



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DECISION

establishing an

action programme to improve awareness of Community law

for the legal professions

(Robert Schuman Project)

(presented by the Commission)

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**Proposal for a Parliament and Council decision establishing an action programme  
to improve awareness of Community law for the legal professions  
(Robert Schuman Project)**

**EXPLANATORY MEMORANDUM**

1. As a "Community of law", the European Community cannot achieve the objectives which it sets itself unless it ensures that the common rules adopted by the Member States are correctly applied in practice. The Community cannot afford to disregard the quality of implementation of the rules it produces.

2. The Internal Market took shape following a major drive to produce new common rules. One of the results of this unprecedented campaign was that most of the obstacles to the free movement of persons, goods, services and capital between the Member States were eliminated.

3. The Community's efforts on the legislative front have now given way to a new priority, namely to ensure the effective and uniform implementation, in the Member States, of the common rules necessary to the smooth functioning of the Internal Market.

The Internal Market represents the apex of Community construction and its smooth functioning depends to a considerable extent on the effective and uniform implementation of the rules on which it is based. The non-implementation, or incorrect implementation, of Community rules would call into question the Internal Market's efficiency and undermine the existing body of Community law. As the Sutherland Report, presented to the Commission in October 1992, pointed out, the smooth functioning of the Internal Market will depend largely on the rules on which it is based being known, understood and applied in the same way as national rules (Sutherland Report "The Internal Market after 1992: meeting the challenge").

4. Provisions with direct effect which may be invoked by any citizen before any national court are particularly numerous in the Internal Market field. Citizens, consumers and enterprises alike must be confident that these Community rules will be applied correctly and in uniform fashion, and must benefit from the rights and guarantees which they embody in all the courts of the Member States. Legal certainty, the credibility of the Internal Market and, more generally, confidence in the whole process of European integration depend on it being possible for persons subject to legal proceedings to bring a case to their national courts, irrespective of the procedure applied, in the certainty that they will benefit from the protection of Community law.

5. The possibility for persons subject to legal proceedings to enforce the rights that they enjoy by virtue of Community law is based partly on the capacity of legal professionals in the Member States to make use, in their national legal systems, of the arguments derived from that law. In particular, it seems futile to encourage European citizens to make use of all the rights that they enjoy by virtue of Community law (which, for instance, is the aim of the Commission's recent "Citizens First" initiative) if the parties responsible for ensuring that those rights are enforced and respected in the Member States do not know of their existence or are unfamiliar with their content.

6. The Commission expressed this concern as early as 1993 when it launched its Strategic Programme "Making the most of the Internal Market", which identifies certain members of the legal professions - namely judges and lawyers - as playing a key role in the correct application of the Internal Market's operating rules. National judges ("Community common law judges") and lawyers, whose task it is to invoke arguments derived from Community law before those judges, are doing work of considerable general interest to the Community, which should be enhanced and promoted.

7. The European Parliament has pointed out on several occasions, and in particular during its debates on monitoring arrangements for the application of Community law, that raising the legal profession's awareness of Community law is a vital precondition for its more effective application in the Member States. A number of parliamentary questions were put to Mr Monti, the Member with special responsibility for the internal market, in December 1994 in the course of the hearings before the current Commission took office.

8. One of the specific features of the Community legal structure is the organized dialogue between the national courts and the Court of Justice of the European Communities. The quality of this dialogue partly depends on how developed the "Community reflex" is among members of the legal professions in the Member States, whose job it is to determine, in first instance, whether rules or actions are in compliance with Community law. In this connection, the low number of questions referred for a preliminary ruling and the poor wording of such questions as regularly noted by the Court reflect, for instance, a certain lack of familiarity on the part of national judges and lawyers with Community law. And yet it is particularly important for these practitioners to acquire a Community law culture at a time when the Court of Justice's "second

generation" case-law is beginning to take shape, whereby the role of the national courts in applying Community law is being increasingly reinforced and less emphasis is placed on the primacy of Community law than on the measures that the national courts need to take in their day-to-day activity in order to ensure that the rights derived by individuals from Community law are safeguarded.<sup>1</sup>

9. In compliance with the principle of subsidiarity, it is not for the European Community to assume the role of the Member States in determining the content or organization of training for legal professionals. This is expressly reserved for the Member States under Article 127 of the EC Treaty.

10. However, it is within the Community's remit, and in particular within that of the Commission, as the guardian of the treaties, to take any measures to remedy difficulties in connection with the correct application of Community law. In particular, it is for the Commission, by setting up appropriate support arrangements to that end, to try and encourage an awareness of Community law among legal practitioners responsible for applying that law, and to help the Member States to remedy a lack of training and information wherever this may affect the smooth functioning of the Internal Market.

Although there are qualified specialists in Community law in the Member States, it is apparent that legal practitioners in general do not have a sufficiently developed Community reflex causing them automatically and systematically to check whether Community solutions apply to the cases they handle on a daily basis.<sup>2</sup>

11. Raising the awareness of judges and lawyers in the national courts is a non-statutory and non-binding form of action but one which is particularly useful and effective in optimizing application of the Community rules necessary to the smooth functioning of the Internal Market. It is designed to complement the traditional mechanisms used to that end and to increase their effectiveness. Accordingly, in order to deal with breaches of Community law, which are particularly frequent in the Internal Market field,<sup>3</sup> the Commission cannot take action on its own initiative, as though it were a Community public prosecutor, on all breaches committed. National judges, who, as the Court of Justice has acknowledged, have effective means of ensuring that Community law is complied with, are ideally placed to support and relay its action. As national judges are at the end of the chain of application of Community law, they also have a certain scope

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<sup>1</sup> In particular, C-312/93 *Peterbroeck*, C-430 *Van Schijndel*, C-46/93 and C-48/93 *Brasserie du pêcheur*.

<sup>2</sup> See findings of the EOS-Gallup Europe survey on lawyers and Community law, of February 1995 commissioned by the Commission, and Working Paper "Community law training for the judiciary" (SEC(95)258 of 15 February 1995).

<sup>3</sup> More than 40% (512 out of a total of 1252 cases) of complaints of breaches of Community law registered by the Commission in 1995 concerned the Internal Market (Thirteenth Annual Report on monitoring the application of Community law).

for initiative which should be enhanced and promoted. Several Community texts have already been produced on upgrading the role of the national courts in ensuring the proper implementation of Community law, such as the *Notice on cooperation between national courts and the Commission in applying Articles 85 and 86 of the EEC Treaty*<sup>4</sup> or the *Resolution on the effective uniform application of Community law and on the penalties applicable for breaches of Community law in the Internal Market*<sup>5</sup>, each of which emphasizes that the national courts have effective means of action in respect of the process of implementing Community law.

12. The Robert Schuman Project was drawn up in close cooperation with legal professionals and the parties involved in providing information and training in Community law. It is designed to meet the needs identified from ongoing contacts with the relevant professional associations, by the 1995 survey carried out with a representative sample of more than 2 000 lawyers (EOS-Gallup survey on lawyers and Community law, February 1995) and from exchanges of views organized within the group of experts on the legal professions and Community law set up by DG XV and comprising judges, lawyers and university lecturers appointed by each Member State. The exchanges of views organized within this high-level group have made it possible to assess existing needs, define the work that has to be done and, accordingly, set out basic guidelines for useful intervention by the Commission. This initiative, designed for a specific target public and with the objective of ensuring the smooth functioning of the Internal Market, complements others launched by the Community, such as the *Leonardo da Vinci* programme and the *Jean Monnet* Project, or the *Grotius* programme set up under Article K.3 of the Treaty on European Union

### **SCOPE AND OBJECTIVES OF THE ROBERT SCHUMAN PROJECT**

1. The Robert Schuman Project is conceived as a targeted awareness-raising initiative which is designed to make the 100 000 or so judges and 450 000 lawyers in the Community realize the importance of their role in ensuring the application of Community law as necessary to the functioning of the Internal Market and to provide them with additional specific resources to help them to play their role to the full.

2. The Robert Schuman Project is designed to encourage and support initiatives launched in the Member States. Within that framework, temporary financial support may be given to institutions dispensing initial or continuing training or providing information for judges or lawyers which wish to take part in the launch of Community law awareness-raising activities. Since these activities must be designed to take place during a given period, the Commission will undertake to provide financial support only for a limited start-up period, on condition that recipients undertake to continue their work without support as from the date on which grants cease for a period at least equivalent to that for which they were given.

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<sup>4</sup> Notice of 13 February 1993 (93/C.39/05), OJ No C 39, 13.02.1993.

<sup>5</sup> Resolution of 29 June 1995 (95/C.188/01), OJ No C 188, 22.07.1995.

3. While it will not encroach on the Member States' responsibility for training legal professionals, the Robert Schuman Project is designed as an instrument for raising awareness of Community law which is adapted to the specific needs of a target public. To that extent, it complements other Community initiatives, such as the *Leonardo da Vinci* programme for the implementation of a European Community professional training policy, the *Jean Monnet* system (which is mainly designed to promote teaching on Community law at university) or, within the framework of Title VI of the Treaty on European Union, the *Grotius* programme (which sets out to improve judicial cooperation by promoting greater awareness of the national legal and judicial systems and cultures). The Robert Schuman Project will develop in close synergy with these programmes and will endeavour to exploit to the full any opportunities for common initiatives with the relevant Commission departments.

4. As envisaged by the Commission's work programme for 1996, the Robert Schuman Project was launched in the experimental form of support to a limited number of pilot projects during 1996. This support has already enabled the courts, professional schools and bar associations to organize decentralised continuing training activities in Community law (ongoing seminars or awareness-raising days) which focus on practical aspects and often have an inter-professional dimension (judges and lawyers attend together).

#### **LEGAL BASIS**

1. The proposal for a decision is based on Article 100a of the EC Treaty. The effective and uniform application of Community law with a view to approximating national legislation is a condition for the smooth functioning of the Internal Market. The Robert Schuman Project has intentionally been integrated into overall arrangements which, from monitoring of the correct transposal of Community law into national legislation to the penalties applicable in the event of that law being breached, are designed to ensure the optional functioning of the Internal Market. It complements these arrangements by conveying the idea that, in addition to infringement proceedings instituted by the Commission - which are particularly frequent in the Internal Market field - or the imposition of penalties, the effective and homogeneous application of Community law depends on raising the awareness of national legal professionals whose task it is to apply that law on a decentralized basis.

2. The training of and provision of information to legal professionals to whom the Community legal system and the regular doctrinal input by the Court of Justice assign an essential role is not an end in itself but a means of achieving an effective and uniform application of the rules necessary to the functioning of the Internal Market. To that extent, the Robert Schuman Project sets itself apart from the objectives laid down in the Community's professional training policy and is not designed to achieve any of the aims set out in Article 127(2) of the EC Treaty. The project's objective is to improve the functioning of the Internal Market and not to improve the mobility or promote the vocational integration or retraining of the persons concerned, and the training in

Community law envisaged to that end is merely one of several means (particularly improvements in information on Community law) used to achieve that aim. This results-oriented approach is in line with the philosophy underlying the Matthaeus (vocational training of customs officials), Matthaeus-Tax (vocational training of indirect taxation officials) and Karolus (training of officials engaged in implementing the Internal Market) programmes, all of which are based on Article 100a.

### **SUBSTANCE OF THE PROPOSAL**

**Article 1** determines the duration and scope of the programme. The Robert Schuman Project is conceived as a financial support instrument for initiatives designed to improve training in and information on Community law for members of the legal profession who play a direct, crucial role in the process of implementing Community law. Accordingly, the programme focuses exclusively on judges and lawyers, who are at the very heart of the process. Although many other professions (notaries, bailiffs, corporate consultants or legal advisers to consumer associations, business lawyers, arbitrators, ombudsmen etc.), are involved in ensuring that Community law is applied correctly, the Robert Schuman Project would be in danger of losing its cohesion if it were extended to cover all of them; above all, so doing would spread the available financial resources too thinly and thus reduce the project's effectiveness. Lastly, too broad an approach would make it extremely difficult to determine who was eligible, since not all legal professions - apart from judges and lawyers - are defined or regulated in all countries. But the possibility of extending the scope of the project could be envisaged in connection with the assessment and monitoring arrangements referred to in Article 8.

**Article 2** spells out the objectives of the planned support programme, which is designed to encourage and support training, information and accompanying initiatives for raising awareness of Community law among judges and lawyers in the Member States. Initial and continuing training in Community law and access to, and the content of, information in that field are complementary and mutually essential. It is emphasized that the ROBERT SCHUMAN Project does not encroach on the Member States' responsibility for defining course content or organizing training in the professions in question.

**Article 3** stipulates that, in order to achieve its objectives, the ROBERT SCHUMAN Project is an instrument of intervention that consists of three specific sub-parts aimed to support training initiatives, information initiatives and accompanying initiatives.

**Article 4** lays down the conditions governing eligibility for financial support. Institutions which are entrusted, under the public law of the Member States, with the initial or continuing vocational training of judges or lawyers are eligible. The Article contains a restrictive list of eligible institutions.

The institutions in question normally carry out their activities at local or national level (courts, bar associations, etc.) or at Community level (European institutes). This means that available resources will be concentrated on institutions whose vocation and representativeness are not in doubt.

**Article 5** lays down the project selection criteria. These criteria, which were selected after broadly based consultations, reflect the need to target the initiative carefully to ensure maximum effectiveness while also allowing for the diversity of training and information arrangements for judges and lawyers in the Member States.

(a) Training or information projects must have a practical dimension and be designed to transmit knowledge which is immediately useful to practice of the profession of judge or lawyer. The Robert Schuman Project will seek to raise awareness of Community law from a professional and practical viewpoint rather than by contributing to the academic debate. This criterion applies primarily to the content of training or information but also concerns the choice of teaching methods and instruments used.

(b) In that connection, the envisaged initiatives must be accessible to, and useful for, the greatest possible number of judges and lawyers. In other words, rather than seeking to reinforce high-level doctrinal discussions, initiatives will concentrate on generating curiosity amongst target groups which are entirely or largely unfamiliar with Community law. The project will encourage decentralized awareness-raising initiatives aimed at the greatest possible number. It is designed to complement, rather than duplicate, the work carried out by those associations or specialist institutes, whose activities are mostly targeted on groups which are already aware of the issues at stake and are mainly interested in updating or improving their knowledge.

(c) The measures envisaged will be organized in a way which reflects the needs of professional practice. In particular, emphasis will be given to awareness-raising initiatives which can be integrated into the work schedules of the practitioners concerned or to decentralized initiatives whose impact is enhanced by geographical proximity. Institutes with a European dimension (the Bruges-based College of Europe, the Florence University Institute, the Academy of European Law at Trier, the European Institute for Public Administration at Maastricht/Strasbourg, the Strasbourg European Centre) which may apply for support will also be encouraged to comply with this criterion.

(d) The costs associated with the envisaged measures must be reasonable and quality must be adequate. Budget forecasts for these measures must show that costs reflect normal market costs and that the cheapest possible solutions compatible with qualitative objectives have been selected. Eligible institutes will be encouraged to pool their resources to ensure that they comply.

Optional assessment criteria may also be taken into account:

(a) Emphasis will be laid on the inter-professional dimension. Getting judges and lawyers to confront their respective approaches to Community law together is a particularly effective way of raising awareness. Making this assessment criterion

optional is designed to allow for the particular difficulties that sometimes arise in implementing this in practice - especially as a result of the major differences in the way the courts and bar associations work together in the various Member States.

(b) Great importance will also be attached to the cross-border dimension of initiatives, which should prove enriching to all parties. But it would be contrary to the spirit of the Robert Schuman Project, which sets out first and foremost to stimulate and encourage the provision of training and information in Community law which is as decentralized as possible and at a moderate cost, to make this a formal selection criterion. While improving cooperation and coordination between parties with a transfrontier dimension (such as the institutes referred to in point (c) above) must be encouraged where possible, it is only a partial response to the objectives set by the Robert Schuman Project and cannot, in itself, meet all existing needs. But the experience acquired by these institutes will be drawn on since Article 3(d) recognizes that they are eligible and that the pooling of resources in partnerships as provided for by Article 4(d) is also designed to encourage synergy between these institutes and other parties.

**Article 6** lays down the support arrangements. Assisted initiatives must be conceived to allow for completion within a given time, since the Commission's financial support is granted for a limited initial period (one or two years) on the basis of a commitment by the recipient to continue its work without support from the Commission, as from the date on which grants cease, for a period at least equivalent to that for which they were given.

**Article 7** lays down the conditions of implementation of the Robert Schuman Project. In particular, a call for expressions of interest is to be published in the Official Journal of the European Communities to inform potential applicants of the conditions governing the award of grants. These conditions will be set out in a handbook for applicants.

**Article 8**, while not anticipating the developments to which these initiatives may give rise, vests responsibility with the Commission for seeking possible synergy between the Robert Schuman Project and training or information initiatives concerning Community law developed elsewhere. With regard to training, it states that the Robert Schuman Project complements action carried out under other programmes such as the *Leonardo da Vinci* programme, the *Jean Monnet* Project or the *Grotius* programme. As regards information on Community law, the Robert Schuman Project will endeavour to convey and improve, for its target public, initiatives already launched by the Commission in the field (cf. content and access to data bases, consolidation work, documentation networks, etc).

**Article 9** states that the Commission is responsible for assessing and monitoring the programme with a view to effecting any necessary adjustments. Monitoring and periodic assessment are subject to the opinion of the Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. An assessment report is to be submitted by 31 December 1999 at the latest.

**Article 10** sets the date on which the Decision enters into force.

- 9 -

**Proposal for a Parliament and Council Decision establishing an  
action programme to improve awareness of Community law  
for the legal professions  
(Robert Schuman Project)**

**THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,**

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in compliance with the procedure laid down by Article 189b of the Treaty,

(1) Whereas Declaration (No 19) on the implementation of Community law annexed to the Final Act of the Treaty on European Union and adopted by the Conference of Representatives of the Governments of the Member States on 7 February 1992 stresses that it is essential for the proper functioning of the Community that the measures taken by the different Member States should result in Community law being applied with the same effectiveness and rigour as in the application of their national law;

(2) Whereas the completion of the internal market has required a considerable legislative effort involving, *inter alia*, the approximation of national laws with a view to creating an area without frontiers;

(3) Whereas the effective and uniform application of the Community rules in question represents a new priority which is essential to the smooth functioning of the internal market;

(4) Whereas those Community rules on the freedoms of the internal market which are directly applicable may be invoked before any national court in accordance with the procedures defined by national law; whereas citizens, consumers and enterprises should be able to rely on the proper application of Community law and to benefit from the rights and guarantees available in each Member State; whereas legal certainty and the credibility of the internal market are at stake as is, more generally, citizens' confidence in European integration;

(5) Whereas citizens, consumers and enterprises will be unable to enforce all their rights under the Community legal system before any national court within the Union unless those members of the legal professions most directly involved in implementing Community law, i.e. judges and lawyers, are sufficiently informed and trained to do so;

(6) Whereas the Commission communication to the Council of 22 December 1993 "Making the most of the internal market: strategic programme"<sup>1</sup> emphasizes the importance, to persons subject to legal proceedings and to the smooth functioning of the internal market, of national courts being in a position to resolve a larger proportion of cases concerning the conformity of rules or behaviour with Community law and, to that end, the need to improve awareness of Community law within the legal profession;

(7) Whereas, in its Resolution of 13 February 1996 on the Commission's Twelfth Annual Report on monitoring the application of Community law,<sup>2</sup> the European Parliament asked the Commission to put forward a programme for the purposes of training and informing the legal professions in the field of Community law with a view to making the application of Community law by national courts more uniform and effective;

(8) Whereas raising awareness of Community law among judges and lawyers in the Member States is likely to improve the cooperation between the national courts and the Court of Justice that is an inherent part of the Community legal system;

(9) Whereas, in compliance with the principle of subsidiarity and by virtue of Article 127 of the Treaty, it is not for the European Community to assume the role of the Member States in determining the organization or content of training for judges and lawyers;

(10) Whereas it is within the European Community's remit to propose establishing support arrangements designed to help Member States to remedy a lack of training and information wherever this may affect the correct application of Community law necessary for the smooth functioning of the internal market;

(11) Whereas the objective of making legal practitioners more aware of Community law must form part of overall arrangements which, from checks on the correct transposal into national legislation of Community law to the penalties applicable in the event of this law being breached, are designed to ensure the effective and uniform application of internal market rules;

(12) Whereas achieving this objective entails using specific resources adapted to the requirements and constraints of professional practice; whereas the creation of a specific instrument whose objective is to raise awareness of Community law among judges and lawyers in the European Union complements, for a target public, existing Community programmes and initiatives.

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<sup>1</sup> COM(93) 632.

<sup>2</sup> OJ No C 65, 4.3.1996, p. 37.

HAVE DECIDED AS FOLLOWS:

**Article 1**

***Creation of the Robert Schuman Project***

1. This Decision sets up the programme known as the "Robert Schuman Project" for the period from 1 January 1997 to 31 December 1999.
2. By means of this financial support instrument the European Union shall encourage and support initiatives designed to raise awareness of Community law among judges and lawyers within the Member States of the Union.

**Article 2**

***Objectives of the Robert Schuman Project***

1. The Robert Schuman Project shall:
  - (a) encourage the launch of practical training initiatives in Community law in the Member States (initial or continuing training) by bodies responsible for training judges and lawyers or future judges and lawyers;
  - (b) encourage the development, in the Member States, of information resources (traditional or based on new communication and information technology) in Community law for judges and lawyers;
  - (c) support initiatives likely to facilitate implementation of the above two forms of support, complement them or enhance their impact.
2. The Robert Schuman Project shall support and complement training and information work on Community law undertaken by the Member States while not encroaching on their responsibility for defining course content and organizing vocational train

**Article 3**

***Instrument of Community intervention***

1. The Robert Schuman Project is designed to provide financial support to initiatives launched in the Member States with a view to achieving the objectives referred to in Article 2.
2. Each of those objectives corresponds to a specific sub-part of the Robert Schuman project: "training", "information" "accompanying initiatives".

## **Article 4**

### ***Eligibility***

1. The institutions responsible in the Member States - at local, regional or national level - or at Community level for

- continuing vocational training of judges or lawyers

or

- initial vocational training of future judges or lawyers

shall be considered eligible for financial support under the Robert Schuman Project.

2. The institutions concerned are:

(a) the courts;

(b) bar associations and equivalent professional bodies;

(c) the Ministries of Justice, Judicial Service Commission or equivalent bodies;

(d) approved professional schools or educational institutes responsible for the initial or continuing training of judges or lawyers;

(e) universities providing initial or continuing training of judges or lawyers.

## **Article 5**

### ***Project selection criteria***

1. Eligible institutions shall apply for financial support under the Robert Schuman Project by submitting a training, information or accompanying project to the competent Commission departments.

2. Projects shall be selected, and financial support awarded, on the basis of the following criteria:

(a) *Practical use*

The measures envisaged shall enable the target groups to acquire knowledge adapted to, and immediately useful in, the day-to-day practice of their profession.

(b) *Accessibility*

The measures envisaged shall raise awareness among the greatest possible number of judges and lawyers and, in particular, shall benefit those who have not yet become acquainted with Community law.

(c) *Adjustment to constraints of professional practice*

The way in which the measures envisaged are implemented shall reflect the needs of professional practice (particularly in terms of planning and geographical proximity).

(d) *Cost-effectiveness*

When assessing projects submitted under the Robert Schuman Project, the Commission shall work on the basis of the principles laid down by the relevant financial regulations, in particular the principles of sound financial management, economy and cost-effectiveness.

Costs entailed by the measures envisaged shall be consistent with their objectives. Cost-effectiveness may be improved by partnerships involving several eligible institutions which pool their resources.

3. Complementary optional criteria:

The following optional assessment criteria shall also be taken into account:

(a) *inter-professional dimension of measures (targeted on or involving both judges and lawyers);*

(b) *cross-border dimension of measures (targeted on or involving nationals of more than one EU Member State).*

## **Article 6**

### ***Support arrangements***

1. Financial support under the Robert Schuman Project, which is designed to encourage, complement and support the work of the institutions referred to in Article 3 above, shall be provided in addition to local or national funds and shall be used to realize projects. Financial support thus awarded may not, therefore, entail the realization of direct or indirect profits.

2. So as to ensure continuity, recipients of Robert Schuman Project grants shall undertake to continue their work without support from the Commission as from the date on which grants cease, for a period equivalent to that for which they were given.

Recipients undertake to repay all amounts disbursed if they fail to meet this obligation.

3. Financial support under the Robert Schuman Project shall be awarded for one or two years.

4. Financial support provided under the Robert Schuman Project shall be awarded in accordance with Commission's rules governing grants. Compliance with these rules shall be monitored by the Commission and the Court of Auditors.

#### Article 7

##### *Implementation*

1. The Commission shall determine the arrangements for implementing this programme.
2. A call for expressions of interest shall be published each year in the Official Journal of the European Communities to inform potential applicants of the Robert Schuman Project's objectives and conditions governing the award of grants.

#### Article 8

##### *Cohesion of Community action*

1. The Commission shall be responsible, together with the Member States, for ensuring overall cohesion between this programme and other Community training or information initiatives.
2. The Robert Schuman Project shall complement action carried out under other Community programmes, in particular the *Leonardo da Vinci* programme for the implementation of a European Community vocational training policy, the *Jean Monnet* Project to promote teaching on European integration at university level, or the *Grotius* programme of incentives and exchanges for legal practitioners (joint action adopted on the basis of Article K.3 of the Treaty on European Union).

#### Article 9

##### *Assessment and monitoring*

1. The Commission, acting in conjunction with the Member States, shall be responsible for assessing and monitoring the programme on a periodic basis with a view to effecting any adjustments deemed necessary in the course of its operation.
2. The Commission shall submit an assessment report on implementation of the programme to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions by 31 December 1999 at the latest.

**Article 10**

***Entry into force***

**This Decision shall enter into force with effect from 1 January 1997.**

## Financial Statement

### **1. NAME OF THE PROJECT:**

Robert SCHUMAN Project to improve awareness of Community law within the legal profession.

### **2. BUDGET HEADING INVOLVED:**

B 5 300: Internal Market.

### **3. LEGAL BASIS:**

Article 100A of the EC Treaty.

### **4. DESCRIPTION OF THE PROJECT:**

#### **4.1 General objective of the action:**

The Robert SCHUMAN Project is designed to improve, in the jurisdictions of the Member States, the application of Community rules that are necessary for the proper functioning of the Single Market by improving the knowledge and training of judges and lawyers in Community law. Recognising the essential role of these legal professionals for the smooth operation of the Internal Market, it aims to help these professionals to best assume their responsibilities.

The Robert SCHUMAN Project will help eligible institutions, by means of temporary and conditional support, to launch training or information activities in Community law for judges and lawyers as well as to launch support initiatives likely to increase the effects of training or information initiatives.

#### **4.2 Period covered by the action and renewal of the action:**

The Robert SCHUMAN Project is undertaken for a duration of three years.

### **5. CLASSIFICATION OF EXPENDITURE:**

Non-compulsory expenses/Dissociated credits

### **6. TYPE OF EXPENDITURE:**

The subsidies of the Robert SCHUMAN Project provide additional financial support for the achievement of projects to improve awareness of Community law for which beneficiaries do not have sufficient resources (their own or from other financial sources).

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In order to ensure the continuity of the supported projects, the beneficiary of a subsidy under the Robert SCHUMAN Project will undertake to continue his action without support as from the date on which grants cease for a period at least equivalent to that for which they were given.

## **7. FINANCIAL IMPACT:**

### **7.1 Method of calculation of the total cost of the project:**

#### **A. The total cost of the project results from the addition of two types of expenditure:**

- the subsidies of the Robert SCHUMAN Project are granted for the launching, in the Member States, of training, information or support initiatives.

Training initiatives will entail, for example, seminars, evening courses, crash courses or other initiatives aimed at training judges or lawyers in Community law which respond to the selection criteria of the Robert SCHUMAN Project (Practical use, accessibility, adjustment to constraints of professional practice, cost-effectiveness).

Information initiatives will entail, for instance, the creation of libraries or improvement of their facilities, documentation centres for professionals, or publishing information aids.

Support initiatives will entail complementary initiatives likely to facilitate implementation of the above two forms of support, complementing them or enhancing their impact. Such initiatives could be, for example, projects for the "training of the trainers" of the judges or lawyers.

- the expenditure on management and monitoring of the Robert SCHUMAN Project should be used to maximise its and evaluate its effectiveness.

These expenditures will cover:

a) the publishing of practical aids for awareness-raising intended for large scale distribution amongst professionals. These instruments will be 5 Collections of case studies in Community law for professionals (applying to commercial law, tax law, consumer law, social law and competition law) and 15 guides on access to information about Community law in each Member State,

b) the carrying out of a survey aimed at evaluating the effects of the Robert SCHUMAN Project at its end.

#### **B. The total cost of the Robert SCHUMAN Project is evaluated according to the following calculation:**

- Subsidies: 3 600 000 ECUs

On the basis of calculations drawn, in particular, from pilot studies carried out in 1996, the amount of the average subsidy asked of the Commission should be in the region of 20 000 ECUs. If this figure is compared to the objective of supporting 3 projects for each Member State ( $3 \times 20\,000 \times 15$ ), a total of 900 000 ECUs is obtained for 1997. It is then possible to adopt the objective of supporting 4 projects per Member State ( $4 \times 20\,000 \times 15 = 1\,200\,000$ ) for 1998 then 5 projects for 1999 ( $5 \times 20\,000 \times 15 = 1\,500\,000$ ).

These evaluations are however only theoretical and indicative, since financial needs will not reach in all the cases the 20 000 ECUs envisaged, which would then make it possible to support a larger number of projects.

Furthermore, the starting points and the existing needs as regards awareness-raising in Community law are not the same in Luxembourg as in Finland for instance, and it would be counter-productive to ensure strictly that each Member State benefits every year of the programme's duration of the 3, 4 or 5 projects mentioned above.

- Management and monitoring: 2 000 000 ECUs

For the management and monitoring, the amount obtained is the total of three expenditures:

a) The publishing of 15 "Guides to access to information on Community law" will be done in two steps: two guides, relating to France and Greece, have already been ordered by invitation to tender (in 1996 budget) and yet will have to be published from the 1997 resources. The guides pertaining to the 13 other Member States must be designed by invitation to tender in 1997 to be published in 1998.

The total cost of this operation (printing of the two already produced guides, design and printing of the 13 others), according to estimates based on the design costs of the two guides already ordered and the figures provided by the OOPEC is calculated to be 1 450 000 ECUs ( $13 \times 25\,000$ , that is 325 000 ECUs for the design and  $15 \times 75\,000$ , that is 1 125 000 ECUs for printing/distribution).

b) The preparation of 5 "Collections of case studies in Community law" applied to 5 major branches of Community law, intended to be translated into the 11 languages of the Union, has already been completed by invitation to tender (1996 budget). These collections will be printed and distributed in 1997.

The total cost of this printing/distribution for 1997 is evaluated at ECU 400 000 (5 guides x 80 000 ECUs).

c) The cost of carrying out an evaluation survey at the end of the project is calculated to be 150 000 ECUs, which is roughly the cost of the same type of survey financed by DG XV in 1995.

**Grand total:**

It is envisaged reserving a financial package indicative of 5 600 000 ECUs in operational credits for the carrying out of this programme.

7.2 Breakdown of elements of the action.

Breakdown	Year 1997	1998	1999	Total
<b>Subsidies</b>				
<b>Training</b>	0,50	0,70	0,90	<b>2,1</b>
<b>Information</b>	0,35	0,40	0,45	<b>1,2</b>
<b>Support</b>	0,05	0,10	0,15	<b>0,3</b>
<b>Total</b>	<b>0,9</b>	<b>1,2</b>	<b>1,5</b>	<b>3,6</b>
<b>Management</b>				
<b>Awareness-raising aids</b>	0,7 (1)	0,625 (2)	0,525 (3)	<b>1,85</b>
<b>Evaluation survey</b>			0,150	<b>0,150</b>
<b>Total:</b>	<b>0,7</b>	<b>0,625</b>	<b>0,675</b>	<b>2</b>
<b>Total:</b>	<b>1,6</b>	<b>1,825</b>	<b>2,175</b>	<b>5,6</b>

1) Details for 1997:

- printing/distribution of 2 Guides: 75 000x2=150 000 ECUs
  - printing/distribution of 5 Collections: 80 000x5=400 000 ECUs
  - designing of 6 Guides by invitation to tender 25 000x6=150 000 ECUs
- Total: 700 000 ECUs

2) Details for 1998

- designing of 7 Guides by invitation to tender: 25 000x7=175 000 ECUs
  - printing/distribution of 6 Guides ordered in 1997: 75 000x6=450 000 ECUs
- Total: 625 000 ECUs

3) Details for 1999

- printing/distribution of 7 Guides ordered in 1998: 75 000x7=525 000 ECUs

**7.3 Schedule of repayments for commitment appropriations/payment appropriations:**

	Year 1997	1998	1999	2000	Total
Commitment appropriations	1,6	1,825	2,175		5,6
Payment appropriations					
Year n n +1 n +2 and following fiscal years	0,8	0,8 1	0,825 1,175	1	
Total	0,8	1,8	2	1	5,6

**8. ANTI-FRAUD PROVISIONS ENVISAGED**

The actual payment of the subsidies is carried out at the end of the fiscal year only in view of a detailed financial calculation certified by the beneficiary. The latter also commits itself to keeping all of the justifying accounting information relating to the action undertaken over three years and to subjecting itself to possible controls provided for by the financial regulations. Anti-fraud provisions (provisions concerning controls, the handing-over of management reports and of financial statements) will appear in the "declarations of the beneficiaries of a Robert SCHUMAN subsidy" signed by the selected candidates.

**9. ELEMENTS OF COST EFFECTIVENESS ANALYSIS**

**9.1 Specific quantifiable objectives, population concerned:**

**- Specific quantifiable objectives:**

The specific objectives of the Robert SCHUMAN Project, of a quantitative and qualitative nature, are in particular:

*a) As regards training:*

- to give rise to the launching of high quality practical training activities in Community law, by the institutions responsible for the initial or continuing training of judges or lawyers, intended for these professionals (cf. creation of new courses or specific seminars, implementation of crash courses).

- to allow in this way the raising of awareness of Community law of a broad spectrum of judges and lawyers still not fully informed.

- to encourage the development of methods of training in Community law adapted to the needs of the professional practice of the judges and lawyers.

- to encourage, when possible, interprofessional dialogues between judges and lawyers concerning questions of application of Community law.
- to encourage, when possible, dialogues between judges and lawyers of different Member States as regards questions of application of Community law.

*b) As regards information:*

- to encourage the creation or the development of accessible information sources and aids, able to be kept up to date and of practical use in Community law (professional documentation centres, professional databases, professional news bulletins ...) for the attention of judges and lawyers.
- to improve the conditions of access, for judges and lawyers, to information on Community law and to improve in particular the distribution of information pertaining to information sources and aids available for Community lawyer these professionals.
- to encourage recourse to new information technology as regards the knowledge of judges and lawyers of Community law.
- to emphasise the practical and professional dimension of the content of information available in the field of Community law.

*c) As regards support initiatives:*

- to encourage the constitution of networks for exchanging experiences in areas of training and informing the judges and lawyers about Community law.
- to give rise to the implementation of projects for training the trainers of judges or lawyers in Community law.

**- Population concerned:**

The final beneficiaries of the Robert SCHUMAN Project are the judges and lawyers of Member States (450 000 lawyers and 100 000 judges).

The direct beneficiaries of the subsidies (eligible intermediary institutions) are the non-profit institutions recognised by the Member States, having as vocation the training or informing of judges and/or lawyers. A restrictive list of these eligible candidates appears in Article 3 of the draft Council decision creating the Robert SCHUMAN Project.

**9.2 Justification of the Project**

**- The need for Community budgetary intervention:**

The smooth operation of the Internal Market depends mainly on the ability of national legal professionals to apply the rules. The aptitude required clashes with a deficit of information and training stressed several times, whether by the SUTHERLAND report

(1992), the Strategic Programme "Making the most of the Internal Market" (1993)<sup>1</sup> a survey financed by the Commission in 1995 of a cross-section of lawyers in the EU<sup>2</sup>, or by the European Parliament at the annual debates on monitoring the application of Community law<sup>3</sup>.

This deficit in the effort to raise awareness of Community law can be explained both by the low level of appreciation of the potential and the ambit of this law on the part of the relevant professions, and by the poor financial resources made available to remedy the situation, the latter problem being both the cause and effect of the former. In order to break this pattern, it was judged useful, in particular following the tripartite meetings of high level experts (judges, lawyers, universities) organised by the Commission in 1995 and 1996, to set up a specific mechanism for financial stimulation centred on the professionals playing a fundamental role in the application of Community law. The existence of the Robert SCHUMAN initiative testifies to the importance attached by the Community to the role of judges and lawyers in the full application of Community law and above all to provide all eligible institutions with access to the financial resources to implement awareness raising projects in this area.

Hoping that these professionals will take upon themselves this task of general interest for the better of the smooth running of the Internal Market, the Robert SCHUMAN Project is the essential complement of the "Citizen's First" initiative begun by the Commission in order to enable the European citizen to know his rights in the Union. Indeed it seems illusory to encourage the European citizen to take advantage of his rights under the Community legal order if the professionals required to breath life into these rights in Member States' jurisdictions are not familiar with their existence or contents.

The launching of such an initiative was announced in the Strategic Programme "Making the most of the Internal Market" and in the end, the subject of reiterated requests from the European Parliament, was adopted by resolution 13 February 1996.

***Choice of methods for the project:***

The extreme diversity of the organisation of the professions concerned, and in particular of the training systems practised in the Member States, implied the adoption of a Community support programme likely to provide qualitative criteria and a framework for the initiative while leaving the choice of certain practical methods of implementation, being decentralised and respectful of national diversity, to the beneficiaries.

The Community intervention does not aim to affect the informing or the training of the legal professions concerned, in line with the principle of subsidiarity, but simply to propose to those interested potential financial support intended to improve knowledge of Community law.

The advantages of the present system compared to other existing or possible systems are in particular, as regards training, to encourage local and decentralised initiatives rather than the organisation of transnational events involving high organisation or travel costs and being addressed to an already "aware" or sufficiently interested public. The dual

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<sup>1</sup> COM (93) 632

<sup>2</sup> EOS Gallup-Europe poll, February 1995

<sup>3</sup> Resolution 13/2/1996, OJEC C 65 (4/3/96) p.37

objective of the action is firstly, as locally as possible, to make the experts concerned realise the importance of their role regarding the application of Community law and, secondly, to suggest to them the methods of satisfying the curiosity thus aroused.

The pilot studies carried out according to these principles during 1996 met with a real receptivity on the part of the experts concerned. The principal uncertainty factors which could affect the specific results of the action are due to the number of candidatures likely to appear at the time of its implementation. Too great a number of candidatures (a possible hypothesis given the success of the action during the pilot phase) would lead to having to examine the projects with greater selectivity so as to avoid spreading the available resources too thinly.

### **9.3 Monitoring and evaluation of the project:**

#### ***- Performance Indicators***

a) The performance indicators initially available will be primarily output indicators and the conceivable evaluation instruments in the first phase of operation of the projects (years n and n+1) will essentially be immediately available data such as:

- the volume of candidatures addressed to the Commission (requests for application forms), which will itself provide a first indication of public awareness of the project and of the level of its reception by the sectors concerned,
- the number of projects selected each year, which will in itself be a useful "interest indicator",
- the total number of final beneficiaries (target population) of the projects undertaken,
- the perception of the target population, evaluated by a survey of the beneficiaries of the actions and the establishment of a satisfaction index of the effectiveness of the operations undertaken.

b) More general impact indicators could be exploited as soon as the action reaches maturity:

- a survey of all the professions concerned (beyond simply the beneficiaries of the Robert SCHUMAN Project), on the model used in 1995 (see paragraph 9.2), will make it possible to evaluate the development of the familiarity of the professions concerned with Community law and will provide, by comparison with the 1995 results, good indicators of the progress achieved thus far,
- the trend in the number of preliminary questions brought before the European Court of Justice will also provide a relevant indicator.

#### ***- Methods and timing of the envisaged evaluation:***

The evaluation of the supported actions will take place at the end of each year of support on the basis of the management and evaluation report provided by the beneficiary, of the results of direct surveys urged on by the Commission and of any other available elements. For each action, a detailed evaluation report will be prepared by the Commission departments.

#### ***- Analysis of the results obtained:***

Each year an annual report will be written on the Robert SCHUMAN Project as a whole. A final evaluation report will also be prepared at the end of the programme. These two reports will be forwarded to the Council, Parliament, the Economic and Social Committee and to the Committee of the Regions.

**10. ADMINISTRATIVE EXPENDITURE (PART A SECTION III OF THE GENERAL BUDGET)**

The mobilisation of necessary administrative resources will result from the annual Commission decision relating to the allocation of resources, taking account in particular of manpower and of the additional amounts which will have been granted by the budgetary authority.

The resources necessary to cover administrative expenditure below will be obtained by redeployment of the existing financial resources and do not involve recourse to additional resources.

**10.1 Consequences for the number of jobs:**

Type of job		Manpower to assign to management of action			Duration
		Permanent jobs	Temporary jobs	by use of existing resources within the DG or the service concerned	
Officials or temporary agents	A	1		1	
	B	1		1	
	C	1		1	
Other resources					
<b>Total</b>		<b>3</b>		<b>3</b>	

**10.2 Overall financial consequences of the additional human resources:**

	Amount	Method of Calculation
Officials		
Temporary agents		
Other resources (indicate budget heading)		
<b>Total</b>		

**10.3 Increase in other administrative expenses arising from the action:**

Budget Heading (no & title)	Amounts	Method of calculation
Meetings A 250	30 000	- Annual meetings of experts evaluated at 3 x 10 000 ECUs (1)
<b>Total</b>	<b>30.000</b>	

Amounts correspond to the total expenditure of the action for the total three year duration planned

1) This amount corresponds to the cost of the meetings of the group of experts; "Information and Training for the legal professions for the application of Community law" organised up to now by DG XV.

-27-

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