons in criminal proceedings;

Or. en

Justification

This is in line with explanatory memorandum, page 1 and 2 “reasons and objectives” as well as with the preparatory actions adopted by the EP for the budget 2018 and proposed by the LIBE Committee

Said judicial and procedural challenges include access to better mapping on conflict of laws and possibilities of using universal jurisdiction, access to evidence, access to legal aid, namely more resources on litigation.

The references to grounds of discrimination are reflecting article 10 TFEU and article 21 of the Fundamental Rights Charter.

Amendment 18

Proposal for a regulation

Article 3 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

c a) to enhance judicial cooperation in the globalised world whenever Union law has extraterritorial applications to facilitate tackling judicial and procedural challenges including human trafficking, climate change and business responsibility. In this context, facilitating victims’ access to remedies is of key importance,

Or. en

Justification

This is in line with explanatory memorandum, page 1 and 2 “reasons and objectives” as well as with the preparatory actions adopted by the EP for the budget 2018 and proposed by the LIBE Committee

Said judicial and procedural challenges include access to better mapping on conflict of laws and possibilities of using universal jurisdiction, access to evidence, access to legal aid, namely more resources on litigation.

The references to grounds of discrimination are reflecting article 10 TFEU and article 21 of the Fundamental Rights Charter.

Amendment 19

Proposal for a regulation

Article 3 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

c b) to support civil society organisations in building litigation cases relating to violations of democracy, the rule of law and fundamental rights.

Or. en

Justification

This is in line with explanatory memorandum, page 1 and 2 “reasons and objectives” as well as with the preparatory actions adopted by the EP for the budget 2018 and proposed by the LIBE Committee

Said judicial and procedural challenges include access to better mapping on conflict of laws and possibilities of using universal jurisdiction, access to evidence, access to legal aid, namely more resources on litigation.

The references to grounds of discrimination are reflecting article 10 TFEU and article 21 of the Fundamental Rights Charter.

Amendment 20

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. The financial envelope for the implementation of the Programme for the period 2021 – 2027 shall be EUR [~~305 000 000~~] in current prices.

1. The financial envelope for the implementation of the Programme for the period 2021 – 2027 shall be EUR [~~305 000 000~~ **400 000 000**] in current prices.

Or. en

Amendment 21

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

4. Resources allocated to Member States under shared management may, **at their request**, be transferred to the Programme. The Commission shall implement those resources directly in accordance with Article 62(1)(a) of the Financial Regulation or indirectly in accordance with Article 62(1)(c). Where possible those resources shall be used for the benefit of the Member State concerned.

Amendment

4. Resources allocated to Member States under shared management may be transferred to the Programme. The Commission shall implement those resources directly in accordance with Article 62(1)(a) of the Financial Regulation or indirectly in accordance with Article 62(1)(c). Where possible those resources shall be used for the benefit of the Member State concerned.

Or. en

Amendment 22

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. The Programme may provide funding in any of the forms laid down in the Financial Regulation.

Amendment

2. The Programme may provide funding, **through action grants and multiannual operating grants**, in any of the forms laid down in the Financial Regulation, **including the use of lump sums, unit costs, flat rates and cascading grants. Voluntary work shall be considered eligible when co-funding is required as in kind contributions.**

Or. en

Amendment 23

Proposal for a regulation Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In the preparation and implementation of the work programme the Commission shall consult relevant stakeholders, including civil society organisations active in the defence of victims, and in redress in line with Article 11 a.

Or. en

Amendment 24

Proposal for a regulation Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Civil Dialogue

In line with Article 11(2) of the TEU, the Commission shall set up a Civil Dialogue Group aimed at ensuring a regular dialogue between the beneficiaries of the Programme and other relevant stakeholders on the implementation of the Programme's priorities, dissemination of results and on policy developments related to the Programme's activities.

Or. en

Amendment 25

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The interim evaluation of the Programme shall be carried out once there is sufficient information available about the implementation of the Programme, but no later than **four** years after the start of the programme implementation.

Amendment

2. The interim evaluation of the Programme shall be carried out once there is sufficient information available about the implementation of the Programme, but no later than **two** years after the start of the programme implementation.

Or. en

Amendment 26

**Proposal for a regulation
Annex 1 – paragraph 1**

Text proposed by the Commission

1. awareness raising, dissemination of information to improve the knowledge of Union policies and of Union law including substantive and procedural law, of judicial cooperation instruments, of the relevant case-law of the Court of Justice of the European Union, and of comparative law and of European and international standards;

Amendment

1. awareness raising, dissemination of information to improve the knowledge of Union policies and of Union law including substantive and procedural law, of judicial cooperation instruments, of the relevant case-law of the Court of Justice of the European Union, and of comparative law and of European and international standards, ***with a special focus on increasing the understanding of multi-, cross- and interdisciplinary areas of law, such as trade and human rights, and on how to facilitate extraterritorial litigation;***

Or. en

Amendment 27

**Proposal for a regulation
Annex 1 – paragraph 2**

Text proposed by the Commission

2. mutual learning through exchange

Amendment

2. mutual learning through exchange

of good practices among stakeholders to improve knowledge and mutual understanding of the civil and criminal law and the legal and judicial systems of the Member States, including the rule of law, and enhancing mutual trust;

of good practices among stakeholders ***including civil society organisations***, to improve knowledge and mutual understanding of the civil and criminal law and the legal and judicial systems of the Member States, including the rule of law, and enhancing mutual trust;

Or. en

Amendment 28

Proposal for a regulation Annex 1 – paragraph 3

Text proposed by the Commission

3. analytical and monitoring activities¹ to improve the knowledge and understanding of potential obstacles to the smooth functioning of a European area of justice and to improve the implementation of Union law and policies in the Member States;

¹ These activities include for instance the collection of data and statistics; the development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations; impact assessment; the elaboration and publication of guides, reports and educational material.

Amendment

3. analytical and monitoring activities¹ to improve the knowledge and understanding of potential obstacles to the smooth functioning of a European area of justice and to improve the implementation of Union law and policies in the Member States, ***also taking into account cross border elements of Union law vis-à-vis third countries***;

¹ These activities include for instance the collection of data and statistics; the development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations; impact assessment; the elaboration and publication of guides, reports and educational material.

Or. en

Amendment 29

Proposal for a regulation Annex 1 – paragraph 4

Text proposed by the Commission

4. training relevant stakeholders to improve the knowledge of Union policies and Union law including inter alia substantive and procedural law, the use of EU judicial cooperation instruments, the relevant case-law of the Court of Justice of the European Union, legal language and of comparative law.

Amendment

4. training relevant stakeholders ***including civil society organisations active in the defence of victims and in redress*** to improve the knowledge of Union policies and Union law including inter alia substantive and procedural law, ***use of collective redress and universal jurisdiction***, the use of EU judicial cooperation instruments, the relevant case-law of the Court of Justice of the European Union, legal language and of comparative law, ***in order to improve victim's access to justice in cross-border incidents***.

Or. en

Amendment 30

**Proposal for a regulation
Annex 1 – paragraph 5**

Text proposed by the Commission

5. information and Communication Technology (ICT) tools development and maintenance to improve the efficiency of judicial systems and their cooperation by means of information and communication technology, including the cross-border interoperability of systems and applications.

Amendment

5. information and Communication Technology (ICT) tools development and maintenance to improve the efficiency of judicial systems and their cooperation by means of information and communication technology, including the cross-border interoperability of systems and applications, ***privacy and data protection***.

Or. en

Amendment 31

**Proposal for a regulation
Annex 1 – paragraph 6**

Text proposed by the Commission

6. developing capacity of key European level networks and European judicial networks, including networks established by Union law to ensure the effective application and enforcement of Union law, to promote and further develop Union law, policy goals and strategies in the areas of the programme, as well as **supporting** civil society organisations active in the areas covered by the Programme.

Amendment

6. developing capacity of key European level networks and European judicial networks, including networks established by Union law to ensure the effective application and enforcement of Union law, to promote and further develop Union law, policy goals and strategies in the areas of the programme, as well as **involving** civil society organisations active in the areas covered by the Programme.

Or. en

Amendment 32

**Proposal for a regulation
Annex 1 – paragraph 6 a (new)**

Text proposed by the Commission

Amendment

6 a. building the capacity of civil society organisations to bring court action relating to violations of democracy, the rule of law and fundamental rights.

Or. en

Amendment 33

**Proposal for a regulation
Annex 1 – paragraph 7**

Text proposed by the Commission

Amendment

7. enhancing knowledge of the programme and dissemination, **and** transferability of its results and fostering citizen outreach, including by setting up and supporting programme desks/national

7. enhancing knowledge of the programme and dissemination, transferability **and transparency** of its results and fostering citizen outreach, including by setting up and supporting

contact network.

independent programme desks/national contact network.

Or. en

Amendment 34

Proposal for a regulation Annex 2 – paragraph 1

Text proposed by the Commission

The Programme will be monitored on the basis of a set of indicators intended to measure the extent to which the general and specific objectives of the Programme have been achieved and with a view to minimising administrative burdens and costs. To that end, data will be collected as regards the following set of key indicators:

Amendment

The Programme will be monitored on the basis of a set of indicators intended to measure the extent to which the general and specific objectives of the Programme have been achieved and with a view to minimising administrative burdens and costs. ***Qualitative indicators shall be included for the assessment.*** To that end, data will be collected as regards the following set of key indicators:

Or. en

Amendment 35

Proposal for a regulation Annex 2 – table – row 1

Text proposed by the Commission

Number of members of the judiciary and judicial staff who participated in training activities (including staff exchanges, study visits, workshops and seminars) funded by the Programme, including by the operating grant of the EJTN

Amendment

Number of members of the judiciary and judicial staff, ***disaggregated by gender***, who participated in training activities (including staff exchanges, study visits, workshops and seminars) funded by the Programme, including by the operating grant of the EJTN

Or. en

Amendment 36

Proposal for a regulation Annex 2 – table – row 1 a (new)

Text proposed by the Commission

Amendment

Number of staff and members of civil society organisations who participated in training activities

Or. en

Amendment 37

Proposal for a regulation Annex 2 – table – row 4 – introductory part

Text proposed by the Commission

Amendment

Number of people reached by:

Number of people, ***disaggregated by gender***, reached by:

Or. en

Amendment 38

Proposal for a regulation Annex 2 – table – row 4 – point ii a (new)

Text proposed by the Commission

Amendment

(ii) a capacity-building activities targeted at civil society organisations

Or. en

Amendment 39

Proposal for a regulation

Annex 2 – table – row 4 – point ii b (new)

Text proposed by the Commission

Amendment

(iib) activities related to providing people with information on access to justice and judges with litigation challenges and how to apply private international law and Union law in cross border/multidisciplinary cases

Or. en