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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the Justice programme**

{SWD(2018) 290 final} - {SWD(2018) 291 final} - {SEC(2018) 274 final}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

This proposal provides for a date of application as of 1 January 2021 and is presented for a Union of 27 Member States, in line with the notification by the United Kingdom of its intention to withdraw from the European Union and Euratom based on Article 50 of the Treaty on European Union received by the European Council on 29 March 2017.

#### • **Reasons and objectives**

The European Union's aim is to promote peace, its values and the well-being of its peoples. The Union is a community of law and its values constitute the very basis of its existence. Article 2 of the Treaty of the EU states that *'the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and the respect for human rights, including the rights of the persons belonging to minorities. These values are common to the Member States in a society where pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail'*. These values underpin the rights enjoyed by those living in the Union. The EU Charter of Fundamental Rights brings together in a single text all the personal, civic, political, economic and social rights enjoyed by people in the EU.

Article 3 TEU states that the 'Union's aim is to promote peace, its values and the well-being of its peoples' and that 'it shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced'. The Commission's reflection paper on the future of EU finances<sup>1</sup> states that 'the EU budget supports this aim, working together with national budgets and complementing other efforts at European and national level'.

The Union's values encompass in particular fundamental rights, non-discrimination and equality, anti-racism and tolerance, respect for human dignity, the rule of law and the independence of the judiciary, cultural diversity, a vibrant civil society, freedom of expression and citizens' participation in democratic life. A working European area of Justice and effective national justice systems are necessary for a flourishing internal market and for upholding the common values of the Union.

This Commission has set a Union of democratic change as one of its ten political priorities and is working in that context to engage citizens about what the EU does and the way it functions and to build trust in the Union.

EU finances can provide value added and help in in upholding common European values.

To promote common European values and rights, the EU has combined several instruments in a policy mix of legislation, policies and funding. In particular, the following funding programmes have had a strong societal focus and are clearly related to European values: the Rights, Equality and Citizenship programme, the Europe for Citizens programme and the Justice programme.

These programmes have led to real progress in promoting values and implementing the rights that EU legislation grant to people across the Union. To give some examples, people are more aware of their rights, common history and culture, more women are in work, children's rights have been promoted and protected, justice systems are more effective with legal practitioners knowing how and when to apply EU *acquis* and with a thriving cross-border cooperation,

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<sup>1</sup> COM(2017)358

there is more democratic and civic participation at Union level, and a deeper understanding of and respect for different memories, cultures and traditions.

Under Union law, people can rely on a set of rights, independent and effective justice systems, and respect for the rule of law. The EU has shown its firm commitment to combatting violence against women and children, fighting all forms of discrimination, promoting and protecting the rights of persons with disabilities, and supporting a vibrant and strong civil society in the EU.

Despite the progress achieved under the current programmes, several gaps persist in the policy areas in question and new challenges have emerged that need to be tackled. The common challenges faced by the EU in the area of justice, rights and values are twofold:

- The Union’s vocation to be a community based on shared values and rights, a shared historical and cultural heritage and people’s involvement, is hampered by some emerging movements which challenge the idea of open inclusive, cohesive and democratic societies where civic participation and the enjoyment of rights make it possible to build a tolerant way of living together.
- The fragmented nature and limited resources of current EU funding programmes dedicated to values, rights, citizenship and justice limits the EU’s capacity to respond to existing and new challenges. ‘Lack of budget of the programmes to satisfy demand’ is a main obstacle that the respondents to the public consultation say could prevent the current programmes from achieving their objectives.

A more detailed analysis shows that:

- People still do not fully enjoy their rights: inequalities and discrimination on the grounds of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation still exist. Violence is still a reality in the daily lives of many women, children and other people at risk;
- There is more to be done to make sure that citizens are aware of the values of the EU and the benefits of EU citizenship, and to encourage a higher level of political and societal participation and better understanding of the Union, its history, cultural heritage and diversity;
- The rights stemming from EU citizenship — on free movement, consular protection and electoral rights — are still not fully known and implemented, thus hindering citizens’ political and societal participation.
- Economic crises, persisting inequalities and challenges such as of migration have led some to question the fundamental rights and the values on which the European Union is founded. In some cases, the rule of law, access to justice, space for civil society and the independence of the judiciary are also being challenged.
- Judicial cooperation in civil and criminal matters is insufficient and access to justice across Member States is still difficult. Tools for collecting comparative information about the quality, independence and efficiency of Member States’ justice systems need to be improved. A major obstacle to mutual recognition and judicial cooperation is a lack of trust in other Member States’ judicial systems.

The consequences of not addressing these challenges could be serious as confidence in democracy and support for upholding values and fundamental rights would be weakened.

These challenges are common to all Member States and have cross-border dimensions. While action at national level is important, individual Member States do not have sufficient leverage to tackle these challenges.

Promoting and defending EU values and rights has profound implications for the political, social, cultural, judicial and economic life of the Union and contributes to the EU having a tangible impact on people's day-to-day lives. EU-level action in this area needs to be sustained and stepped up in order to address persisting gaps and new challenges, and ensure the promotion, effective protection and respect of rights and values; this will also help to complete the internal market and foster prosperity and cohesion in the EU. It will also allow the EU to play a key role in defending and promoting its values at global level and contribute to the UN's sustainable development goals.

The new Justice programme will support the further development of a European area of justice based on the Union's values, the rule of law, and mutual recognition and trust, in particular by facilitating access to justice and promoting judicial cooperation in civil and criminal matters, and the effectiveness of national justice systems.

Together with the Rights and Values programme, this new programme will form part of a new Justice, Rights and Values' Fund, helping to sustain open, democratic, pluralist and inclusive societies. It will also help to empower people by protecting and promoting rights and values and by further developing an EU area of justice.

- **Consistency with existing policy provisions**

The Justice Rights and Values Fund contributes directly to several of the European Commission's priorities<sup>2</sup>, in particular the creation of an area of justice and fundamental rights based on mutual trust, a deeper and fairer internal market, a capital markets union, a connected digital single market, and a Union of democratic change, growth and jobs.

- **Consistency with other Union policies**

The Justice, Rights and Values fund and its two underlying funding programmes will help to strengthen and uphold EU values and the respect of the rule of law and to sustain the open, democratic, inclusive and creative societies which Europeans expect. Already under current rules, Member States are required to show that their rules and procedures for financial management of EU money are robust and funding is sufficiently protected from abuse or fraud. Only an independent judiciary that upholds the rule of law and legal certainty in all Member States can ultimately guarantee that money from the EU budget is sufficiently protected.

On the basis of Article 322 of the Treaty on the Functioning of the European Union (TFEU), the Commission has proposed a Regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States. The new Regulation will complement the instruments aiming at upholding EU common values, including this programme.

The programme will have close synergies with several policies and their funding programmes, in particular:

- **employment, social and education policies**

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<sup>2</sup> [https://ec.europa.eu/commission/sites/beta-political/files/juncker-political-guidelines-speech\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/juncker-political-guidelines-speech_en.pdf)

Effective justice and enforcement capacity, e.g. through the training of legal practitioners;

– **external, development cooperation and enlargement policies**

The promotion of values and rights in the EU is mirrored by their promotion at global level, *including* through linkages with the implementation of the Sustainable Development Goals. In this respect, synergies should be developed, in particular with the EU's external action at multilateral level but also in development cooperation aid and in enlargement policy, to ensure coherence in the promotion, for instance, of access to justice and the rule of law.

Synergies should also be strengthened with external action instruments that may support cross-border cooperation with priority non-EU countries in areas of importance for a safe and secure Europe.

– **single market**

By financing activities on company law, contract law and anti-money laundering, the future single market programme will complement the Justice programme and contribute directly to the implementation of EU policy in the field of justice and the creation of an EU area of justice, and will follow the policy lines in this area. The same applies as regards consumer policy;

– **strategic infrastructure**

Synergies relating to digitalisation and the interconnection of IT systems will be developed further under the Digital Europe programme;

– **research and Innovation**

The Horizon Europe Framework Programme for Research and Innovation includes activities addressing an Inclusive and Secure Society, including justice and consumer matters, and societally relevant technologies including cybersecurity or artificial intelligence and other key enabling technologies. Cross-fertilisation with the aim of deepening the understanding of advanced technologies in society, democracy and the judicial system, and how to focus on their benefits will be explored.

– **migration, border management and security policy**

The Justice programme and other EU funds covering migration, border management and especially security will dovetail by targeting different phases of the activities and procedures required to establish a European area of security and justice. Given the intrinsic connections between security and justice on the ground, there will be particular synergies in terms of providing adequate protection to crime victims, funding joint investigation teams and judicial training, ensuring interoperability with the European criminal records information system, improving detention conditions and inter-agency cooperation in the fields of justice and security, including via justice-related agencies such as Eurojust and the European Public Prosecutor's Office.

– **environmental policy**

The Justice programme has the potential to support measures aimed at combatting environmental crime and, amongst others, contribute to implementation of the Environmental Crime Directive<sup>3</sup>. Measures to support judicial co-operation in civil and criminal matters will complement and reinforce a separate programme for the

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<sup>3</sup> Directive 2008/99

training of judges and prosecutors in the field of environmental law and the possibility of funding projects on access to justice in environmental matters set out in the LIFE Regulation<sup>4</sup>. They will also contribute to ensuring that national justice systems can deliver effective access to justice under the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters<sup>5</sup>.

– **Climate mainstreaming**

The Commission proposal for the 2021-2027 Multiannual Financial Framework set a more ambitious goal for climate mainstreaming across all EU programmes, with an overall target of 25% of EU expenditure contributing to climate objectives. The contribution of this programme to the achievement of this overall target will be tracked through an EU climate marker system at an appropriate level of disaggregation, including the use of more precise methodologies where these are available. The Commission will continue to present the information annually in terms of commitment appropriations in the context of the annual draft budget.

To support the full utilisation of the potential of the programme to contribute to climate objectives, the Commission will seek to identify relevant actions throughout the programme preparation, implementation, review and evaluation processes.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

### **• Legal basis**

The proposal is based on Article 81(1) and (2) and Article 82(1) of the Treaty on the Functioning of the European Union (TFEU).

Article 81(1) TFEU provides that the Union shall develop judicial cooperation in civil matters having cross-border implications. Article 81(2) TFEU provides for the adoption of measures aimed at ensuring the mutual recognition and enforcement of judgments; the cross-border service of judicial and extrajudicial documents; effective access to justice and support for the training of the judiciary and judicial staff.

Article 82(2) TFEU provides for measures to promote judicial cooperation in criminal matters.

The combination of Articles 81 and 82 TFEU allows for a comprehensive approach in supporting the development of judicial cooperation in civil and criminal matters, especially cross-cutting issues affecting both fields.

### **• Subsidiarity (for non-exclusive competence)**

The proposed funding activities respect the principles of European added value and subsidiarity. Funding from the Union budget concentrates on objectives that cannot be sufficiently achieved by the Member States alone, where Union intervention can add value. Activities covered by this Regulation contribute to the effective application of the *acquis* by developing mutual trust between Member States, increasing cross-border cooperation and networking, and ensuring correct, coherent and consistent application of Union law across the

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<sup>4</sup> Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 Text with EEA relevance

<sup>5</sup> Decision 2005/370/EC.

Union. The Union is better placed than Member States to address cross-border situations and to provide a European platform for mutual learning. A sound analytical basis for the support and development of policies will be supported. Union intervention allows for these activities to be pursued consistently across the Union and brings economies of scale.

- **Proportionality**

The proposal complies with the proportionality principle in that it does not go beyond the minimum required in order to achieve the stated objective at European level.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Retrospective evaluations/fitness checks of existing legislation**

The mid-term evaluation of the 2014-2020 Justice programme shows that it has delivered high European added value. Member States acting alone would not be able to achieve the same results in terms of size and scope. This is true both for the general objective of the programme, i.e. the development of a European area of justice based on mutual recognition and trust, and for its specific objectives. Beneficiaries agree that providing judicial training at European level is essential to the creation of a European area of justice and for the smooth and coordinated enforcement of EU law. In turn, the action fostered by the judicial training specific objectives is considered sustainable, since it fosters the acquisition of lasting legal knowledge and competences, while providing for networking opportunities and trust-building among judicial staff from different Member States.

The types of activity funded by the programme and the project outcomes are effective in improving knowledge of Union law and policies. The performance of the Justice programme is perceived as an improvement on the predecessor programmes, in terms both of policy targeting and involving the right stakeholder groups while the distribution of efforts amongst Programme objectives could be balanced in the future. Efforts are still needed to reach all target groups in all Member States and communication activities could be strengthened.

The nature of the programme has made it possible to ensure operational flexibility, allowing the Commission to adapt the annual work programmes to emerging needs in the field of justice policy. Overall, the programme is highly relevant and aligned to the needs of selected target groups but a more systematic analysis of the stakeholder needs could be considered. In particular, it has the key ability to adapt its priorities to emerging needs in the area of justice policy, in order to address the most relevant issues. This is a product of the broad specific objectives of the programme; as it incorporated a number of programmes from the previous programming period. Such flexibility in terms of policy and agenda-setting is the key to the good results of the programme. . The Programme presents a good level of coherence and complementarity with other EU instruments, programmes and actions. Coordination and information exchange with other EU programmes and projects would be instrumental to further the coherence.

The implementation of the Justice programme has been satisfactory as regards action grants and operational grants, but the forward planning of procurement actions should be improved. There is little scope for using alternative funding instruments such as innovative financial instruments. Beneficiaries consider the current instruments (action grants, operating grants and procurement activities) suitable for the needs of the programme. However, there is scope for streamlining and simplifying certain reporting requirements in the context of the grants, while ensuring the necessary control on spending public resources.

The programme-specific indicators are suitable for monitoring progress towards the programme objectives, but are sometimes difficult to measure due to a lack of adequate tools (i.g. satisfaction survey).

Participants' capacity was deemed a key factor influencing the performance of funded activities as limited (administrative, financial, organisational) capacity could be a reason for limited participation in the programme's activities (especially in certain Member States). Capacity-building and technical assistance may therefore be required.

There is no clear scope for further simplification as regards the management mode of the programme. The current direct management mode is appropriate for a programme of this size, while alternative modes (such as shared management) would probably result in resources being too thinly spread, reducing the programme's capacity to concentrate resources on common priorities and emerging issues. Simplification could be sought, according to beneficiaries, with regard to the drafting and provision of necessary administrative and financial capacity information when participating in calls for proposals.

Further, there is scope for tailoring the Participants Portal to the needs of the various types of organisation that typically apply to the programme (such as training institutions). In this regard, the trend towards gradual digitalisation was viewed as clearly positive and should be continued.



## • Stakeholder consultations

The consultation strategy supporting the preparatory work for the new Justice programme included a public consultation in the framework of the proposal for the post-2020 multiannual financial framework (MFF) in the area of values and mobility, public consultations in the framework of the mid-term evaluation of the current funding programmes, and several *ad hoc* consultations organised by the Commission in the form of roundtable discussions with stakeholders, conferences and seminars on the issues covered by the impact assessment, which largely builds on the outcome of these consultations.

### **OPEN PUBLIC CONSULTATION ON EU FUNDS IN THE AREA OF VALUES AND MOBILITY**

Consultations have taken place in the context of evaluations of existing EU financial programmes covering several policy areas and notably looked at current performance and future challenges. The purpose of the public consultation on EU funds in the area of values and mobility was to collect the views of all interested parties on how to make the most of every euro of the EU budget. The public consultation on EU funds in the area of values and mobility was open from 10 January 2018 to 9 March 2018 in 23 official EU languages.

In response to the online public consultation on EU funds in the area of values and mobility, the Commission received a total of 1 839 replies from all over Europe. Of these, 52% were from respondents with experience of Erasmus+ and 43% were from respondents with experience of the Creative Europe programme.

There was at least one response from each Member State, The country of residence with the most contributions overall was Germany (24.4%), followed by France (8.7%), Belgium (7.7%) and Spain (5.4%).

Of the 1 839 contributions received via the online questionnaire, 65.2 % (1 199) were from organisations and 34.8 % (640) from individuals.

A wide range of stakeholders shared their opinions: of the 1 199 contributions from organisations, 355 (19.3%) were from non-governmental organisations, platforms or networks, 270 (14.7%) from private enterprises (mainly micro and small businesses) and 127 (6.9%) from researchers and academics.

The analysis summed up below focuses on the respondents with experience of the following EU programmes:

1. Europe for Citizens programme and/or
2. Rights, Equality and Citizenship programme and/or
3. Creative Europe programme and/or
4. Justice programme.

Below are some of the main results:

- According to the respondents, ‘Promoting European identity and common values’ and ‘promoting rights and equality’ are important common policy challenges (among the first four challenges mentioned) to be addressed in each of the four programmes. ‘Supporting active citizenship, democratic participation in society and the rule of law’ and ‘Promoting social inclusion and fairness’ also appear to be important challenges to be addressed in the relevant programmes but to a lesser extent in the Creative Europe programme, for which economic challenges and cultural diversity are more important.
- ‘Supporting innovation’, ‘Fostering European cultural diversity and cultural heritage’, ‘Promoting European identity and common values’ are considered policies that

address fully or fairly well the challenges faced by half or more of the respondents with experience of the four programmes concerned. Also, 52 % of the respondents with experience of the Creative Europe programme consider that the policy to ‘Support competitiveness of European cultural and creative sectors’ addresses the challenges fully or fairly well.

- Around 80 % of the respondents with experience of the four EU programmes mentioned above agree that these programmes add value to a large extent or to a fairly good extent to what Member States could achieve at national, regional and/or local level.
- The main obstacles identified by the respondents that could prevent the current programmes/funds from achieving their objectives are very similar regardless of the programme concerned: ‘Lack of budget of the programmes to satisfy demand’; ‘Insufficient support provided to small-scale stakeholders’; ‘Lack of support to first-time applicants’ are identified as the main three obstacles.
- Respondents with experience of one or more of the four EU programmes agree that ‘the use of more simplified application forms’, ‘facilitating structured network and partnerships’, ‘facilitating funding for actions cutting across the sectors of action’ and ‘better coordination between different programmes/funds’ are the main steps to be taken to simplify and reduce the administrative burden for beneficiaries.

#### • **Impact assessment**

The impact assessment was prepared to analyse a possible proposal for a European Culture, Rights and Values programme merging the 2014-2020 Rights, Equality and Citizenship programme, the Europe for Citizens programme and the Creative Europe programme — and the Justice programme. The Commission decided to have a self-standing Creative Europe programme and to create a Justice, Rights and Values Fund with two underlying funding programmes: the Justice programme and the Rights and Values programme. The impact assessment remains valid in underpinning all these initiatives.

On 20 April 2018, the Regulatory Scrutiny Board gave a positive opinion on the accompanying impact assessment. The Board included a recommendation to further improve the report, some key aspects of this being full exploitation of the evaluation results and findings outcomes, a better design of the future priorities and clarification of the expected impacts of the changes in delivery mechanisms. These aspects were strengthened in the final version of the impact assessment. The impact assessment compiled the lessons learned from the Creative Europe programme, the Rights, Equality and Citizenship programme, the Europe for Citizens programme and the Justice programme and proposed a new structure. It also explored delivery mechanisms that will promote EU values and culture while achieving the objectives of efficiency, flexibility, synergies and simplification set for the next multiannual financial framework. The results of the mid-term evaluation have been duly taken into account. All the programmes evaluated have shown clear added value. With the new clustering, it will be possible to further exploit the potential of current programmes to promote EU values and increase EU added value.

Three main scenarios were analysed:

- The status quo of maintaining four funding programmes under the ‘values’ sub-cluster of the EU budget, namely the Rights, Equality and Citizenship programme, the Justice programme, the Creative Europe programme and the Europe for Citizens programme.

- As an alternative to the current situation and baseline scenario, the second scenario proposed developing synergies among the current programmes and combining them to form a single political chapeau on EU values with two underlying funding programmes: the European Culture, Rights and Values programme and the Justice programme.
- A third scenario involved the creation of one single funding programme covering all four funding programmes listed above.

***The baseline scenario: the status quo with four funding programmes and a proportional 15 % budgetary cut***

Analysis of the baseline scenario with a possible 15 % cut in the available funding shows that there would be negative consequences for policy implementation. In particular:

A 15 % reduction in funding for the **REC** programme would result in an annual prioritisation, i.e. concentration of funding in some policy areas in one year and promotion of other policy areas in the following years, in contradiction with the increasing needs in the field. This reduction would also mean cutting back on studies, data collection, awareness-raising campaigns etc., all necessary to have sound, evidence-based policy and legislation.

For the **Europe for Citizens programme**, a budgetary cut of 15 % would reduce the baseline budget to €157 million which is insufficient for the Commission’s commitment to put citizens at the centre of the European process. The critical mass of participants and the geographical coverage of activities necessary to achieve the intended impact would no longer be reached. A stable budgetary allocation (based on the 2017 budget) would allow continuity but still have limited impact.

A decrease of 15 % in funding for the **MEDIA sub-programme of Creative Europe** would inevitably mean streamlining and concentrating on a limited number of actions. A reduction in funding would disproportionately impact lower production countries and/or countries with a restricted geographic/linguistic area. It would also reduce the number of training activities for audio visual professionals and the number of EU co-productions, which are works that travel better across borders. Reducing the scope of the network of cinema operators would negatively impact the access of EU citizens, notably from Central and Eastern European countries, to non-national European content.

A decrease of 15 % for the Culture sub-programme of **Creative Europe** would not make it possible to reach a critical mass to respond to the needs of the cultural and creative sectors. This would imply in particular less European added value and therefore a reduced impact on cultural diversity, fewer opportunities for cross-border cooperation, fewer market opportunities and fewer career possibilities for practitioners from the cultural and creative sectors. The societal impact would be reduced, and the international opening of the programme might need to be limited to its pre-2014 level and the participation of key EU neighbouring partner countries abandoned.

The **Financial Guarantee** for the cultural and creative sectors could be put at risk, which would be detrimental to the Cultural and Creative Sectors, especially for Eastern countries in whose financial markets are less developed and where therefore there are therefore fewer possibilities to access to finance.

***Discarded alternative in the impact assessment: one programme***

For reasons related to the legal basis, the alternative proposed in the third scenario of a single instrument/programme has been discarded. Indeed, most of the activities and policies are based on articles that provide for an ordinary legislative procedure except for the current

Europe for Citizens programme. Currently, the main focus of the Europe for Citizens programme is on civic participation and is therefore based on Article 352 TFEU (unanimity). After analysis, the objectives of the corresponding activities could, if their focus was modified to a certain degree, be adapted to fit with the new approach of a broader programme; in such case, they would fall within the scope of Article 167(1) and (2) TFEU, which provides for the ordinary legislative procedure. However, given the position of the United Kingdom and Ireland on the area of freedom, security and justice and the position of Denmark as laid down in Protocols 21 and 22 annexed to the Treaties, the Justice programme, while also commanding the ordinary legislative procedure, needs to remain a separate instrument.

***Proposed alternative in the impact assessment: an EU Values framework with two funding programmes***

The analysis shows that there is room for improvement in relation to the current situation of four funding programmes. Therefore, as an alternative to the current situation and baseline scenario, it is proposed that synergies be developed among the current programmes and prerogative lines and combined into a single political chapeau on EU values with two underlying funding programmes: the European Culture, Rights and Values programme and the Justice programme, as presented below:

The new architecture of the future funding as an alternative to the baseline scenario aims at:

- developing synergies among policies, finding a common ground for action, while respecting their specific features;
- reducing overlap and fragmentation;
- ensuring flexibility in the allocation of funds, while ensuring a certain degree of predictability of funding dedicated to each policy;
- fostering cross-sectoral and innovative actions;
- ensuring a critical mass of resources to promote values, taking also into account the needs of each policy.

***Retained alternative***

The Commission decided to have a self-standing Creative Europe programme and to create a Justice, Rights and Values Fund including two programmes: the Justice programme and the Rights and Values programme. The impact assessment remains valid in underpinning these initiatives. This decision is reflected in the post-2020 MFF proposal package that the Commission presented on 02 May 2018<sup>6</sup>.

**• Simplification**

Simplification measures, e.g. lump sums, flat rates and unit costs, will be sought in the implementation of the Justice programme.

The complexity and heterogeneity of the funding rules for the current programmes represent an obstacle for applicants. The use of a single entry point for external users to participate in the grants lifecycle (the participant portal), including an overall grant management system, has an important role to play in simplifying access to the programme. The Justice programme will continue to be managed through the Commission's IT corporate system developed currently on the basis of H2020.

**• Fundamental rights**

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<sup>6</sup> COM(2018)321.

The programme objectives are closely linked to the promotion of fundamental rights and are in line with the Charter of Fundamental Rights of the EU. In particular, the Justice programme (and the Rights and Values programme) will be part of a Justice, Rights and Values Fund of the EU budget aimed at sustaining open, democratic and inclusive societies, empowering people by protecting and promoting rights and values, and developing further an EU area of justice.

#### **4. BUDGETARY IMPLICATIONS**

The financial envelope for the implementation of the Justice programme for the period from 1 January 2021 to 31 December 2027 will be [EUR 305 000 000] (current prices).

#### **5. OTHER ELEMENTS**

##### **• Implementation plans and monitoring, evaluation and reporting arrangements**

The Commission will continue to manage the Justice programme directly for both grants and procurements.

An implementation plan will be developed to specify the arrangements for the running of the programme.

A monitoring and evaluation plan will be developed to specify how actions are to be carried out in practice, and under what data strategy. The programme will be monitored both continuously (e.g. to respond in a timely manner to unforeseen events and exceptional needs) and on a regular basis (to report on key events such as calls for proposals, project reviews, coordination and dissemination events) and, where relevant, the monitoring will feed into the key programme indicators. The monitoring reports will subsequently feed into:

- a mid-term evaluation (no later than four years after the start of programme implementation), combined with the final evaluation of the predecessor programmes; and
- a final evaluation (no later than four years after the end of the programming period).

These evaluations will be carried out in line with paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016<sup>7</sup>, where the three institutions confirmed that evaluations of existing legislation and policy should provide the basis for impact assessments of options for further action. The evaluations will assess the programme's effects on the ground on the basis of programme indicators/targets and a detailed analysis of the degree to which the programme can be deemed relevant, effective and efficient, provides enough EU added value and is coherent with other EU policies. They will include lessons learnt for addressing any shortcomings/problems identified or any potential to improve actions or results further and for maximising their exploitation/impact.

The Commission will report to the European Parliament, Council and all other relevant EU institutions through monitoring and evaluation reports and a public scoreboard of the key programme indicators.

##### **• Detailed explanation of the specific provisions of the proposal**

The aim of the proposed approach is to combine the simplification of funding procedures, as requested by all involved parties, with a more results-oriented approach.

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<sup>7</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

The proposal sets out the general and specific objectives of the programme (Article 3) and the types of activity to be funded (Annex I). The general and specific objectives define the scope of the programme (policy areas), while the types of activity are funding-oriented, apply to all policy areas concerned and provide a cross-cutting definition of possible outputs. At the same time, the types of activity show where funding can really add value in achieving the policy objectives.

In implementing this Regulation, the Commission will establish annually the funding priorities in the respective policy areas. Participation is open to all legal entities legally established in a Member State or in a participating non-EU country, with no further restrictions on access to the programme.

This structure allows for simplification and for the programme to be more closely geared to policy needs and developments. Moreover, it provides a stable context for evaluation, as the specific objectives are directly linked to indicators that will remain consistent for the duration of the programme and will be monitored and evaluated regularly. For the sake of flexibility and better implementation, it is not proposed that specific amounts be reserved for individual specific objectives within the programme.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**establishing the Justice programme**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,  
Having regard to the Treaty on the Functioning of the European Union, and in particular, Article 81(1) and (2), Article 82(1) thereof,  
Having regard to the proposal from the European Commission,  
After transmission of the draft legislative act to the national parliaments,  
Having regard to the opinion of the European Economic and Social Committee<sup>8</sup>,  
Having regard to the opinion of the Committee of the Regions<sup>9</sup>,  
Acting in accordance with the ordinary legislative procedure,  
Whereas:

- (1) According to Article 2 of the Treaty on European Union, ‘the Union is founded on the values of respect for human dignity, freedom democracy, equality, the rule of law and the respect for human rights, including the rights of the persons belonging to minorities. These values are common to the Member States in a society where pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail’. Article 3 further specifies that the ‘Union’s aim is to promote peace, its values and the well-being of its people’ and, among others, ‘it shall respect its rich cultural and linguistic diversity, and shall ensure that Europe’s cultural heritage is safeguarded and enhanced’. These values are further reaffirmed and articulated in the rights, freedoms and principles enshrined in the Charter of Fundamental Rights of the European Union (‘the Charter’).
- (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

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<sup>8</sup> OJ C [...], [...], p. [...].

<sup>9</sup> OJ C [...], [...], p. [...].

Council<sup>10</sup> and the Europe for Citizens programme established by Regulation (EU) No 390/2014 of the Council<sup>11</sup>. 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 Council<sup>12</sup> (hereafter 'the predecessor Programme').

- (3) The Justice, Rights and Values Fund and its two underlying funding programmes will focus primarily on people and entities which contribute to make our common values, rights and rich diversity alive and vibrant. The ultimate objective is to nurture and sustain our rights-based, equal, inclusive and democratic society. That includes a vibrant civil society, encouraging people's democratic, civic and social participation and to fostering the rich diversity of European society, also based on our common history and memory. Article 11 of the EU Treaty further specifies that the institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.
- (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.
- (5) Financing should remain one of the important tools for the successful implementation of the ambitious goals set by the Treaties. They should be attained inter alia by establishing a flexible and effective Justice Programme which should facilitate planning and implementation of those goals.
- (6) For the gradual establishment of an area of freedom, security and justice, the Union is to adopt measures relating to judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and judicial decisions, which is a cornerstone of judicial cooperation within the Union since the Tampere European Council of 15 and 16 October 1999. Mutual recognition requires a high level of mutual trust among Member States. Measures to approximate the laws of the Member States in several areas have been adopted to facilitate mutual recognition and foster mutual trust. A well-functioning area of justice, where obstacles in cross-border judicial proceedings and access to justice in cross-border situations are eliminated, is also key to ensure economic growth.
- (7) Respect for the rule of law is essential for a high level of mutual trust in the area of justice and home affairs, in particular for effective judicial cooperation in civil and

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<sup>10</sup> 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)

<sup>11</sup> 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)

<sup>12</sup> 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).



criminal matters which is based on mutual recognition. The rule of law is one of the common values enshrined in Article TEU 2, and the principle of effective judicial protection provided for in Articles 19(1) TEU and 47 of the Charter of Fundamental Rights is a concrete expression of the rule of law. Promoting the rule of law by supporting the efforts to improve the independence, quality and efficiency of national justice systems enhances the mutual trust which is indispensable for judicial cooperation in civil and criminal matters.

- (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.
- (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 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.
- (10) The programme should support the annual work programme of EJTN, which is an essential actor of judicial training. The EJTN is in a exceptional situation, insofar as it is the only network at Union level gathering the judicial training bodies of the Member States. It is in a unique position to organise exchanges for new and experienced judges and prosecutors between all Member States and to coordinate the work of the national judicial training bodies regarding the organisation of training activities on Union law and the promotion of good training practices. The EJTN is also a provider of training activities of excellent quality delivered in a cost-efficient manner at Union level. Moreover, it comprises the judicial training bodies of candidate countries as observer members.
- (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 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.

- (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.
- (13) The 2014-2020 Programme has enabled training activities on Union law, in particular on the scope and application of the Charter, targeted at members of the judiciary and other legal practitioners. In its conclusions of 12 October 2017 on the application of the Charter in 2016, the Council recalled the importance of awareness-raising on the application of the Charter, including among policymakers, legal practitioners and the rights holders themselves, at national as well as at Union level. Therefore, to mainstream fundamental rights in a consistent way, it is necessary to extend financial support to awareness –raising activities for other public authorities than judicial authorities and legal practitioners.
- (14) Pursuant to Article 67 TFEU, the Union should constitute an area of freedom, security and justice with respect for fundamental rights, to which access to justice is instrumental. In order to facilitate effective access to justice, and with a view to foster the mutual trust which is indispensable for the good functioning of the area of freedom, security and justice, it is necessary to extend financial support to activities of other authorities than judicial authorities and legal practitioners, as well as of civil society organisations, which contribute to these objectives.
- (15) Pursuant to Articles 8 and 10 TFEU, the Programme should also support the mainstreaming of equality between women and men and non-discrimination objectives in all its activities.
- (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.
- (17) The Commission should ensure overall consistency, complementarity and synergies with the work of Union bodies, offices and agencies, such as EUROJUST, EU-LISA and the European Public Prosecutor Office, and should take stock of the work of other national and international actors in the areas covered by the Programme.

- (18) It is necessary to ensure the European added value of all actions and activities carried out within the Programme, their complementarity to Member States' activities, and their consistency with other Union activities. In order to ensure efficient allocation of funds from the general budget of the Union, consistency, complementarity and synergies should be sought between funding programmes supporting policy areas with close links to each other, in particular within the Justice, Rights and Values Fund – and thus with the Rights and Values Programme- and between the Programme and the Single Market Programme, Border management and Security, in particular the Asylum and Migration ('AMIF') and the Internal Security Funds, Strategic Infrastructure in particular the Digital Europe Programme, the Erasmus+ Programme, the Framework Programme for research and innovation, the Instrument for Pre-accession Assistance, and the LIFE Regulation<sup>13</sup>.
- (19) This Regulation lays down a financial envelope for the Justice programme which is to constitute the prime reference amount, within the meaning of [reference to be updated as appropriate according to the new inter-institutional agreement: point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management<sup>14</sup>], for the European Parliament and the Council during the annual budgetary procedure.
- (20) Regulation (EU, Euratom) No [the new FR] (the 'Financial Regulation') applies to this Programme. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation, financial assistance, financial instruments and budgetary guarantees.
- (21) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.
- (22) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>15</sup>, Council Regulation (Euratom, EC) No 2988/95<sup>16</sup> Council Regulation (Euratom, EC) No 2185/96<sup>17</sup> and Council Regulation (EU) 2017/1939<sup>18</sup> the financial interests of the Union are to be protected

<sup>13</sup> Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 Text with EEA relevance

<sup>14</sup> [Reference to be updated: OJ C 373, 20.12.2013, p. 1. The agreement is available at: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_2013.373.1.0001.01.ENG&toc=OJ:C:2013:373:TOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_2013.373.1.0001.01.ENG&toc=OJ:C:2013:373:TOC)]

<sup>15</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999,(OJ L248, 18.9.2013, p. 1.

<sup>16</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p. 1).

<sup>17</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L292,15.11.96,, p. 2).

<sup>18</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017,, p. 1).

through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council<sup>19</sup> In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

- (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.
- (24) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.
- (25) Pursuant to [reference to be updated as appropriate according to a new decision on OCTs: Article 94 of Council Decision 2013/755/EU<sup>20</sup>], 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.
- (26) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Programme will contribute to mainstream climate action and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of its mid-term evaluation.

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<sup>19</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

<sup>20</sup> 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).

- (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.
- (28) In order to ensure uniform conditions for the implementation of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of indicators as set out in Article 12 and 14 and Annex II. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (29) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>21</sup>.
- (30) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (31) *[In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...] its wish to take part in the adoption and application of this Regulation. OR*
- In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]*

HAVE ADOPTED THIS REGULATION:

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### *Article 1*

#### *Subject matter*

This Regulation establishes the Justice programme (the 'Programme').

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<sup>21</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)

It lays down the objectives of the Programme, the budget for the period 2021 – 2027, the forms of Union funding and the rules for providing such funding.

*Article 2*  
*Definition*

For the purposes of this Regulation, the following definitions apply:

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.

*Article 3*  
*Programme objectives*

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;
2. The Programme has the following specific objectives, as further detailed in Annex I:
  - (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;
  - (b) to support and promote judicial training, with a view to fostering a common legal, judicial and rule of law culture;
  - (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.

*Article 4*  
*Budget*

1. The financial envelope for the implementation of the Programme for the period 2021 – 2027 shall be EUR [305 000 000] in current prices.
2. The amount referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme, such as preparatory, monitoring, control, audit and evaluation activities including corporate information technology systems.
3. Without prejudice to the Financial Regulation, expenditure for actions resulting from projects included in the first work programme may be eligible as from 1 January 2021.
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.

*Article 5*  
*Third countries associated to the Programme*

The Programme shall be open to the following third countries:

- (a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;
- (b) acceding countries, candidate and potential candidate, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;
- (c) countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries.
- (d) Other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement
  - ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;
  - lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of [the new Financial Regulation];
  - does not confer to the third country a decisional power on the programme;
  - guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.

*Article 6*  
*Implementation and forms of EU funding*

1. The Programme shall be implemented in direct management in accordance with the Financial Regulation or in indirect management with bodies referred to in Article 61(1)(c) of the Financial Regulation.
2. The Programme may provide funding in any of the forms laid down in the Financial Regulation.
3. [Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. The provisions laid down in [Article X of] Regulation XXX [successor of the Regulation on the Guarantee Fund] shall apply].

*Article 7*  
*Type of actions*

Actions contributing to the achievement of a specific objective specified in Article 3 may receive funding under this Regulation. In particular, activities listed in Annex I shall be eligible for funding.

**CHAPTER II**  
**GRANTS**

*Article 8*  
*Grants*

1. Grants under the Programme shall be awarded and managed in accordance with Title VIII of the Financial Regulation.

*Article 9*  
*Cumulative [, complementary] and combined funding*

1. An action that has received a contribution under the Programme may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. [The cumulative financing shall not exceed the total eligible costs of the action and the support from different Union programmes may be calculated on a pro-rata basis].
2. Where the Programme and the Funds under shared management referred to in Article 1 of Regulation (EU)[XX] [CPR] provide jointly financial support to a single action, that action shall be implemented in accordance with the rules set out in this Regulation, including rules on recovery of amounts unduly paid.
3. Actions eligible under the Programme and complying with the conditions referred to in the second subparagraph may be identified with the aim to be funded by the Funds under shared management. In this case the co-financing rates and the eligibility rules provided for in this Regulation shall apply.

The actions referred to in the first subparagraph shall comply with the following cumulative conditions:

- (a) they have been assessed in a call for proposals under the Programme;
- (b) they comply with the minimum quality requirements of that call for proposals;
- (c) they may not be financed under that call for proposals due to budgetary constraints.

The actions shall be implemented by the managing authority referred to in Article [65] of Regulation (EU)[XX] [CPR] in accordance with the rules set out in that Regulation and fund specific regulations, including rules on financial corrections."

*Article 10*  
*Eligible entities*

1. The eligibility criteria set out in paragraphs 2 and 3 shall apply in addition to the criteria set out in [Article 197] of the Financial Regulation.
2. The following entities are eligible:



- (a) legal entities established in any of the following countries:
    - Member State or an overseas country or territory linked to it;
    - third country associated to the Programme;
  - (b) any legal entity created under Union law or any international organisation;
3. An operating grant may be awarded without a call for proposals to the European Judicial Training Network to cover expenditure associated with its permanent work programme.

### **CHAPTER III**

## **PROGRAMMING, MONITORING, EVALUATION AND CONTROL**

#### *Article 11*

##### *Work programme*

1. The Programme shall be implemented by work programmes referred to in Article 110 of Financial Regulation.
2. The work programme shall be adopted by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 17.

#### *Article 12*

##### *Monitoring and reporting*

1. Indicators to report on progress of the Programme towards the achievement of the specific objectives set out in Article 3 are set out in Annex II.
2. To ensure effective assessment of progress of the Programme towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts, in accordance with Article 14, to develop the provisions for a monitoring and evaluation framework, including through amendments to Annex II to review and complement the indicators where necessary.
3. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and Member States.

#### *Article 13*

##### *Evaluation*

1. Evaluations shall be carried out in a timely manner to feed into the decision-making process.
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.
3. At the end of the implementation of the Programme, but no later than four years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the Commission.

4. The Commission shall communicate the conclusions of the evaluations accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

*Article 14*  
*Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission until 31 December 2027.
3. The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 12 shall enter into force if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 15*  
*Protection of the financial interests of the Union*

Where a third country participates in the programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorizing officer responsible, the European Anti-Fraud Office (OLAF), the European Court of Auditors to comprehensively exert their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF).

**CHAPTER IV**  
**TRANSITIONAL AND FINAL PROVISIONS**

*Article 16*  
*Information, communication and publicity*

1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results) by

providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.

2. The Commission shall implement information and communication actions relating to the Programme, and its actions and results. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3.

*Article 17*  
*Committee procedure*

1. The Commission shall be assisted by a committee. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

*Article 18*  
*Repeal*

Regulation (EU) No 1382/2013 is repealed with effect from 1 January 2021.

*Article 19*  
*Transitional provisions*

1. This Regulation shall not affect the continuation or modification of the actions concerned, under Regulation No 1382/2013, which shall continue to apply to those actions until their closure.
2. The financial envelope for the Programme may also cover technical and administrative assistance expenses necessary to ensure the transition between the Programme and the measures adopted under its predecessor, Regulation (EU) No 1382/2013.
3. If necessary, appropriations may be entered in the budget beyond 2027 to cover the expenses provided for in Article 4(2), to enable the management of actions not completed by 31 December 2027.

*Article 20*  
*Entry into force*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## LEGISLATIVE FINANCIAL STATEMENT

### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned (programme cluster)
- 1.3. Nature of the proposal/initiative
- 1.4. Grounds for the proposal/initiative
- 1.6. Duration and financial impact
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### **2. MANAGEMENT MEASURES**

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- 3.2. Estimated impact on expenditure
  - 3.2.1. *Summary of estimated impact on expenditure*
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  - 3.2.5. *Third-party contributions*
- 3.3. Estimated impact on revenue

## LEGISLATIVE FINANCIAL STATEMENT

### 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

#### 1.1. Title of the proposal/initiative

Justice Programme
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#### 1.2. Policy area(s) concerned in the ABM/ABB structure<sup>22</sup>

II. Cohesion and Values 7. Investing in People, Social Cohesion & Values Justice, Rights and Values...
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#### 1.3. Nature of the proposal/initiative

a new action

a new action following a pilot project/preparatory action<sup>23</sup>

the extension of an existing action

a merger or redirection of one or more actions towards another/a new action

#### 1.4. Grounds for the proposal/initiative

##### *1.4.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative*

Whereas legislation is a key tool to implement the Union's objectives in the area of Justice, it needs to be complemented by other means. In this context, funding has an important role to play. In particular, funding should enhance the effectiveness of legislation by increasing knowledge, awareness and capacity of citizens, professionals and stakeholders, through supporting:

- information and public awareness raising, including support for national and European campaigns to inform people of their rights, as guaranteed under Union law, and how to enforce them in practice;

- training and capacity building for legal professionals (such as judges and prosecutors) and other practitioners, to equip them with the tools to effectively put Union rights and policies into practice.

Funding also has a central role in promoting cooperation at transnational level and developing mutual trust, through:

- strengthening networks, i.e. Union-wide organisations to assist with the preparation of future initiatives in this area, as well as to promote their consistent implementation across Europe;

- cross-border cooperation on enforcement, for example establishing missing child alert systems, coordination of operational and cross-border anti-drug cooperation.

Additionally, funding should support:

- Research, analysis and other support activities, to provide to the legislator clear and detailed information on the problems and the situation on the ground. The results of these activities

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<sup>22</sup> ABM: activity-based management; ABB: activity-based budgeting.

<sup>23</sup> As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

feed into the development and the implementation of Union policies and ensure that they are evidence-based, well targeted and well structured.

All these activities will be implemented over the whole period 2021-2027. It is difficult to set a precise roll-out at this stage, considering the speed of new political challenges we have to face and react to.

*1.4.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.*

#### Reasons for action at European level (ex-ante)

Funding covered by the Justice Programme concentrates on activities where the Union's intervention can bring additional value compared to action of Member States alone. Activities covered by this Regulation contribute to the effective application of the *acquis* by developing mutual trust between Member States, increasing cross-border cooperation and networking and achieving correct, coherent and consistent application of Union law across the Union. Only action at Union level can provide coordinated activities that can reach all Union Member States. The European Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning. Without Union support, stakeholders would tend to address similar problems in a fragmented and disconnected way.

#### Expected generated Union added value (ex-post)

Collaboration and networking between stakeholders will lead to the dissemination of best practices, in particular innovative and integrated approaches in different Member States. The participants in these activities will then act as multipliers in their respective professional activities and disseminate wider the best practices within their Member State.

A sound analytical basis for the support and the development of policies will be supported. European Union intervention allows for these activities to be pursued consistently across the Union and brings economies of scale. Funding at national level would not provide the same results, but only a fragmented and limited approach not covering the needs of the European Union as a whole.

#### *1.4.3. Lessons learned from similar experiences in the past*

The mid-term evaluation carried out for the current programme in the area of justice has confirmed the overall effectiveness of the programme and the validity of its objectives, but some aspects have been identified for improvement, in particular the increase of the Programme's basin of potential recipients of the actions, the revision of the monitoring indicators, the strengthening of synergies with other relevant EU funding programmes and initiatives.

#### *1.4.4. Compatibility and possible synergy with other appropriate instruments*

The Programme will seek synergies, consistency and complementarities with other Union instruments, *inter alia* with the programmes in the areas of migration, border management and security, consumers, employment, social and education, external development and cooperation. Duplication with activities under these other programmes will be avoided, and resources may be shared between the Justice programme and the Rights and Values Programme to achieve common objectives.

## 1.5. Duration and financial impact

### X limited duration

x in effect from 01/01/2021 to 31/12/2027

x Financial impact from 2021 to 2027 for commitment appropriations and from 2021 to 2027 and further for payment appropriations.

### unlimited duration

Implementation with a start-up period from YYYY to YYYY, followed by full-scale operation.

## 1.6. Management mode(s) planned<sup>24</sup>

x **Direct management** by the Commission

x by its departments, including by its staff in the Union delegations;

by the executive agencies

**Shared management** with the Member States

**Indirect management** by entrusting budget implementation tasks to:

third countries or the bodies they have designated;

international organisations and their agencies (to be specified);

the EIB and the European Investment Fund;

bodies referred to in Articles 70 and 71 of the Financial Regulation;

public law bodies;

bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;

bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;

persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

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<sup>24</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: [http://www.cc.cec/budg/man/budgmanag/budgmanag\\_en.html](http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html)

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

The proposal includes monitoring and evaluation obligations. Achievement of the specific objectives will be monitored on the basis of the indicators contained in the proposal; on an annual basis.

Furthermore, an interim evaluation report on the achievement of the Programme's objectives, the efficiency of the use of resources and its European added value will be provided by the Commission by mid-2025 at the latest. An ex post evaluation on the longer-term impacts and the sustainability of the effects of the Programme will be provided after the end of the Programme.

### **2.2. Management and control system**

#### *2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

Through direct management, the Commission supports other actions that contribute to the common policy objectives of the Union. The Justice Programme will be managed directly by the Commission as this allows to better adapt the programmes to the needs of the policy and to have more flexibility to re-adjust priorities in case of emerging needs. Besides Direct management by the Commission will also allow to establish direct contacts with beneficiaries/contractors directly engaged in activities that serve Union policies.

The interim evaluation of the Justice Programme 2014-2020 concluded that while there is indeed scope for simplification within the Justice Programme, this scope is limited within the current management framework. However the broader use of the corporate IT tools for grant management and the broader introduction of unit costs in the Programme management will be factors of simplification.

#### *2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them*

The main risks linked to DG JUST financing activities are twofold:

- the risk of not financing the best project to address the issue identified
- the risks of irregularity and illegality of the costs claimed and reimbursed.

As regards the legality and regularity risk, based on the main causes and types of most commonly detected errors in ex-post audits, it appears that the main areas of irregularities stem from poor financial management by the beneficiaries, mainly due to a poor understanding of the rules due to their complexity in particular for the eligibility of the costs.

Consequently the risks are mainly due to

- ensuring quality of selected projects and their subsequent technical implementation;
- Risk of inefficient or non-economic use of funds awarded, both for grants (complexity of reimbursing actual eligible costs) and for procurement (sometimes limited number of economic providers with the required specialist knowledge entailing insufficient possibilities to compare price offers);
- Fraud

The residual error rate in 2017 (for grants) is estimated at 2.63%.



Most of these risks are expected to be reduced thanks to:

- a better design of calls for proposals
- a better guidance to beneficiaries and targeting of proposals
- the increased use of simplified costs as provided in the new Financial Regulation
- the use of the corporate systems for the management of proposals and grants
- the measures foreseen in anti-fraud strategy.

#### Description of internal control system

The control system envisaged for the future programme is a continuation of the current control system.

In order to limit the risks and decrease the error rate, the control strategy will be based on the new Financial Regulation and on the Common Provision Regulation. The new Financial Regulation and the draft proposal for the Justice programme should extend the use of the simplified forms of grants such as lump-sums, flat rates and unit costs.

The control strategy is composed of different building blocks:

- programming, evaluation and selection of proposals in order to ensure that only the best proposals are funded;
- Conclusion and monitoring of the grant agreements: All transactions and procedures are subject to an ex ante verification by the Programme and financial management Unit of DG JUST, as well as the relevant policy units. The financial verification is done by Programme and financial management Unit. For grants, cost claims are verified thoroughly, and supporting documents are requested when deemed necessary, based on a risk assessment.
- ex post audits assured via a Service Level Agreement with DG HOME: The ex-post control sector applies a "detection strategy" aimed at detecting a maximum of anomalies in view of recovering undue payments. Based on this strategy, the audits are carried out on a sample of projects selected almost entirely on the basis of a risk analysis.

Ex-Post controls should also rely on cross-reliance for audits and sharing available information to further reduce administrative burden and increase cost-effectiveness (Art 127 & 128 new FR)

With this different elements the control strategy the error rate can be expected to be under the 2% materiality threshold.

The cost of controls amounts to approximately 4,49% of the payments done by DG JUST. This is expected to stay stable or slightly decrease in the case where the use of simplified cost options (SCO) will be broadened in the next programming period.

### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.*

DG JUST has approved an Anti-Fraud Strategy in April 2018. The DG will continue to apply its Anti-Fraud Strategy in line with the Commission's Anti-Fraud Strategy (CAFS) in order to ensure inter alia that its internal anti-fraud related controls are fully aligned with the CAFS and that its fraud risk management approach is geared to identify fraud risk areas and adequate responses.

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) proposed

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number Heading 2: Cohesion and Values 07.06 Justice, Rights and Values	Diff./Non-diff. <sup>25</sup>	from EFTA countries <sup>26</sup>	from candidate countries*	from third countries	within the meaning of Article [21(2)(b)] of the Financial Regulation
	Justice Programme 07.01.05.01 []	Non-diff.	YES	YES	YES	NO
	Justice Programme 07.06.01.01 07.06.01.02 07.06.01.03 [...]	Diff.	YES	YES	YES	NO

\*Candidate countries and, where applicable, potential candidates from the Western Balkans.

<sup>25</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>26</sup> EFTA: European Free Trade Association.

### 3.2. Estimated impact on expenditure

#### 3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

Heading of multiannual financial framework		<2>	07.06.01Heading Heading 2: Cohesion and Values 07.06 Justice, Rights and Values Justice Programme								
			2021	2022	2023	2024	2025	2026	2027	Post 2027	TOTAL
Operational appropriations (split according to the budget lines listed under 3.1)	Commitments	(1)	42.596	42.580	42.555	42.522	42.481	42.432	42.134		<b>297.300</b>
	Payments	(2)	4.880	20.234	27.250	29.742	31.131	31.698	31.648	120.717	<b>297.300</b>
Appropriations of an administrative nature financed from the envelope of the programme*	Commitments = Payments	(3)	1.100	1.100	1.100	1.100	1.100	1.100	1.100		<b>7.700</b>
<b>TOTAL appropriations for the envelope of the programme</b>	Commitments	=1+3	43.696	43.680	43.655	43.622	43.581	43.532	43.234		<b>305.000</b>
	Payments	=2+3	5.980	21.334	28.350	30.842	32.231	32.798	32.748	120.717	<b>305.000</b>

The appropriations are intended to finance activities that are listed in the Annex I of the Regulation. The amounts above will be split between the three specific objectives, approximatively as the following: judicial cooperation 30%, judicial training 35% and access to justice 35%. Those percentages are indicative as we need to keep flexibility.

\* Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

Heading of multiannual financial framework	7	'Administrative expenditure'
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EUR million (to three decimal places)

		2021	2022	2023	2024	2025	2026	2027	<i>Post 2027</i>	TOTAL
Human resources		18.349	18.349	18.349	18.349	18.349	18.349	18.349		<b>128.443</b>
Other administrative expenditure		0.700	0.700	0.700	0.700	0.700	0.700	0.700		<b>4.900</b>
<b>TOTAL appropriations under HEADING 7 of the multiannual financial framework</b>	(Total commitments = Total payments)	<b>19.049</b>	<b>19.049</b>	<b>19.049</b>	<b>19.049</b>	<b>19.049</b>	<b>19.049</b>	<b>19.049</b>		<b>133.343</b>

EUR million (to three decimal places)

		2021	2022	2023	2024	2025	2026	2027	<i>Post 2027</i>	TOTAL
<b>TOTAL appropriations across HEADINGS of the multiannual financial framework</b>	Commitments	62.745	62.729	62.704	62.704	62.630	62.581	62.283		<b>438.343</b>
	Payments	25.029	40.383	47.399	49.891	51.280	51.847	51.797	120.717	<b>438.343</b>

3.2.2. *Estimated impact on operational appropriations*

- The proposal/initiative does not require the use of appropriations of an administrative nature  
 The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

Years	2021	2022	2023	2024	2025	2026	2027	TOTAL
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<b>HEADING 7 of the multiannual financial framework</b>								
Human resources	18.349	18.349	18.349	18.349	18.349	18.349	18.349	<b>128.443</b>
Other administrative expenditure	0.700	0.700	0.700	0.700	0.700	0.700	0.700	<b>4.900</b>
<b>Subtotal HEADING 7 of the multiannual financial framework</b>	<b>19.049</b>	<b>19.049</b>	<b>19.049</b>	<b>19.049</b>	<b>19.049</b>	<b>19.049</b>	<b>19.049</b>	<b>133.343</b>

<b>Outside HEADING 7<sup>27</sup> of the multiannual financial framework</b>								
Human resources								
Other expenditure of an administrative nature	1.100	1.100	1.100	1.100	1.100	1.100	1.100	7.700
<b>Subtotal outside HEADING 7 of the multiannual financial</b>	<b>1.100</b>	<b>1.100</b>	<b>1.100</b>	<b>1.100</b>	<b>1.100</b>	<b>1.100</b>	<b>1.100</b>	<b>7.700</b>

<sup>27</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

<b>framework</b>								
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<b>TOTAL</b>	<b>20,149</b>	<b>20,149</b>	<b>20,149</b>	<b>20,149</b>	<b>20,149</b>	<b>20,149</b>	<b>20,149</b>	<b>141,043</b>
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

### 3.2.2.1. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources.  
 The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

Years	2021	2022	2023	2024	2025	2026	2027
<b>• Establishment plan posts (officials and temporary staff)</b>							
Headquarters and Commission's Representation Offices	115.5	115.5	115.5	115.5	115.5	115.5	115.5
Delegations							
Research							
<b>• External staff (in Full Time Equivalent unit: FTE) - AC, AL, END, INT and JED<sup>28</sup></b>							
Heading 7							
Financed from HEADING 7 of the multiannual financial framework	- at Headquarters	24	24	24	24	24	24
	- in Delegations						
Financed from the envelope of the programme <sup>29</sup>	- at Headquarters						
	- in Delegations						
Research							
Other (specify)							
<b>TOTAL</b>	<b>139.5</b>	<b>139.5</b>	<b>139.5</b>	<b>139.5</b>	<b>139.5</b>	<b>139.5</b>	<b>139.5</b>

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	<u>DG JUST: ALL DG JUST FTE's were assigned to one of 3 current programmes, FTE's for Justice Programme: 40% from JUST.04 Programme and financial management unit, 40% from others horizontal units and FTE's from the policy</u>
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<sup>28</sup> AC= Contract Staff; AL = Local Staff; END = Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

<sup>29</sup> Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

	<u>units linked to the Justice programme (namely units: A1, B1, B2, B4, C1)</u> <u>DG COMP: 0,5 AD, 1 AST</u>
External staff	<u>FTE's linked with the Justice programme</u> <u>DG COMP: 1 AC</u>



### 3.2.3. Third-party contributions

The proposal/initiative:

- does not provide for co-financing by third parties
- provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

Years	2021	2022	2023	2024	2025	2026	2027	TOTAL
Specify the co-financing body								
TOTAL appropriations co-financed								

### 3.3. Estimated impact on revenue

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
  - on own resources
  - on other revenue

please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Impact of the proposal/initiative <sup>30</sup>						
	2021	2022	2023	2024	2025	2026	2027
Article .....							

<sup>30</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.