

EUROPEAN UNION JUSTICE PROGRAMME 2014-2020 FOR COOPERATION AND TRAINING

*Dr. Victoria FOLEA**

Research Office, Romanian-American University, Bucharest, Romania

Abstract

The EU Justice Programme 2014-2020 for cooperation and training aims at developing the European area of justice by promoting judicial cooperation in civil and criminal matters. The specific objectives of the Programme are enhancing public awareness and knowledge of Union law and policies; ensuring efficient judicial cooperation in civil and criminal matters; supporting the effective, comprehensive and consistent implementation and application of Union instruments in the Member States; promoting cross-border cooperation, improving mutual knowledge and understanding of the civil and criminal law and the legal and judicial systems of the Member States and enhancing mutual trust; improving the efficiency of judicial systems and their cooperation by means of information and communication technology, including the cross-border interoperability of systems and applications.

In order to implement the EU Justice Programme 2014-2020, the European Commission will adopt annual work programmes (in the form of implementing acts), will organize periodic calls for proposals, and will manage the grants. In April 2014, the European Commission adopted the work programme for 2014, setting up the specific objectives for 2014, the calls for actions and the conditions for proposals and projects, as well as the budget allocated for these calls.

Keywords: EU Justice Programme 2014-2020, judicial cooperation in civil and criminal matters, Union law and policies

Introduction

In December 2013, the European Parliament and the Council of the European Union decided to establish the new framework programme for Justice for 2014-2020, to further develop the European area of justice by promoting judicial cooperation in civil and criminal matters (EU Regulation, 2013).

With a total budget of 378 million Euro for the entire duration, the EU Justice Programme 2014-2020 aims at supporting and promoting judicial training, including language training on legal terminology, with a view to fostering a common legal and judicial culture. Moreover, the Justice Programme 2014-2020 will promote and support the rights of victims of crime, while respecting the rights of the defence; will support initiatives in the field of drugs policy as regards judicial cooperation and crime prevention aspects (EU Regulation, 2013).

To achieve its objectives, the EU Justice Programme 2014-2020 envisages several mechanisms, such as, for instance, enhancing public awareness and knowledge of Union law and policies; ensuring efficient judicial cooperation in civil and criminal matters; supporting the effective, comprehensive and consistent implementation and application of Union instruments in the Member States; promoting cross-border cooperation, improving mutual knowledge and understanding of the civil and criminal law and the legal and judicial systems of the Member States and enhancing mutual trust; improving

* victoria.folea@rau.ro

the efficiency of judicial systems and their cooperation by means of information and communication technology, including the cross-border interoperability of systems and applications (EU Regulation, 2013). All these mechanisms and, ultimately, the Programme objectives are intended to be accomplished by financing actions with significant European added value.

The actions (proposals for projects) that will be considered for funding under the EU Justice Programme 2014-2020 should convincingly demonstrate how they will contribute to the consistent and coherent implementation of Union law; how they will ensure wide public awareness about the rights deriving from Union law; how they will develop mutual trust among EU Member States; and how they will improve cross-border cooperation. Additionally, actions to be financed under the EU Justice Programme 2014-2020 should convincingly address the transnational impact, the elaboration and dissemination of best practices, the creation of practical tools and solutions to respond to EU issues and challenges.

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At present, the countries eligible to participate in the Justice Programme 2014-2020 are all Member States, with the exception of United Kingdom and Denmark. For third countries to be eligible to participate in the Programme, they should conclude first an agreement with the European Union on their participation in the Programme as of 2014, which will be announced in the relevant call for proposals (European Commission, 2014).

The following paper is intended as a review of the EU Justice Programme 2014-2020 for cooperation and training, considering the priorities for funding for 2014/2015, the types of actions supported by the Programme, as well as presenting the general criteria for eligibility, selection and award of applications.

1. Priorities for Justice Programme in 2014/2015

The priorities set out by the Programme for 2014/2015, and considered through calls for proposals, are for cooperation and training (European Commission, 2014).

To contribute to the correct implementation of instruments. For example: Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast); Regulation (EC) No 2201/2003 concerning divorce and parental custody matters, "Brussels IIa Regulation"; Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations; The 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and its Protocol on the Law Applicable to Maintenance Obligations; Council Regulation (EU) No 1259/2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation; Regulation (EU) No 650/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance

and enforcement of authentic instruments in matters of successions and on the creation of a European Certificate of Succession; Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters.

Further example of mutual recognition instruments that need correct implementation: Framework Decision 2002/584/JHA on the European Arrest Warrant; Framework Decision 2003/577 on freezing property or evidence; Framework Decision 2005/214 on financial penalties; Framework Decision 2006/783 on mutual recognition of confiscation orders; Framework Decision 2008/909 on transfer of prisoners; Framework Decision 2008/947 on probation and alternative sanctions; Framework Decision 2009/828 on the European Supervision Order; Directive 2011/99 on the European Protection Order.

Mutual recognition of instruments in Criminal law: the Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings; the Directive 2012/13/EU on the right to information in criminal proceedings; the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime; the Directive 2008/99/EC on the protection of environment through criminal law and the Directive 2009/123/EC on ship-source pollution and on the introduction of penalties for infringements.

Mutual recognition of instruments in Fundamental rights: the Charter of Fundamental Rights of the EU, in particular its scope and application; Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.

To facilitate the exchange of data and the structured, confidential and data-protection compliant communication between the authorities appointed under EU legislation (e.g. central authorities) or otherwise active in the context of EU legislation (e.g. courts, bailiffs), including electronic transmission of documents, requests for information, hearing of the parties and witnesses across borders in the application of EU legislation.

To exchange best practices in the field of insolvency and pre-insolvency proceedings

Training on the following topics: Development of linguistic skills of legal practitioners (covering the legal terminology used in the work environment of practitioners); Knowledge of the legal systems of the Member States.

To contribute to an effective and coherent application of EU competition law in the Member States. This includes Articles 101 and 102 TFEU, the State aid rules, including Article 107 and 108 TFEU, and the private enforcement of the EU competition rules before national courts, including antitrust damages actions.

To contribute to achieving the objectives of the European e-Justice Strategy 2014-2018.

To support the implementation of e-Justice projects within the European e-Justice Portal and at national level, in as far as they have a European dimension.

To joining or enhancing existing or on-going e-Justice portal projects, such as: Interconnection of National Insolvency Registers (IRI); Find a Lawyer (FAL); Find a

Notary (FAN); Find a Bailiff (FAB); Implementation of the European Case Law Identifier (ECLI) in case law repositories and interconnection with the e-Justice Portal.

To contribute to the preparation of EU action in the following areas: Further improving procedural rights of defendants (other than existing EU instruments), including through judicial remedies; how to reduce pre-trial detention.

To contribute to the implementation of the Directive on the rights of victims (2012/29/EU) providing obligations for Member States to ensure certain minimum rights, support and protection. In particular the projects should contribute to the implementation of Articles 8, 9, 22, 25 and 26 of the Directive.

To support the implementation of EU legislation on new psychoactive substances by improving the capacity to identify and assess new psychoactive substances, to respond effectively to the rapid spread of such substances across the EU, by reducing the availability of harmful substances, monitoring the extent and patterns of use of such substances, and by sharing best practices on prevention.

To develop and share innovative approaches aimed at preventing relapse and models of good practice for reintegration and rehabilitation of (long-term) drug users, including those released from prison, inter alia by exploring alternatives to coercive sanctions.

To exchange best practices on cooperation between public authorities involved in drug related services, including at local or regional level, and civil society, to ensure that drug supply and demand reduction activities are joined up, with a view to enhancing the effectiveness of prevention, harm reduction and law enforcement activities to help prevent and reduce the number of drug-related offences.

To support the involvement of civil society in the implementation of the objectives of the EU Drug Strategy 2013-2020 and of the specific actions under the EU Drugs Action Plan

2013-2016, with a view to helping reduce the negative consequences of illicit drugs on individuals and society.

2. Actions funded by the EU Justice Programme 2014-2020

Through its annual work programmes, the EU Justice Programme 2014-2020 will finance the following types of activities:

- Training activities (staff exchanges, workshops, development of training modules)
- Mutual learning, cooperation activities, exchange of good practices, peer reviews, development of ICT tools
- Awareness-raising activities, dissemination, conferences
- Support for main actors (key European NGOs and networks, Member States' authorities implementing Union law)
- Analytical activities (studies, data collection, development of common methodologies, indicators, surveys, preparation of guides)

The European Commission organizes annual calls for proposals for actions (Action Grants; Operating Grants) and procurement under main areas, such as (2014):

- A) Improving judicial cooperation in civil and criminal matters;
- B) Facilitating access to justice and support judicial training;
- C) Preventing and reducing drug demand and supply.

As examples of topics that are financed through actions of the Justice Programme in 2014, the following specific calls are considered within each area (European Commission, 2014):

A) Improving judicial cooperation in civil and criminal matters

Action Grants:

- *Call for proposals to support national or transnational projects to support judicial cooperation in civil matters*
- *Call for proposals to support transnational projects to support judicial cooperation in criminal matters, in particular the good functioning of the European Arrest Warrant and other mutual recognition instruments*

Operating Grants:

- *Calls for proposals for operating grants 2014 to support European networks active in the area of judicial cooperation in civil and/or criminal matters*
- *Call for 3-year Framework Partnership Agreements (2015-2017) to support European networks active in the area of facilitating and promoting judicial cooperation in civil and/or criminal matters*
- *Operating grant 2015 to Framework Partners active in the area of facilitating and supporting judicial cooperation in civil and/or criminal matters*

B) Facilitating access to justice and support judicial training

Action Grants:

- *Call for proposals to support transnational projects on judicial training covering civil law, criminal law or fundamental rights*
- *Call for proposals to support national or transnational projects on judicial training in competition law*
- *Call for proposals to support national or transnational e-Justice projects*
- *Call for proposals to support national or transnational projects to promote access to criminal justice, including to enhance the rights of persons suspected or accused of crime*
- *Call for proposals to support national or transnational projects to enhance the rights of victims*

Operating Grants:

- *Operating grant 2015 to beneficiary identified in the legal base – EJTN*
- *Call for proposals for operating grants 2014 to support European networks active in the area of access to justice*
- *Call for 3-year Framework Partnership Agreements (2015-2017) to support European networks active in the area of access to justice*
- *Operating grant 2015 to Framework Partners active in the area of access to justice*

C) Preventing and reducing drug demand and supply

Action Grants:

- *Call for proposals to support transnational projects in the area of EU drugs policy*

3. Types of activities financed by the Justice Programme 2014-2020

The Action Grants will generally support activities, such as data collection, surveys and research activities; mutual learning, exchange of good practices, cooperation, including identifying best practices which may be transferable to other participating countries; interactive, practice-oriented training activities; multilateral exchanges between legal practitioners; creation of training content, whether for presential learning, blended learning or e-learning, either ready-to-use by trainers or by practitioners for self-learning; tools for training providers (for example: train-the-trainers events, tools to support the organisation of training in other Member States etc.); improving and/or creating cooperation/networks; development of legal linguistic skills of judicial staff; dissemination and awareness raising activities (European Commission, 2014).

With regard to *training methodology*, the applications should notably take into account recommendations resulting from the EU pilot project on European Judicial Training or expand good practices revealed by this pilot project to other Member States or legal professions. The learning methodology must be practice-oriented and interactive for all types of training, whether presential or online or otherwise. Presential training activities should give room for and incite exchange of experiences of participants also outside the classrooms (European Commission, 2014).

Concerning the *Dissemination strategy*, the funded projects are expected to have a clear dissemination strategy of their results, including for example dissemination of ready-to-use training material for practitioners or trainers on the European e-Justice Portal (European Commission, 2014).

The Operating Grants will generally support networks whose activities contribute to the implementation of the objectives of the Justice Programme and which will implement among others: analytical activities, training activities, mutual learning, cooperation, awareness-raising and dissemination activities with EU added value (European Commission, 2014).

4. General eligibility criteria for actions funded by the Justice Programme 2014-2020

To be *eligible*, Action Grant applications must comply with all of the following criteria (European Commission, 2014):

(a) the applicant organisation must be a public entity or a private organisation, duly established in one of the countries participating in the Programme, or an international organisation. Organisations which are profit-oriented must submit applications in partnership with public entities or private non-profit-oriented organisations;

(b) the EU grant applied for cannot be lower than EUR 75 000;

(c) the project must not be completed or have started prior to the date of submission of the grant application.

Depending on the call, to be *eligible*, Operating Grant applications must comply with all of the following criteria (European Commission, 2014):

(a) The applicant organisation must be a private non-profit-oriented organisation duly established in one of the countries participating in the Programme;

(b) The applicant organisation must be an established formal network with own legal personality or represent (as a joint secretariat or officially appointed coordinator) an established formal network. This network must be organised at European level, i.e. have

member organisations/bodies or authorities in at least 14 participating countries. Only the network or the organisation appointed as the joint secretariat/officially appointed coordinator may submit an application; the member organisations are not eligible to apply;

(c) The network's statutory aims must fall under the objectives of the Programme to facilitate

and support judicial cooperation in civil and/or in criminal matters;

(d) The applicant must seek co-financing for the costs to be incurred during the implementation of the annual work programme of the organisation for its 2014 financial year;

(e) The application must seek an EU grant that must be between EUR 75 000 and 250 000.

5. Selection and award criteria for actions funded by the Justice Programme 2014-2020

During the evaluation of proposals (both Action and Operating Grants), the following **selection criteria** will be considered by the evaluators (European Commission, 2014):

(a) The applicants' operational and professional capacity to implement and/or coordinate the proposed action and to maintain their activities during the period of implementation of the proposed action;

(b) The applicants' financial capability: the applicants should have stable and sufficient sources of funding to maintain their activities throughout the period during which the project is being carried out and to participate in its funding.

The selection criteria are not evaluation criteria, i.e. proposals will not receive marks for these and the evaluator's comments do not affect the total score obtained according to only the award criteria (below). However, the selection criteria are important in the final ranking of the proposals and decision to funding.

The proposals are assessed according to the following **award criteria** (European Commission, 2014):

(a) Relevance to the priorities of the call;

(b) Quality of the proposed action;

(c) European added value of the project;

(d) Expected results, dissemination, sustainability and long-term impact;

(e) Cost-effectiveness.

During the evaluation by experts, the proposal receives marks for each independent criterion, and based on those (and considering weightings applied to criteria), a total score is calculated. The proposal will fail the evaluation if it fails one criterion (below the criterion threshold) and/or fails the threshold for the total score.

6. EU added value of actions to be funded by the Justice Programme 2014-2020

All actions to be funded by the programme must produce results whose benefits go beyond one single Member State. According to the European Commission, Directorate

General Justice, the following elements should in particular be looked at (Justice Programme, 2014): Does the project contribute to the effective, comprehensive and consistent implementation of Union law instruments and policies? Will it improve public awareness and knowledge about the rights, values and principles deriving from Union law? Will it improve the understanding of potential issues affecting these rights? Is it likely to develop mutual trust among Member States and to improve cross-border cooperation? What is its transnational impact? Does it contribute to the elaboration and dissemination of best practices? Will it create practical tools and solutions that address cross-border or Union-wide challenges?

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