



EUROPEAN COMMISSION

Brussels, XXX  
C(2011)

**COMMISSION IMPLEMENTING DECISION**

**of**

**concerning the adoption of a financing decision for 2012 in the framework of the  
Programme "Criminal Justice"**

## THE EUROPEAN COMMISSION,

Having regard to the Treaty on the functioning of the European Union,

Having regard to Council Decision 2007/126/JHA, of 12 February 2007<sup>1</sup>, establishing for the period 2007 to 2013, as part of the General Programme on “Fundamental Rights and Justice”, the Specific Programme “Criminal Justice”, and in particular Article 8(2) thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>2</sup> (hereinafter referred to as the 'Financial Regulation'), and in particular Article 75 thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>3</sup> (hereinafter referred to as the 'Implementing Rules'), and in particular Article 90 thereof,

Whereas:

- (1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Community budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (2) In accordance with Article 110 of the Financial Regulation and Article 8(2) of Council Decision 2007/126/JHA, the Commission shall adopt an annual work programme.
- (3) The 2012 Annual Work Programme being a sufficiently detailed framework in the meaning of Article 90(2) and (3) of the Implementing Rules, the present decision constitutes a financing decision for the expenditure provided in the work programme for grants and procurement.
- (4) Under Article 168(1) d) of the Implementing Rules, grants may be awarded without a call for proposals in the case of bodies identified in the basic act.
- (5) This financing decision may also cover the payment of interest due for late payment on the basis of Articles 83 of the Financial Regulation and 106(5) of the Implementing Rules.
- (6) For the application of this decision, it is appropriate to define the terms 'substantial change' within the meaning of Article 90(4) of the Implementing Rules for the application of this decision.

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<sup>1</sup> OJ L 058, 24.02.2007, p.13.

<sup>2</sup> OJ L 248, 16.9.2002, p. 1.

<sup>3</sup> OJ L 357, 31.12.2002, p. 1.

- (7) In accordance with the procedure referred to in Article 11 of the Council Decision N°2007/126/JHA of 12 February 2007, the Committee was consulted and delivered a favourable opinion on the Annual Work Programme for 2012

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Annual Work Programme for the implementation of the "Criminal Justice" programme in 2012, as set out in the annex, is hereby adopted. It constitutes a financing decision in the meaning of Article 75 (2) of the Financial Regulation.

#### *Article 2*

Without prejudice to the last paragraph, the maximum contribution authorised by this Decision for the implementation of the Programme is set at EUR 26 950 000 to be financed from the Budgetary Line no 33 03 04 of the General Budget of the European Union for 2012.

These appropriations may also cover interest due for late payment.

The implementation of this Decision is subject to the availability of the appropriations provided for in the draft budget for 2012 after the adoption of the budget for 2012 by the Budgetary Authority or provided for in the provisional twelfths.

#### *Article 3*

Cumulated changes of the allocations to the specific actions not exceeding 20 % of the maximum contribution authorised by this Decision are not considered to be substantial provided that they do not significantly affect the nature and objective of the work programme.

The authorising officer may adopt such changes in accordance with the principles of sound financial management and of proportionality.

#### *Article 4*

Under article 4(d) of the Council Decision 2007/126/JHA, an operating grant will be granted to the European Judicial Training Network in 2012.

Done at Brussels,

*For the Commission*

*Viviane Reding  
Member of the Commission*

## **ANNEX**

### **ANNUAL WORK PROGRAMME 2012**

#### **CRIMINAL JUSTICE**

#### **1. GENERAL CONTEXT**

##### **1.1. Policy and Legal Context**

On the 12 February 2007<sup>4</sup>, the Council adopted the Decision No 2007/126/JHA, establishing for the period 2007-2013 the specific programme "Criminal Justice" as part of the General Programme on 'Fundamental Rights and Justice', in order to contribute to the strengthening of the area of Freedom, Security and Justice over the period of 2007 - 2013. This Decision specifies the general and specific objectives of the programme and the specific activities to be implemented.

##### **1.2. General objectives of the programme**

The general objectives of the programme are the following:

- To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters based on mutual recognition and mutual confidence;
- To promote the compatibility in rules applicable in the Member States as may be necessary to improve judicial cooperation. To promote a reduction in existing legal obstacles to the good functioning of judicial cooperation with a view to strengthening the coordination of investigations and to increase compatibility of the existing judicial systems in the Member States to the European Union with a view to providing adequate follow-up to investigations of law enforcement authorities of the Member States;
- To improve the contacts and exchange of information and best practice between legal, judicial and administrative authorities and the legal professions: lawyers and other professionals involved in the work of the judiciary, and to foster the training of the members of the judiciary, with a view to enhancing mutual trust;
- To further improve mutual trust with the view to ensuring protection of rights of victims and of the accused.

##### **1.3. Target groups and beneficiaries**

The participants and/or target group for the projects shall be legal practitioners, including judges, prosecutors, lawyers, solicitors, notaries, academic and scientific personnel, ministry officials, judicial court staff, bailiffs, legal interpreters and translators, representatives of victims' assistance services and other professionals associated with the judiciary in the area of criminal law, national authorities and citizens of the Union in general.

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<sup>4</sup> OJ L 058, 24.02.2007, p.13,.

## 2. BUDGET DISTRIBUTION FOR 2012

For 2012, the Commission has proposed a budget for this programme of EUR 26 950 000<sup>5</sup>. The relevant budget heading is 33 03 04. The annual programme consists of the following parts and types of action:

Part	Types of actions	Envisaged budget
<b>I.</b>	<b>Grants</b>	
A	Call for action grants: Co-financing of transnational and national projects	EUR 15 450 000
B	Call for operating grants to non-governmental organisations	EUR 1 000 000
C	Grants to bodies identified in the basic act	EUR 6 500 000
<b>II.</b>	<b>Actions on the initiative of the Commission contracts</b>	
	Public procurement contracts	EUR 4 000 000
	<b>Total:</b>	EUR 26 950 000

## 3. ACTION GRANTS – GENERAL CALL - CO-FINANCING FOR SPECIFIC PROJECTS

### 3.1. Priorities for 2012

The grants provided under this heading shall co-finance projects within the scope of the Criminal justice programme. The call for proposals shall focus, in particular, on the annual priorities described below:

- Supporting victims of crime
- Procedural and defence rights for suspected and accused persons (including legal interpretation and translation)
- European judicial training of European legal practitioners
- Networking and exchanging best practice among practitioners, including implementation of existing cooperation instruments, procedural rights, victims' rights, restorative justice, mediation and detention
- Improving conditions relating to detention
- e-Justice

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<sup>5</sup> The appropriations arising from the internal assigned revenue (revenue from recoveries) carried over from 2011 to 2012 will be added to this amount.

### **3.1.1. Supporting victims of crime**

Proposed projects shall facilitate the implementation of the proposed Directive on minimum standards on the rights, support and protection of victims of crime and proposed Directive and Regulation on the mutual recognition of protection measures. Such projects should focus on how the needs of victims, in terms of ensuring respectful treatment, protection, support, access to justice and compensation can be best achieved. They should in particular focus on practical results which can be directly used by practitioners and policy makers in their national implementation, for instance through the development of protocols, guidelines, manuals, identification of best practice, etc. Whilst national projects are accepted, those which enable cross-fertilisation of ideas and best practice from a range of Member States are preferred.

Areas for action include right to Information, to protection, restorative justice, compensation, co-ordination and co-operation, victims of specific types of crimes.

### **3.1.2. Procedural rights and defence rights in criminal proceeding (including legal interpretation and translation)**

- Projects should be related to measures on the Procedural Rights Roadmap, adopted on 30 November 2009, incorporated into the Stockholm Action Plan, COM (2010) 171 of 20.04.2010<sup>6</sup>, and to Chapter 6 of the Charter of Fundamental Rights of the European Union. This includes the following types of projects:
- Projects that promote awareness raising and networking amongst defence practitioners, that bring Bar Associations into contact with each other, that offer mentoring or exchanges between Member States;
- Projects that cover access to legal advice and access to legal aid,
- Projects that promote training of interpreters and translators who specialise in criminal proceedings;
- Comparative projects involving practices in different Member States in relation to access to legal advice, to interpretation and translation, to information and to specific protection for identified groups of accused person (such as minors)

### **3.1.3. European Judicial training of European legal practitioners**

European Judicial training will be reinforced in conformity with the [Stockholm Programme](#)<sup>7</sup> and the Stockholm Programme Action Plan. European judicial training concerns initial and continuous training, whether theoretical or practical, of legal practitioners; judges, prosecutors, judicial court staff, lawyers, bailiffs, mediators and notaries

European judicial training activities can include development of training content; organisation of training events, including quality evaluation, impact evaluation and dissemination of results; as well as dissemination of innovative results and adaptation of innovative practice for use in new settings; organisation of multilateral exchange programme. These activities can

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<sup>6</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0171:FIN:EN:PDF>  
<sup>7</sup> OJ C115 of 4.5.2010 p.1

take place in the context of continuous or initial training (induction-period) of the participants. All activities must involve participants (end-users) from different Member States.

European judicial training projects should present one or more of the following aspects:

- Implementation and application of EU legal instruments and policies.

Projects should focus on criminal justice legal instruments and policies, notably legislative instruments dealing with mutual recognition of judicial decisions (for instance, Framework Decision on the European freezing order, the Framework Decision on recognition of financial penalties, or the Framework Decision on probation decisions and alternative sanctions)

- Development of linguistic skills of legal practitioners

Projects should cover the legal terminology used in the work environment of practitioners involved in cross-border cooperation in criminal matters and involve participants from different Member States.

- Development of legal practitioners' capacity to respect and enforce rights of victims, and the rights, freedoms and principles contained in the Charter of Fundamental Rights of the EU when implementing Union law, in particular in the area of EU criminal justice legal instruments
- Knowledge of criminal law systems of the Member States

Projects should cover a large number of legal systems and involving experienced legal practitioners who will be able to compare experience and practice of application of EU criminal justice legal instruments.

- Cross-border exchange programmes<sup>8</sup>

They should be organised by groups of national judicial training institutions as part of the initial training period of judges and prosecutors, for a set period of time, based on a common curriculum of training modules with regard to the implementation of EU legislation, cross-border knowledge of national legal systems, comparative law and linguistic training.

Projects should clearly demonstrate how they will ensure participation of practitioners, European added-value by using practice-oriented learning methods and the use of innovative learning methods, including blended learning, e-learning, simulations, etc.

#### 3.1.4. Networking and exchanging best practice among practitioners, including implementation of existing cooperation instruments, procedural rights, victim support, restorative justice, mediation and detention

Projects or actions should be related to the support, or improve the implementation of adopted EU legislative instruments by way of networking and exchanging best practices among practitioners (judges, prosecutors, lawyers, judicial court staff, legal interpreters and translators, heads of judicial training institutes, heads of prison administrations, persons from

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<sup>8</sup> Exchanges of all judges (civil criminal and administrative) and prosecutors are complementary and are eligible to be co-financed within the "Criminal Justice" programme in accordance with articles 12(1) and 12(2) of decision 126/2007/JHA dated 12 February 2007.

the probation system and prison monitoring bodies) including the setting up of new networks of practitioners where necessary with a view to increasing mutual understanding between the different judicial systems in the Member States. Such projects may also aim at mutually evaluating compliance among Member States with EU instruments on judicial cooperation in criminal matters or on harmonisation;

### **3.1.5. Improving detention conditions**

- Efforts should be undertaken to strengthen mutual trust and to make the principle mutual recognition of judicial decisions involving detention more efficient. Projects should cover:
- Actions or studies that focus on alternatives to imprisonment
- Actions on improving detention conditions, including twinning programmes
- Good practices in prison management
- Action or studies on how to improve coordination among the different prison monitoring bodies, such as the CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) and SPT (UN Subcommittee on Prevention of Torture) and the National Preventive Mechanisms (NPM) under OPCAT (Optional Protocol to the Convention against Torture).

### **3.1.6. e-Justice**

This priority will, in 2012, cover both Civil and Criminal Justice<sup>9</sup> in order to assist in achieving the objectives of the European e-Justice Action Plan<sup>10</sup> in assuring and promoting a European judicial area through better judicial cooperation and access to justice.

- Priority will be given to projects that are aligned with the e-Justice Action Plan and taking account of progress already achieved, as described in the May 2011 Roadmap<sup>11</sup>, in particular projects that extend the Member State coverage of already existing projects (such as insolvency register interconnection, find a lawyer, interconnection of translators and interpreters' databases).
- Projects aimed to deliver online information packages, factsheets, interactive modules, multimedia content, etc. in the areas of civil and criminal justice for integration in the European e-Justice Portal. Such projects should aim to produce innovative material with a clear tangible benefit for end users, and must explain how the principle of multilingualism will be addressed. Any selected projects will be given instructions on how to comply with the Portal structure and content rules.

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<sup>9</sup> Please note that e-Justice projects in the area of civil justice will be co-financed within the framework of the specific programme "Criminal Justice", in accordance with Art 12 (1) and (2) on complementarity in the Council Decision 2007/126/JHA establishing the specific programme "Criminal justice" and in Decision No 1149/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the specific programme "Civil Justice" for the period 2007-2013

<sup>10</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:075:0001:0012:en:PDF>

<sup>11</sup> <http://register.consilium.europa.eu/pdf/en/11/st10/st10331.en11.pdf>



### **3.2. Financial provisions**

The total budget for action grants under the general call is EUR 15 450 000.

The grant provided by the Programme should not cover the entire cost of the action; the EU contribution is limited to a maximum 80% of the total eligible cost of the action. Consequently, at least 20% of the total eligible costs must be covered by the applicant, the partners or by another fund provider. Contributions in kind cannot be included in the project budget as an expense and are not accepted as co-financing. Projects must be strictly non-profit making.

The Commission may award a grant lower than the amount requested. Grants awarded shall be covered by a written agreement including the modalities for the reimbursement of a specified proportion of the eligible costs actually incurred. A grant agreement for an action with one beneficiary or with multiple beneficiaries will be used on a case by case basis, as appropriate. The agreement is a standard agreement, and its terms and conditions may not be altered or subject to negotiation.

As a general rule, the co-funding is provided in two instalments: a pre-financing payment corresponding to up to 80% of the Commission grant on the signature of the grant agreement, and the balance on receipt and approval by the Commission of the final report and final financial statement. Based on individual risk assessment the Commission may lower the percentage of the pre-financing, introduce an interim payment or request additional financial guarantees from the applicant. These additional conditions should be set out in the grant agreement.

### **3.3. Selection procedure**

Projects to be co-financed will be selected following a call for proposals. Proposals will be evaluated by an evaluation committee made up of Commission officials, possibly supported by external experts when needed. The assessment will be carried out on the basis of the exclusion, eligibility, selection and award criteria described below and further detailed in the call for proposals.

#### **3.3.1. Exclusion criteria**

Applicants shall be excluded from participating in the call for proposals if they are in one or more of the situations listed in Articles 93 (1) and 94 of the Financial Regulation.

#### **3.3.2. Eligibility criteria**

To be eligible, grant applications must meet the following criteria:

- Projects must be submitted by non-profit making bodies and organisations (institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training institutes for legal practitioners, and non-governmental organisations) established in one of the Member States of the EU<sup>12</sup>.

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<sup>12</sup> Profit oriented organisations may participate in the projects only in conjunction with non profit oriented or state organisations. International organisations may participate only as partners.

- Projects may be transnational or national according to the following definition:
  - (a) Transnational projects must involve partners in at least two Member States, or one Member State and one other State which is an acceding or a candidate country<sup>13</sup>. Organisations of third countries and international organisations may participate as partners, but are not permitted to submit projects.
  - (b) National projects are eligible as starter and/or complementary measures to transnational projects, or if they contribute to developing innovative methods and/or technologies with a potential for transferability to actions at Union level, or develop such methods and technologies with a view to transferring them to other Member States and/or candidate countries;
  - (c) For projects related to cross-border exchanges described in 3.1.3, only national judicial training structures for judges and prosecutors may apply; such cross-border exchanges need to involve partner organisations in at least five countries to achieve the creation of multi-cultural groups of trainees.
  - (d) For projects related to the e-Justice priority as described in 3.1.6, all projects must be transnational, involve a minimum of **five** Member States, and promote progress in cross-border e-Justice.
  - (e) Projects must seek EU co-funding of maximum up to 80% of the total eligible costs. EU grant applied for cannot be lower than EUR 75 000.
  - (f) Projects cannot be completed and started prior to the date of the submission of the grant application.
  - (g) Must have a maximum duration of 24 months.
  - (h) Must be submitted by the deadline set in the call for proposals using only the online application tool of Directorate General Justice and must be presented on standard forms, accompanied by all compulsory annexes requested.
  - (i) Must contain a balanced budget presenting the sources of co-funding other than the budget of the EU

### 3.3.3. Selection criteria

In accordance with Articles 115 (1) and 116(1) of the Financial Regulation and Article 176 of the Implementing Rules, proposals for action which meet the eligibility criteria will be evaluated on the basis of the following selection criteria:

- The applicant's operational and professional competencies
- The applicant's financial capability.

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<sup>13</sup> The Programme is also open to the participation of organisations from acceding and candidate countries associated to the EU and the Western Balkan countries, but specific conditions for these countries must first be met before they can be funded (i.e.: these countries must have signed a Memorandum of Understanding in order to participate in the Programme and must have contributed to the Budget of the European Communities).

### 3.3.4. Award criteria

The award criteria aim to ensure the selection of actions with high inherent quality, which contribute as much as possible to the Programme objectives and the priorities set for 2012 in a cost-effective manner. All projects submitted must aim to generate an added value at EU level and be within the scope of the Programme. The proposals will be assessed against the criteria set out below and further detailed in the call for proposals.

- (a) **Conformity:** Projects will be assessed on the extent to which they fall within the objectives of the programme and the priority areas identified in this AWP and, on a subsidiary basis, in the relevant EU strategic documents and/or action plans. Each project should demonstrate that the objective of the project reflects a clearly identified need for action according to the EU's policy priorities in Criminal justice;
- (b) **Quality** of the proposed action (its conception, organisation, clarity, methodology, allocation of resources, expected results and strategy for their dissemination). In particular, the ability of the project to attain the desired objectives will be assessed;
- (c) **Value for money:** Appropriateness of the amount requested for co-financing in relation to expected results (cost/benefit ratio);
- (d) **European dimension:** Geographical scope of the project in terms of partners, participants and target group and/or its added value at European level;
- (e) **Sustainability of the project**, i.e. likely impact of the expected results, measures planned for the dissemination of the results and to ensure adequate follow-up of project outputs..

### Approximate Timetable

The following indicative schedule of the general call for proposals is envisaged:

Publication of the call for proposals on the Commission website:	Q4 2011
Deadline for submission of proposals:	End Q1 beginning Q2 2012
Opinion of the Programme Committee:	Q2 2012
Commission Decision:	Q2 2012
Commitments and grant agreements:	Q3 2012
Projects' starting date	Q3 2012

The Commission may depending upon the budget uptake from the first call issue another call in 2012 and will produce a subsequent timetable for this, which shall be published widely.

## **4. OPERATING GRANTS**

Following a call for proposals, operating grants may be awarded to non-governmental, non-profit making organisations and bodies pursuing one or several objectives of the Programme with a European dimension.

### **4.1. Priorities for operating grants**

The aim of this grant is to support the implementation of the annual work programme of these entities for a period equal to their 2012 budgetary year by co-financing the expenditure linked to their normal activities as approved in the work programme drawn up for the purposes of the grant and the costs of the general administrative expenditure necessary for the running of the body, and not, as opposed to action grants, to co-finance projects.

The statutory objectives pursued by the organisation should be in line with the objectives of the Programme and the activities included in their 2012 annual work programme should address the priorities of this annual work programme.

### **4.2. 4.2 Financial provisions**

The global budget envisaged under this heading is EUR 1 000 000.

The grant provided by the Programme should not cover the entire costs the applicant expects to incur in carrying out its activities during its financial year starting in 2012; the EU contribution is limited to a maximum of 80% of the total eligible operational budget of the organisation. Consequently, at least 20% of the total eligible operating costs must be covered by other sources. Contributions in kind cannot be included in the budget as an expense and are not accepted as co-financing.

The activities must be strictly non-profit making. If an organisation realizes a surplus balance on the operating budget, it may have to repay part of the grant paid to it by the Commission. The same organisation may not benefit from more than one operating grant (for the same period) from the budget of the European Union.

In accordance with the Financial Regulation, when operating grants are renewed from one year to another, they shall be gradually decreased.

The Commission may award a grant lower than the amount requested. Grants awarded shall be covered by a written agreement including the modalities for the reimbursement of a specified proportion of the eligible costs actually incurred. The agreement is a standard agreement, and its terms and conditions may not be altered or subject to negotiation.

As a general rule, the co-funding is provided in two instalments: a pre-financing payment corresponding up to 80% of the Commission grant on the signature of the grant agreement, and the balance on receipt and approval by the Commission of the final report and final financial statement. Based on individual risk assessment the Commission may lower the percentage of the pre-financing, introduce an interim payment or request additional financial

guarantees from the applicant. These additional conditions should be set out in the grant agreement.

#### **4.3. 4.3 Selection procedure**

Operating grants to be co-financed will be selected following a call for proposals. Proposals will be evaluated by an evaluation committee made up of Commission officials, supported by external experts when needed.

The assessment will be carried out on the basis of the exclusion, eligibility, selection and award criteria described here below and further detailed in the call for proposals.

##### **4.3.1. 4.3.1 Exclusion Criteria**

Applicants shall be excluded from participating in the call for proposals if they are in one or more of the situations listed in Articles 93 (1) and 94 of the Financial Regulation:

##### **4.3.2. Eligibility Criteria**

###### **4.3.2.1. Eligibility of the applicant**

To be eligible for an operating grant, organisations must fulfil all of the following requirements:

- (a) the applicant organisation should have legal personality duly established in one of the Member States of the EU;
- (b) the aims and objectives of the organisation declared in its statute or other official document establishing the organisation should be in line with the objectives of the Programme;
- (c) the applicant organisation must be strictly non-governmental and non-profit making;
- (d) the applicant organisation must
  - be an organisation that have a corporate or organisational structure in at least 10 EU Member States through their own offices or branches; or
  - represent (as a joint secretariat or officially appointed coordinator) an established formal network or organisations that work through and with partner/member organisations in at least 10 EU Member States. Only the application submitted by the organisation appointed as the joint secretariat /coordinator may submit an application, the member/partner organisations are not eligible to apply; or
  - represent organisations that are active via an informal network of organisations that carry out work with a common objective least 10 EU Member States. In that case the activities of the represented entities during the financial year 2012 are expected to result in the formalisation of the network either by setting up a formal legal entity or to adopt a document appointing one of the member organisations or a joint secretariat to coordinate the work of the network in the future.

## Eligibility of the application

In order to be eligible proposals

- (a) must be submitted by the deadline set in the call for proposals using only the online application tool of Directorate General Justice and must be presented on the standard forms, accompanied by all compulsory documents and annexes;
- (b) must seek co-financing for the costs to be incurred during the implementation of the annual work programme of the organisation approved for its financial year starting in 2012, the maximum duration of the grant is 12 months;
- (c) must seek co-financing of a maximum of up to 80% of the total eligible cost; the EU grant applied for cannot be higher than EUR 250 000;
- (d) must contain a balanced budget presenting the sources of co-financing other than budget of the EU.

### 4.3.3. Selection Criteria

In accordance with Articles 115 (1) and 116(1) of the Financial Regulation and Article 176 of the Implementing Rules, proposals for operation which meet the eligibility criteria will be evaluated on the basis of the following selection criteria:

- (a) the applicant's operational capacities;
- (b) applicant's financial capability to carry out the annual activity programme

### 4.3.4. Award Criteria

Only eligible proposals meeting the selection criteria described above will be subject to in-depth evaluation. The evaluation will be carried out according to the following criteria.

- **Consistency:** of the organisations proposed activities with the programme objectives: the ability of the organisation to contribute to the relevant objectives of the Programme will be assessed. It should be demonstrated that the activities of the organisation clearly complement the activities of the EU on the fields, in particular in terms of relevance of the results and their practical impact ;
- **Quality of the planned activities** in terms of their design, organisation, presentation and expected results. The consistency and the coherence between the activities proposed and the budget allocated to each of them; the ability of the proposed activities to attain the desired objective(s) especially within the proposed timeframe will be assessed. ;
- **Value for money:** size and scope of the planned activities, in particular in terms of economies of scale and cost effectiveness, cost/benefit ration of the proposed activities will be assessed
- **European dimension:** Geographical scope of the applicant's activities, in terms of partners, participants and target group as well as citizen involvement in the organisation and/or its added value at European level

- **Sustainability of the project:** i.e. likely impact of the expected results measures planned for the dissemination of the results and to ensure adequate follow-up of project outputs

### **Approximate Timetable**

The following indicative schedule of the call for proposals is envisaged :

Publication of the call for proposals on the Commission website:	Q4 2011
Deadline for submission of proposals:	Q4 2011
Opinion of the Programme Committee:	Q1 2012
Commission Decision:	Q1 2012
Commitments and grant agreements:	Q1 2012

## **5. OPERATING GRANT TO A BODY IDENTIFIED IN THE BASIC ACT**

### **5.1. Object of the grant**

The grant awarded under this heading is intended to support the activities included in the 2012 annual activity programme of the **European Judicial Training Network (EJTN)**, specifically mentioned in the legal base of the Criminal Justice programme. EJTN is a non-profit making international organisation (AISBL) under Belgian law which comprises the majority of European judicial schools for judges and public prosecutors. Judicial training authorities in the 27 Member States are currently members of the EJTN. At national level, competence to organise participation of judicial authorities in training abroad lies with these national judicial training institutions. The Commission may award this grant without publication of a call for proposals. All other requirements of the Financial Regulation and its Implementing Rules shall apply.

### **5.2. Selection procedure**

In accordance with Article 110(1) 2<sup>nd</sup> subparagraph of the Financial Regulation, Article 168(1) (d) of the Implementing Rules, grants may be awarded without a call for proposals to bodies identified by a basic act. According to article 4(d) of the Council Decision No 2007/126/JHA, an operating grant shall be provided to co-finance expenditure associated with the 2012 work programme of the European Judicial Training Network (EJTN). Furthermore, article 8(7) stipulates that the "principle of gradual reduction shall not apply to the operating grant given to "EJTN". The grant shall be awarded following the receipt of a grant request from EJTN and after ensuring that the organisation satisfies the exclusion criteria and that its proposal is consistent with the judicial training objective pursued by the programme "Criminal Justice". The grant will be formalised by a grant agreement. Co-financing may concern only eligible costs incurred when pursuing an objective of general European interest.

### 5.3. Financial provisions

The total planned budget for the grant to co-finance the activities of the EJTN is EUR 6 500 000. The Commission will provide up to a maximum 80% of the total eligible costs as co-financing.

#### 5.3.1. Approximate timetable

The following indicative schedule (i.e. for the operating grant covering expenditure incurred in the financial year beginning in 2012) is envisaged:

Submission of the grant request	Q4 2011
Evaluation of the grant request	Q4 2011
Commitment and grant agreement:	Q1 2012

## 6. PROCUREMENT -ACTIONS ON THE INITIATIVE OF THE COMMISSION

The total budget envisaged for these types of actions is EUR 4 000 000.

In 2012 the Commission intends to undertake the following actions through contracts following public procurement (open calls for tenders and framework contracts) or administrative arrangements. Conferences, seminars may be held and **studies and impact** assessments may be undertaken as far as they are needed in order to prepare, or accompany new legislation or to respond to policy changes in the area of the criminal law.

Actions in the field of procedural and substantive criminal law

- (a) Study to provide a basis for an impact assessment on legal assistance to victims
- (b) Contract to develop web-based video walk-through of criminal proceedings and role of victims in the 27 Member States.
- (c) Survey to assess victims' views on their access to rights and services in the 27 Member States before the implementation deadline of the Directive on Victims' Rights.
- (d) Studies in relation to establishment of a European Public Prosecutor's Office (EPPO) from Eurojust on substantive criminal law measures enabling prosecutors and judges across the European Union to fight fraud against the EU financial interests more effectively.
- (e) Conferences, seminars may be held and **studies and impact** assessments may be undertaken as far as they are needed in order to prepare, or accompany new legislation or to respond to policy changes in the area of procedural and substantive criminal law matters.



## 6.1. Actions in the field of general criminal justice issues, e-Justice and judicial training

- (a) Commission initiative actions may include procurement for the continued development, (maintenance and support of the European e-Justice Portal, necessary hosting and software licensing fees), translation fees, information campaigns on the Portal, including information and promotional material, and feasibility studies related to European e-Justice.
- (b) Studies and IT development in relation with the European interconnection of criminal records, and the exchange of information between judicial authorities on previous conviction including support to the development of software in Member States, possible help desk provision and regular updating and improvement of the interconnection software (reference implementation), and in house support for the Commission. It includes activities for the implementation of ECRIS such as studies, expert meetings or IT development.
- (c) Organising and holding regular meetings of the Justice Forum<sup>14</sup> the European Commission has established the Justice Forum in order to provide a platform for consultation with stakeholders on European Union (EU) justice policies and practice, promote best practice and enhance mutual trust and understanding among the EU legal practitioners.
- (d) Study on best practices in the European judicial training for lawyers and bailiffs
- (e) Short video on a criminal trial (mock court) to be accessible via the European e-Justice portal (in all EU languages)
- (f) Organisation of a conference in collaboration with the judiciary, relevant authorities and the CCBE and other concerned bodies on how to implement Communication (2011)511 "Building Trust in EU-wide justice - A new dimension to European judicial training".
- (g) Conferences (Presidency conferences included), seminars, studies and impact assessments may be undertaken as far as they are needed in order to prepare, or accompany new legislation or to respond to policy changes in the area of cooperation in criminal matters, based in particular on suggestions from the EU Presidency.
- (h) Meetings are organised and contracted through the use of the Commission's Framework contracts. Studies and handbooks are implemented through calls for tenders or framework contracts.

The following indicative schedule of the call for tenders is envisaged:

Publication of the call for tenders:	Q1 2012
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<sup>14</sup> Communication from the Commission (adopted on 4.2.2008, COM(2008)38 final) on the creation of a Forum for discussing EU justice policies and practice.

Deadline for submission of proposals:	Q2 2012
Commitments and contracts:	Q3 2012

An indication of the possible global number of tenders to be initiated under the 2012 AWP is approximately 12.

## **7. ACCOMPANYING MEASURES**

According to Article 7(3) of the basic act, the Commission may finance administrative and technical assistance activities regarding the management of this Programme through public procurement.

This shall cover, inter alia, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

In particular, this may include the payment of external experts, activities regarding the exploitation and dissemination of project results, production of information material and the organisation of meetings. The execution of these activities is subject to the available resources on budget line 33 01 04 03