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COMMISSION STAFF WORKING PAPER

EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying the documents

**Proposal for a Regulation of the European Parliament and of the Council establishing
for the period 2014 to 2020 the Justice Programme**

**Proposal for a Regulation of the European Parliament and of the Council establishing
for the period 2014 to 2020 the Rights and Citizenship Programme**

During the 2007-2013 financial perspective funding in the area of justice, rights and citizenship is provided by 6 programmes: **Civil Justice** (JCIV), **Criminal Justice** (JPEN), **Fundamental Rights and Citizenship** (FRC), **Daphne III** (DAP), **Drug Prevention and Information Programme** (DPIP) and by the sections **Antidiscrimination and Diversity** and **Gender Equality** of the **Programme for Employment and Social Solidarity** (PROGRESS).

1. PROCEDURAL ISSUES AND CONSULTATION OF INTERESTED PARTIES

In preparation of the proposals for 2014-2020 **mid-term evaluations** were carried out for the ongoing programmes. The results of the evaluations of JCIV, JPEN, FRC, DAP and DPIP are already published. PROGRESS was evaluated by its annual performance reports and these findings were complemented by the interim results of the programme's mid-term evaluation.

A **public stakeholder consultation** on the future of funding in the area of justice, rights and equality took place between 20 April 2011 and 20 June 2011. 187 respondents (37 individuals and 150 organisations) submitted their contribution. The responses largely acknowledged the EU added value in all areas of funding and expressed the need for simplification of management and procedures. Most of the proposed measures were rated positively and there was agreement concerning the proposed types of activities and delivery mechanisms. A public consultation on a possible successor instrument to Progress took place between 4 April 2011 and 27 May 2011.

The consultation of the **Impact Assessment steering group** involving LS, SG, BUDG, EMPL, HOME, SANCO, COMM, EAC, COMP and MARKT was launched on 20 May 2011, convened twice and accompanied the final stages of the preparation of the impact assessment.

2. THE CURRENT SYSTEM OF FUNDING

During the ongoing 2007-2013 financial perspective six funding programmes are in place to support EU policies in the area of justice, rights and equality with a **relatively small** total **budget** of **€791 million** for the entire period. They are implemented via centralised direct management through annual programming and three types of actions: transnational projects (Action Grants), support to NGOs (Operating Grants) and Commission initiatives. These programmes are:

- The **Civil Justice** Programme (JCIV) - €109,5 million (2007-2013);
- The **Criminal Justice** Programme (JPEN) - €199,3 million (2007-2013);
- The **Fundamental Rights and Citizenship** Programme (FRC) - €97,25 million (2007-2013);
- The **Daphne III** Programme (DAP) €121,43 million (2007-2013);
- The **Drug Prevention and Information** Programme (DPIP) - €22,35 million (2007-2013);

- The sections **Antidiscrimination and Diversity** and **Gender Equality** of the **PROGRESS** programme - €241,52 million (2007-2013), 35% of the overall PROGRESS budget.

3. PROBLEM DEFINITION

As confirmed by the Stockholm Programme, the development of an **area of freedom, security and justice** remains a **priority for the European Union**. Although significant progress has already been achieved in this field, **Europe still faces challenges**, which should be addressed in a comprehensive manner.

Policy challenges

Judicial cooperation in civil and criminal matters is still insufficient. Access to justice should become a reality, consumer rights have to be enforced and differences in contract law between Member States have to be tackled. In the area of criminal law the implementation of the existing instruments needs to be improved, while quality treatment to victims is placed high on the agenda. In the area of criminal justice the prevention of **drug-related crime** requires a long-term, integrated and multidisciplinary approach at EU level.

EU citizenship rights are now firmly anchored in primary EU law and substantially developed in secondary law. However, EU citizens still encounter difficulties when exercising these rights. Lack of information is considered by EU citizens as one of the most important barriers to cross-border commuting and to exercising their right to free movement.

People's interest in and expectations about the enforcement of the EU Charter of **Fundamental Rights** are high. However, there is a frequent misunderstanding about the purpose of the Charter and the situations where it applies or does not apply. In the specific area of the **Rights of the Child** this lack of awareness is particularly acute.

Despite remarkable advances towards **equality between women and men** significant inequalities persist at global and EU level. **Violence against women** still remains one of the worst expressions of that inequality.

Discrimination in the EU is experienced regularly by an important part of the population. However, Europeans are not sufficiently aware of their rights should they become a victim of discrimination or harassment.

The EU has become a party to the UN Convention on the Rights of Persons with **Disabilities**. However, persons with disabilities are not yet able to fully enjoy the rights and fundamental freedoms enshrined in the Convention.

The role of funding

The role of funding is to support the EU legislative and policy activity. The specific problems to be addressed by funding are:

- Insufficient knowledge of the EU acquis and of EU policies by the persons who derive rights from it;

- Insufficient knowledge of the EU acquis and of EU policies by the relevant practitioners, leading to inconsistent and insufficient application of EU law and policies;
- Insufficient cooperation and exchange of information at transnational level and lack of mutual trust between authorities, such as judicial authorities;
- Need for concrete information, evidence, research and good practices concerning the situation and the needs on the ground, in order to feed to the development of EU legislation and policies.

As a result, funding should focus on areas where it can produce clear added value:

- It should enhance the *effectiveness of legislation* by supporting:
 - Information and public awareness raising;
 - Training and capacity building for legal professionals and other practitioners.
- Funding has a central role in promoting *cooperation at transnational level*, through:
 - Strengthening networks;
 - Cross-border cooperation on enforcement.
- 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.

Relevance, Effectiveness and Efficiency of funding activities

In accordance with the Commission's Communication on A Budget for Europe 2020, the budget needs to be responsive and easily adaptable to the ongoing policy developments, i.e. it has to ensure **flexibility**. This is currently hampered by the **fragmented approach** imposed by six separate programmes. This setup further leads to funding **overlaps**, which are counteracting the **need for increased focus on policy priorities** identified for all six programmes.

The mid-term evaluations have confirmed the overall **effectiveness** of the programmes, but they have also identified problems, such as a **dilution of funds** (*'saupoudrage'*) amongst many small-scale projects with limited impact and EU dimension. Despite the fact that funding is allocated to a multitude of projects, there is **no balanced geographical spread** among the organisations which receive funding. The mid-term evaluations agree that more should be done to improve the **dissemination and use of results and outputs** of the funded activities. Improvement in dissemination goes hand in hand with **improvement in the evaluation and monitoring**.

The mid-term evaluations and the public consultation highlighted in terms of **efficiency** the **complex and bureaucratic procedures that the applicants are facing**. From an administrative point of view the multiplication of procedures for the different programmes imposes a **high administrative burden on the Commission**. The multiplication of

procedures and the high administrative burden contribute to **increasing the length of procedures**.

4. EU'S RIGHT TO ACT

The EU's right to act derives from specific TFEU articles:

Within Title V:

- Judicial cooperation in civil matters (Article 81(1) and (2) TFEU);
- Judicial cooperation in criminal matters (Article 82(1) TFEU);
- Crime prevention (Article 84 TFEU).

Outside Title V:

- Non-discrimination (Article 19(2) TFEU);
- EU citizenship (Article 21(2) TFEU);
- Internal Market (Article 114 TFEU);
- Public health (Article 168 TFEU);
- Consumer protection (Article 169 TFEU);
- Administrative cooperation (Article 197 TFEU);

Subsidiarity principle

Action at EU level produces clear benefits compared to action by Member States alone, especially in promoting transnational cooperation, networking opportunities and mutual trust. Furthermore, it ensures consistent interpretation and coherent application of EU legislative instruments in all Member States and it brings economies of scale.

5. OBJECTIVES

General objective:

- To provide focused, effective and efficient support to the development of a European area of justice, respectful of rights and equality

Specific and operational objectives:

- Ensure that the *scope* of the programmes is appropriate to provide support to the policies in the area of justice, rights and equality and to be responsive to their developments:

Ensure flexibility in the allocation of funds; reduce overlaps and fragmentation.

- Focus funding on specific areas of action which have clear added value and are responsive to the annual policy priorities:

Enhance public awareness and knowledge of EU law and policies; support the implementation of EU law and policies in Member States; promote transnational cooperation; promote exchange of information and good practice; improve knowledge and understanding of EU law with view to ensuring evidence-based policy making.

- Improve the *effectiveness* and performance orientation of the programmes:

Prevent dilution of funds; ensure better geographical coverage; improve dissemination and use of results; improve monitoring and evaluation of the programmes.

- Improve the *efficiency* of the programmes:

Simplify and reduce the length of procedures for beneficiaries of funding and reduce administrative burden for Commission.

6. OPTIONS

Option O – Baseline scenario

The baseline scenario is to maintain the existing programmes in their current form.

Option A – 6 programmes – Status quo and improvements at management level

While maintaining 6 programmes similar to the existing ones, some, but not all problems identified could be addressed by streamlining the objectives in the legal acts and introducing harmonisation in the management of the programmes.

Option B – 2 programmes

This option would adopt all measures foreseen under option A. Additionally, it would aim for more improvement by merging the six programmes in two, a "Justice Programme" (merging the current JCIV, JPEN and DPIP programmes) and a "Rights and Citizenship Programme" (merging the current FRC, DAP and the two sections of the PROGRESS programme). As a result of this merge all procedures would need to be implemented only twice (instead of six times) and this simplification would have a significant positive impact on all the identified problems of scope, effectiveness and efficiency.

Option C – 1 programme

Under this option only one programme would be implemented, either a programme in the area of justice or a programme in the area of rights and citizenship. This option would ensure the advantages of option B for this funded area; but funding would cease completely in the other policy area.

Discarded options

A change from centralised management to **shared management** is discarded due to the small amount of the EU budget allocated to this area and the disproportionately high administrative burden this would create.

A moderate change of the centralised direct management mode would be to insert the objectives contributing to the promotion of justice, rights and equality policies **into the objectives of other EU funding programmes**. This option is discarded, because it would lead to extensive fragmentation of the objectives, causing reduced effectiveness.

Discontinuing funding in the area of justice, rights and equality is also a discarded option, as funding is an essential tool for supporting the development and implementation of EU policies and for providing information and raising awareness in this rapidly developing field.

7. ASSESSMENT OF IMPACTS

Option 0 – Baseline scenario

The impact of this option would reflect the current situation. The programmes would continue to achieve an overall successful implementation, but their deficiencies would still prevent them from developing the full scale of their potential.

Option A – 6 programmes – Status quo and improvements at management level

Focus on concrete areas of action would facilitate the achievement of the funding priorities. Improved management would put into practice measures to render the programmes more effective. Furthermore streamlined management would address some of the problems of scope (i.e. overlaps) and of efficiency (i.e. simpler procedures for applicants). However, these improvements would be limited, as the multitude of programmes, which is a root cause of many of the problems, would not be addressed.

Option B – 2 programmes

The merge of the programmes would be a more effective measure to ensure that the policy priorities are addressed sufficiently and to achieve flexibility in the allocation of funds. Fewer programmes would also mean less fragmentation and fewer instances of overlaps.

In terms of efficiency the merge of the programmes would reduce the number of necessary procedures. Fewer and streamlined procedures would result in more simplification for applicants, reduced administrative burden and consequently shorter procedures in comparison to option A.

This simplification and increased efficiency of the programmes would have a significant positive impact on the effectiveness of the programmes. All measures of option A would be applicable and they would increase their impact, as additional human resources would be allocated to these tasks.

Option C – 1 programme

The implementation of a single programme would be beneficial in terms of simplification, uniformity in procedures and flexibility. However, it would not be possible to address sufficiently the policy priorities and needs of the whole policy area, but only of the one

chosen for funding. In the funded area the programme would be equally effective as under option B, but the overall effectiveness of funding would be compromised by the fact that it would not be able to address the other policy area.

8. PREFERRED OPTION

The preferred option is the implementation of **two programmes** which would **cover the full scope of the current funding programmes (option B)**. This option encompasses all possible benefits and no disadvantages in comparison with the baseline scenario. On the contrary, option A is not preferred, as it presents only limited improvements, but does not address fully the root causes of the problems; and option C, although it offers maximum benefits in terms of management, it allows only for partial coverage of the policy areas.

9. MONITORING AND EVALUATION

Monitoring and evaluation obligations, regular reporting and interim and ex-post evaluations would be included in the legal acts of the programmes. **Results-based management** and **performance measurement** would be promoted on the basis of performance indicators.