



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.05.1996
COM(96) 253 final

96/0146 (CNS)

Proposal for a

COUNCIL DECISION

on a Joint Action adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on a programme of incentives and exchanges for practitioners in the Justice area

(presented by the Commission)

EXPLANATORY MEMORANDUM

INTRODUCTION

According to Article K.1, the Member States see the strengthening of judicial cooperation as a field of common interest. The work that has been started within the structures set up by Title VI of the Treaty on European Union are the practical expression of this concern, in both the civil and criminal fields. The French Presidency, anxious to establish a connection between the practitioners and the institutions and bodies responsible for training judges, has initiated consultation alongside the work of the groups, with professionals regularly faced with questions of judicial cooperation. This initiative has emerged as a useful and fruitful means of enriching debate in the Council and has been continued. Seminars were thus held in Bordeaux in April 1995 on questions of judicial cooperation in criminal matters and in Rome in December 1995 on civil matters. These seminars showed that the instruments of judicial cooperation, such as the relevant Council of Europe conventions, are no longer entirely appropriate to the situation within the Union. The Council has set itself the task of improving these instruments. As practitioners have found, however, it is not only the wording of a legal text which may prove an obstacle to its application; there are other "cultural" difficulties, i.e. a patchy comprehension of the language and legal concepts, a poor understanding of the legal tradition of other Union Member States, and generally a lack of familiarity with the cultures, procedures and legal institutions of the Union States.

This concern is not new: it was expressed by the Council as far back as November 1993, and can be read between the lines of the framework of priorities being considered for a programme that will be drawn up to cover several years. Parliament is also aware of it and has expressed the wish that part of the budget allocated for operational costs connected with Title VI activities should be devoted to *a programme for law enforcement officers which contributes to the pooling of knowledge on their respective methods and definitions (e.g. comparison of definitions of offences) and techniques. The programme will also be geared to foster language knowledge.*

Also, in the last few years a number of selective initiatives, originating from such bodies as the Institut des Hautes Etudes sur la Justice and the Ecole Nationale de la Magistrature, or private associations such as NACRO (National Association for the Care and Resettlement of Offenders) have enabled judges, lawyers and other legal professionals to meet and compare practices, improve their mutual comprehension and thus facilitate contacts and cooperation in the management of the cases they deal with. Such experiences have shown a certain openness among these professionals, which should be encouraged. It is essential to respond to this demand. Improving judicial cooperation need not depend exclusively on the adoption of new instruments but requires an attempt to improve awareness of rules and procedures which differ despite the similarity of their goals. Giving judges, lawyers and other legal professionals the means to do this also helps to strengthen citizens' confidence in justice within the European Union.

SCOPE OF THE PROPOSAL

The object of the draft joint action is to create a host structure, i.e. an overall framework for a programme for practitioners in the Justice area. The aim is neither to interfere in the design of the basic training of these professionals, which is the task of the Member States, nor to fill potential gaps in the knowledge and correct application of Community law, a problem which the Commission is considering in a different context since it set up a group of experts on training and information for the legal professions in the application of Community law in March 1995.

Nor is the aim to propose direct, concrete measures of judicial cooperation, as the Commission's competence in this field extends only to civil matters.

The aim is to support the initiatives of public institutions or private bodies which are using continuing training to make legal practitioners more aware of the law, procedures, institutions and language of other Member States. It is also to use economies of scale and the cumulative effects of the specific projects to produce synergies at the Union level so as to rationalize Community financing under Article K.8, and to define the frameworks of action to enable the strategy developed to be better understood, so that the Commission, which is responsible for the implementation of the budget, can take over the management. It is in this sense that the proposed Joint Action will confer some real added value.

CONTENTS

Article 1 defines the terms of the programme and lists the categories of activity eligible for financing. The attached financial statement provides for a package estimated at ECU 9 million for the first five years, it being understood that ECU 800 000 will be allocated to this programme in the start-up period corresponding to the 1996 financial year.

Paragraph 2 lists the types of practitioner at whom the programme is aimed.

Article 2 concerns training projects, first and foremost linguistic. The emphasis is placed on legal terminology: basic language courses do not come under this programme. On the other hand, it is planned to hold intensive and specialized residential seminars for small groups of practitioners who already have a knowledge of another language.

With a view to optimizing the impact of these projects, the possibility of organizing exchanges between people responsible for initial and continuing training is also envisaged.

Article 3 proposes the organization of exchanges and internships with institutions and practitioners from another Member State, or "study trips" on particular topics to institutions and practitioners in different Member States.

Article 4 relates to the organization of symposia, conferences and seminars. For example, it provides for the possibility of a series of similar conferences, in each case addressed to practitioners from two Member States, principally to keep interpreting costs down. At a few large thematic conferences on topical subjects relating to judicial cooperation, the participation of specialists from other professions may prove desirable, and the idea of a multidisciplinary conference has therefore been taken up. The third indent relates to a specific, very concrete type of exercise, where the judges from different countries are given the same case to study.

Article 5 envisages studies and research in connection with the other projects of the programme: either preparatory studies for conferences, internships, etc. or the analysis of their results. The principal aim of the programme is not to carry out studies, the emphasis being placed on the operational, practical aspects. The underlying idea is that the programme, rather than being a package designed to finance isolated projects, forms a whole which should demonstrate complementarity between the projects, a progression from one to the next.

Article 6 deals with the circulation of information, both on the programme projects and their results and on any type of development in judicial cooperation which could interest the practitioners. The goal is to constantly update the information and extend the effects of the projects and the programme beyond their direct beneficiaries. To this end, the programme provides for the distribution of a periodical and for the establishment of databases.

Article 7 lays down the general criteria for assessing requests. Prime among these are:

- the connection with the political priorities set by the Council, the work of the groups and the Union's progress to date in the field of justice;
- the integration of the project in the overall programme;
- the concrete, practical nature of the proposed projects;
- the expected efficiency of the project; hence the need for preparation, the interest in frequently associating practitioners from different disciplines (including, for example, those with specialist experience such as liaison or contact judges) and bringing in training and research institutes.

Paragraph 3 is designed to enable practitioners from applicant or other countries to take part.

Article 8 is self-explanatory.

Article 9 sets the main lines of the limits of Community financing. With a programme of this kind that aims to foster knowledge, provision is not made for full financing. Paragraph 3 aims to set a ceiling for the part of the grant affecting certain categories of cost, thus highlighting the operational rather than administrative nature of the budget heading. It should also be pointed out that the salary costs of State officials are not eligible expenditure under this programme. The concrete application of these principles, which could vary depending on the type of project, will be determined by implementing rules adopted in accordance with the procedure in Article 10.

Article 10 confers responsibility for implementing the budget on the Commission. It also provides for the adoption of detailed rules on such matters as the submission of applications and the implementation of Article 9 in practice. In addition, the Commission has the tasks of drawing up a coherent and complete annual programme and conducting a yearly assessment of the implementation of the previous year's programme. The objective is to centre the efforts, to bring them into line with the Council's priorities, and to ensure that the programme keeps evolving. The Commission will consult specialists from the relevant circles.

Article 11 defines (on the basis of Model IIa of the 1987 decision) the tasks and working methods of the Committee, composed of representatives of the Member States, to which the Commission is to submit the implementing measures, the annual programme and the report on the previous year. This Committee is to be consulted on any draft decisions on financing projects which exceed the threshold given in Article 12(3). In this case it will operate in accordance with Model I of the 1987 decision.

Article 12 determines the Commission's procedure for examining drafts, and the role of the Advisory Committee in this.

Article 13 is self-explanatory.

Article 14 provides for monitoring of the programme's implementation both by Parliament and by the Council, with the aim of preserving the greatest possible conformity with work that is either already in progress or envisaged for the future in the field of judicial cooperation, and the closest faithfulness to the policy pursued on training. An initial report will be drawn up at the end of the launching phase, which will correspond to the first budgetary year and during which the models suggested for a number of pilot projects can be tested on a larger scale.

Article 15 stipulates that the current programme is to last for five years initially, although its development will depend on annual appropriations.

COUNCIL DECISION

of ...

on a Joint Action adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on a programme of incentives and exchanges for practitioners in the Justice area

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles K.3(2)(b) and K.8(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Member States consider the strengthening of judicial cooperation to be a matter of common interest;

Whereas setting up a framework for projects of training, information, studies and exchanges for law enforcement officers will contribute to improving the mutual understanding of legal and judicial systems of the Member States, to highlighting their points of convergence and to lowering the barriers to judicial cooperation between Member States;

Whereas these objectives can be more effectively realized at the Union level than at the level of each Member State, because of the expected economies of scale and the cumulative effects of the projects envisaged;

Whereas this joint action is without prejudice to the Community's powers in the field of vocational training and does not therefore adversely affect the Community measures taken to implement its policy in that field, or the Leonardo da Vinci Programme in particular;

Whereas this joint action does not affect the existing rules of procedure in the field of judicial cooperation,

HAS DECIDED AS FOLLOWS:

Article 1

1. A programme for law enforcement officers, to be known as 'Grotius', is hereby established for the period 1996-2000, in order to foster mutual knowledge of legal and judicial systems, and to facilitate judicial cooperation between Member States.
2. For the purposes of this joint action, "practitioners in the Justice area" means judges (including liaison, contact and other judges), advocates, bailiffs, notaries/solicitors, researchers, investigators, ministry officials, court interpreters and other court officials.
3. The programme shall comprise the following:
 - training
 - exchange and work-experience programmes
 - organization of meetings
 - studies and research
 - distribution of information.

Article 2

Projects with the following objectives may be considered under "training":

- fostering of foreign language knowledge, in particular a working knowledge of legal language;
- knowledge of the legal institutions and procedures of the other Member States, and how they function;
- exchange of experience between those responsible for the training of legal practitioners, and between institutions responsible for basic training and those responsible for continuing training;
- preparation of teaching modules for training projects, of exchanges and internships, of conferences, or of seminars organized as part of the implementation of this programme.

Article 3

Projects with the following objectives may be considered under "exchange and work-experience placement programmes":

- organization of work experience of limited duration in the legal institutions or with legal practitioners in Member States other than that of origin;
- organization of visits to legal institutions or to legal practitioners in a number of other Member States on specific themes.

Article 4

Projects with the following objectives may be considered under "organization of meetings":

- organization of bilateral or European conferences on legal topics of general interest;
- organization of multidisciplinary conferences on topical or new legal subjects relating to judicial cooperation;
- organization of seminars based around case studies on sentencing, in the course of which judges from different Member States deliver a verdict on the same court case.

Article 5

Projects with the following objectives may be considered under "studies and research":

- preparatory analysis of subjects chosen for projects to be implemented within the framework of this programme;
- analysis of reports on work experience or meetings organized within the framework of this programme;
- coordination of research on topics relating to judicial cooperation.

Article 6

Projects with the following objectives may be considered under "distribution of information":

- hard-copy or on-line distribution of information on legislative amendments or draft reforms, in the original or in translation;
- dissemination of information on projects under Articles 2, 3 and 4, the results of meetings under Article 4 or the findings of research carried out under Article 5 and the application of this research;
- creation of databases and/or documentation networks including lists of articles, publications, studies and legislation in fields relating to judicial cooperation.

Article 7

1. Projects financed by the Community must be of demonstrable European interest and involve more than one Member State.
2. The selection process projects for which finance is requested shall have regard, inter alia, to:
 - the extent to which the subjects covered conform with work that is already in progress or planned for the future under the Council's action programmes in fields relating to judicial cooperation;

- the contribution to the elaboration or implementation of instruments under Title VI of the Treaty on European Union;
 - the extent to which the different projects complement each other;
 - the range of professions to which they are addressed;
 - the involvement of institutions such as judicial training institutes and research institutes;
 - the operational and practical nature of the projects;
 - the degree of preparation of the participants;
 - the possibility of using the results of the project to make further progress in judicial cooperation.
3. These projects may associate practitioners from the countries which have applied for membership or other non-member countries where this would contribute to their preparation for accession.

Article 8

The financing decisions and the contracts arising from them shall provide for monitoring and financial control by the Commission and audits by the Court of Auditors.

Article 9

1. All types of expenditure which are directly chargeable to the implementation of the project and which have been committed within a contractually agreed period shall be eligible.
2. The proportion of financial support from the Community budget shall not exceed 80% of the cost of the project.
3. Translation and interpreting costs, computing costs, and expenditure on durables or consumables shall not be taken into consideration unless they are essential for the realization of the project, and shall only be financed up to a limit of 50% of the grant or 80% in cases where the nature of the project makes them indispensable.
4. Expenditure relating to premises, collective facilities, and the salaries of officials of the State and public bodies shall be eligible only if it corresponds to postings and tasks which have no national purpose or function but are specifically connected with the implementation of the project.

Article 10

1. The Commission shall be responsible for carrying out the measures provided for in this decision and shall adopt detailed rules for implementing this joint action, including the criteria for the eligibility of costs.

2. It shall draw up each year, with the assistance of experts from the relevant professional circles, the guidelines for the annual programme implementing this joint action in terms of the thematic priorities and the distribution of available appropriations between fields of activity.
3. It shall undertake each year an assessment of the measures implementing the programme for the previous year.

Article 11

1. The Commission shall be assisted by a Committee consisting of one representative from each Member State of the Union and chaired by the Commission.
2. The representative of the Commission shall submit to the Committee proposals for implementing rules, for guidelines for the annual programme and for project assessment. The Committee shall deliver its opinion within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in the second paragraph of Article K.4(3) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt measures which apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event the Commission may defer application of the measures which it has decided for a period not exceeding one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.

Article 12

1. From the second budgetary year onwards, projects for which financing is requested shall be submitted to the Commission for scrutiny before 31 March of the financial year to which they are to be charged.
2. The Commission shall examine the projects that are submitted to it with the assistance of the experts referred to in Article 10(2).
3. Individual financing decisions shall be taken by the Commission, which shall inform accordingly the Committee referred to in Article 11(1).
4. Where the financing requested exceeds ECU 100 000, the representative of the Commission shall submit a draft to the Committee referred to in Article 11(1). The Committee shall deliver its opinion on this draft within a time limit which the

Chairman may lay down according to the urgency of the matter. If necessary, a vote will be taken within the Committee. The Chairman shall not vote.

The opinion shall be recorded in the minutes; furthermore, each Member State has the right to ask that its position be recorded in the minutes.

The Commission shall take full account of the opinion delivered by the Committee. It shall inform the Committee of how it has done so.

Article 13

1. Measures incorporated in the programme and financed by the budget of the Communities shall be managed by the Commission in conformity with the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities, as last amended by Regulation No 2335/95 of 18 September 1995.
2. When presenting the financing proposals referred to in Article 12 and the assessments provided for by Article 10, the Commission shall take account of the principles of sound financial management and in particular of economy and cost-effectiveness as required by Article 2 of the Financial Regulation.

Article 14

Each year the Commission shall report to Parliament and the Council on the implementation of the programme. The first report shall be presented at the end of the 1996 budgetary year.

Article 15

This Joint Action shall enter into force on the day of its adoption.

It shall have effect for a period of five years, at the end of which it may be extended.

Financial statement

1. TITLE OF OPERATION

Joint action on a programme for practitioners in Justice area.

2. BUDGET HEADING INVOLVED

B5-800: Cooperation in the fields of justice and home affairs.

Commitment appropriations entered in Chapter B0.40.

3. LEGAL BASIS

Article K.3(2) of the Treaty on European Union.

4. DESCRIPTION OF OPERATION

4.1 General objective

The objective that the Union set itself in Article B, 4th indent of the Union Treaty of developing close cooperation on justice and home affairs, must start with projects to raise awareness and increase familiarity with the laws, institutions and procedures of the other Member States.

In order to reinforce their complementarity and increase their positive effects, it was felt necessary to establish an umbrella programme to give them a more coherent structure and to be able to finance them with Community funds.

4.2 Period covered and arrangements for renewal or extension

The duration of the scheme will depend on the authorization of budgetary appropriations. After an initial five-year period it could be renewed or extended.

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

NCE

DA

6. TYPE OF EXPENDITURE OR REVENUE

Grants (of up to 80% maximum) for co-financing with other sources from the public or private sector.

7. FINANCIAL IMPACT

7.1 Method of calculating total cost of operation

The grants will cover the following areas: training in languages and in comparative law; work experience and visits abroad; organization of meetings; coordination of research on subjects relevant to judicial cooperation; and dissemination of information on foreign law and judicial cooperation.

It is anticipated that, subject to the annual budgetary procedure, an indicative financial package of ECU 8.8 million will be set aside for this programme for the period 1996-2000 in accordance with the timetable shown at 7.2. The annual total of ECU 2 million once the scheme is up and running is based on the estimates and objectives below.

For the first year, however, only ECU 800 000 is planned as only a limited number of projects of limited scope can be launched in what is left of the year.

Training (legal terminology and comparative law)

1 five-day intensive residential course for 30 participants (ECU 20 000) from the 15 Member States: $20\ 000 \times 15 = \text{ECU } 300\ 000$.

1 two-day meeting per year for those responsible for training practitioners of justice in the Member States: ECU 50 000.

Exchange and work-experience programme

3 series of five-day work-experience periods in each Member State for 30 participants (ECU 15 000) in each case: $3 \times 15 \times 15\ 000 = \text{ECU } 675\ 000$.

3 series of two-day visits for 6 participants (ECU 2 000) from each Member State: $3 \times 15 \times 2\ 000 = \text{ECU } 90\ 000$.

Meetings

3 two-day conferences per year for 150 participants (ECU 100 000): $3 \times 100\ 000 = \text{ECU } 300\ 000$.

4 three-day residential seminars for 40 participants from several Member States (ECU 55 000): $4 \times 55\ 000 = \text{ECU } 220\ 000$.

6 four-day residential seminars for 30 participants from two Member States (ECU 20 000): $6 \times 20\ 000 = \text{ECU } 120\ 000$.

Research

2 studies lasting about 4 months, to be carried out by one consultant and two assistants (ECU 30 000): $2 \times 30\ 000 = \text{ECU } 60\ 000$.

Documentation

Bimonthly publication: ECU 20 000.

Establishment and stocking of a database (or of several partial bases): ECU 150 000.

7.2 Breakdown of costs

(ECU million at current prices)

Area	1996	1997	1998	1999	2000	n + 5 et seq.	Total
Training	0.25	0.35	0.35	0.35	0.35		1.65
Exchanges	0.25	0.78	0.78	0.78	0.78		3.37
Meetings	0.25	0.64	0.64	0.64	0.64		2.81
Research	-	0.06	0.06	0.06	0.06		0.24
Documentation	0.05	0.17	0.17	0.17	0.17		0.73
Total	0.8	2	2	2	2		8.8

7.3 Schedule of appropriations

(ECU million)

	1996	1997	1998	1999	2000	n + 5 et seq.	Total
Commitment appropriations	0.8	2	2	2	2		8.8
Payment appropriations							
Year n	0.4	0.4					
n + 1		1.3	0.7				
n + 2			1.3	0.7			
n + 3				1.3	0.7		
n + 4					1.3		
n + 5 et seq.						0.7	
Total	0.4	1.7	2	2	2	0.7	

8. FRAUD PREVENTION MEASURES; RESULTS OF MEASURES TAKEN

Verification of grants, receipt of payments and preparatory, feasibility and assessment studies is carried out by the Commission before payment is made, taking into account contractual obligations, economic principles and principles of sound financial or general management. Anti-fraud provisions (checks, delivery of reports, etc.) are included in all the agreements or contracts concluded between the Commission and the recipients of the payments.

9. COST-EFFECTIVENESS ANALYSIS

9.1 Specific and quantifiable objectives; target population

9.1.1 *Specific objectives:*

The specific objectives include the following:

- raising operational language skills and comprehension of other Member States' legal terminology so that the target population can correctly draw up requests for cooperation and respond rapidly and efficiently to such requests;
- promoting awareness of the convergence of EU legal systems on the basis of common values;
- familiarization with other Member States' legal institutions and the way in which these institutions operate, by arranging work-experience periods and exchange visits;
- establishment, by this means, of working relationships and mutual trust between practitioners;
- joint discussions on matters such as ways of improving judicial cooperation or the presentation and assessment of methods used on an experimental basis;
- comparison of socio-legal trends and reciprocal consultations on the scope for reform in the administration of justice;
- analysis and study of ways to simplify and improve judicial cooperation, on the basis of the reports submitted on work-experience periods and meetings;
- provision of information on possible ways of gaining familiarity with foreign legal systems;
- ongoing exchange of information on trends in national law with a bearing on judicial cooperation.

9.1.2 *Target population*

The target population comprises judges (including liaison, contact and other judges), advocates, bailiffs, notaries/solicitors, researchers, investigators, ministry officials, court interpreters and other court officials.

The proposed measures should enable these various categories of person to draw on each other's specialized experience.

9.2 Reasons for the scheme

9.2.1 *Need for Community budgetary assistance in the light of the subsidiarity principle*

Article K.1 requires Member States to regard closer judicial cooperation as an area of common interest. Since 1995, however, the seminars held for those who regularly have to deal with questions of judicial cooperation have drawn attention to two kinds of problem.

On the one hand, certain instruments for judicial cooperation are not entirely appropriate to the situation in the Union. On the other hand, practitioners point out that some of the obstacles to applying these instruments derive from "cultural" difficulties, i.e. inadequate understanding of legal language and concepts or a poor grasp of the legal traditions of other Member States, in short, a lack of familiarity with the legal culture, procedures and institutions of the Member States of the Union.

These concerns are not new and the European Parliament is aware of them. A number of selective initiatives, originating mainly from private organizations, have revealed a degree of openness among the practitioners concerned, and this should be encouraged. The aim of the draft Joint Action is to establish a framework, i.e. to support any initiatives taken by public or private bodies in order to make the practitioners of justice more aware of the laws, procedures, institutions and languages of other Member States. Only if the initiative is taken at Union level will it be possible to make savings through the cumulative effects of individual projects, to achieve synergies at Union level, to rationalize the financing arrangements and to have an overview of the strategy developed.

9.2.2 *Choice of means*

The proposal opts for an integrated programme with the emphasis on complementary projects, with a view to facilitating the practical and operational aspects of judicial cooperation and focusing on the cultural and sociological obstacles to satisfactory cooperation.

Similar measures at national level have made many practitioners aware of these needs but are unable to provide a coordinated response to these needs.

Spin-off from the programme is expected in several areas. In the first place it is hoped to stimulate the interest of the professionals concerned and to make practitioners (irrespective of their duties or responsibilities) aware of the need for a more thorough understanding of each other's legal procedures, institutions and backgrounds. They should

come to see the advantages of integrating the European dimension at every stage of their apprenticeship. Secondly, the exchange of know-how between practitioners facing the same conflicts and problems may lead them to see that what they have in common outweighs the differences between them and that these differences can be overcome in an atmosphere of openness, frankness and mutual trust. The dissemination of information on the various projects and the results they achieve and on developments in areas relevant to judicial cooperation should make for a "knock-on" effect between those who have benefited from the projects and those who have not yet had the opportunity.

This networking, even if on an informal basis, should in its turn make for greater transparency, efficiency and smoothness in the practical implementation of the procedures for judicial cooperation. By enabling judges, lawyers and other court officials to cooperate in this way, the scheme will also help to strengthen public confidence in justice within the EU.

9.2.3 *Contingent factors*

The success of the programme will depend not only on the commitment shown by the organizers of specific projects but also, to a considerable extent, on the reception which it receives from the judicial authorities and the resources which they make available to participants. Initial contacts would seem to justify a certain optimism. The results will depend, however, on the follow-up to the programme. In the management and planning of the annual programmes and in their assessment, the emphasis will be placed on setting up a dynamic process rather than stringing together a number of individual projects.

9.3 Follow-up and assessment

Initially, the only means available for measuring performance will be the output figures.

As mentioned above (point 7.1) it is planned to organize 20 to 25 projects per year, involving between 6 and 150 participants depending on the type of project (i.e. between 2 500 and 3 000 participants in all). These figures must be taken as a rough guide only, however, since the success of this or that project and the circumstances obtaining at the time (e.g. the Council's priorities) could mean that one type of project might be given temporary preference over another in the course of the programme.

The Commission will endeavour gradually to develop, on the basis of the approval procedure, performance indicators whereby the spin-off from the programme can be more accurately assessed:

- cost-benefit analysis;
- stricter monitoring of selected projects, taking account of experience gained;
- if appropriate, the use of analytical schemes for each category of project;
- the knock-on effect from one project to another and the synergy between different types of project;

- if possible, a system for surveying practical aspects of judicial cooperation.

At the end of the programme there will be a follow-up and assessment report, which will be used to ascertain whether the programme should be renewed.

The proposed Joint Action also provides for consultations between the professional interests concerned and the representatives of the Member States on the projects, for annual programmes and reports and for an annual report to Parliament and the Council, thus ensuring transparent and effective controls.

10. ADMINISTRATIVE EXPENDITURE (part A of the budget)

The necessary human resources will be mobilized by the Commission's annual decision on the allocation of resources, account being taken of the staff numbers and additional amounts agreed by the budget authority.

This Joint Action will involve the management of commitment appropriations, the preparation of annual action programmes, and the devising of methods to assess the effects achieved by these programmes. All of these tasks will be new to the Unit responsible for judicial cooperation, which is already very short of staff to deal with its ever-expanding responsibilities for planning, participation and negotiation within Council working parties and other international bodies. Any internal reorganization of staff would therefore seem unrealistic. Moreover, the specific nature of the responsibilities of the Task Force on Justice and Home Affairs rules out any redeployment within the Secretariat-General to deal with these new tasks. For this reason it is recommended that additional resources be brought in.

10.1 Effect on number of posts

Type of post	Staff required for management of joint action		of which		Period
	Permanent posts	Temporary posts	using existing resources within the DG or department concerned	using additional resources	
Officials A	A			1	5 years beginning in October 1996
or temp. staff B	1/2			1/2	
C	1/2			1/2	
Other resources					
Total	2			2	

10.2 Overall financial effect of additional human resources

(ecus)

	Amount	Method of calculation
Officials Temporary staff	900 000	1A + 1/2B + 1/2C (ECU 100.000 + ECU 45.000 + ECU 35.000) x 5 years
Total	900 000	

These amounts show the total cost of the extra posts over the total duration of the measure (if the latter is of limited duration) or for 12 months (if the measure is of unlimited duration).

10.3 Increase in other operating expenses as a result of the measure

(ecus)

Budgetary heading	Amount	Method of calculation
A 130 Mission expenses	300 000	Missions: 30 return trips (ECU 2 000) x 5 years
A2510 Expenditure on Committee meetings	104 250	Advisory Committee: 15 persons x 2 meetings (ECU 695) x 5 years
	100 625	Experts: 5 experts x 5 meetings (ECU 805) x 5 years
Total	504 875	

These amounts correspond to total expenditure on the measure (if the latter is of limited duration) or expenditure over a 12-month period (if the measure is of unlimited duration).

COM(96) 253 final

DOCUMENTS

EN

06

Catalogue number : CB-CO-96-265-EN-C

ISBN 92-78-05202-7

Office for Official Publications of the European Communities
L-2985 Luxembourg