



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 2.12.2003  
SEC(2003) 1371 final

2003/0025 (COD)

**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to the second subparagraph of Article 251 (2) of the EC Treaty**

**concerning the**

**common position of the Council on the adoption of a Decision establishing a second phase of Community action (2004-2008) to prevent and combat violence against children, young people and women and to protect victims and groups at-risk (the DAPHNE II programme)**

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**1- BACKGROUND**

Date of transmission of the proposal to the EP and the Council (document COM(2003)54 final – 2003/0025 (COD):	04.02.2003
Date of the opinion of the European Economic and Social Committee:	14.05.2003
Date of the opinion of the Committee of the Regions:	03.07.2003
Date of the opinion of the European Parliament, first reading:	03.09.2003
Date of transmission of the amended proposal:	15.10.2003
Date of adoption of the common position:	1.12.2003

**2- OBJECTIVE OF THE COMMISSION PROPOSAL**

The objective of the proposal is to establish a second phase of the Daphne programme building on the experience gained during the implementation of the current Daphne I programme (2000-2003). The structure of this proposal is similar to that of the original Daphne programme.

All areas of violence (domestic violence, violence in schools, in institutions, in the work place, commercial sexual exploitation, genital mutilation, health impact, gender violence, trafficking, treatment of offenders, etc.) remain important and should be the subject of actions. Organisations responsible for assistance to victims are still the best relay to reach and help the beneficiaries of these actions. In addition, training bodies, universities, voluntary associations, research centres and local authorities are also eligible under the programme.

The programme shall contribute to the general objective of providing citizens with a high level of protection from violence, including the protection of their physical and mental health, within the framework of an area of freedom, security and justice. It is intended to prevent and combat all forms of violence against children, young people and women. By so doing, the programme will contribute to health and social well being.

### **3- COMMENTS ON THE COMMON POSITION**

#### **3.1 General**

The Common Position, adopted at unanimity, follows the general lines of the Commission's amended proposal, including a budget of 50 Mio EUR for the five-year period. The main modifications of the Common Position, as compared to the Commission's amended proposal concern the measures to be taken by the Commission within the budgetary procedures to ensure the consistency of the budget with the financial perspectives for the period beyond 2006.

#### **3.2 The fate of the amendments presented by the European Parliament at first reading**

The European Parliament adopted 40 amendments.

##### *3.2.1 Amendments accepted in the amended proposal and in the common position*

Amendments 1, 3, 5, 6, 8, 9, 13, 18, 22, 24, 25, 26, 28, 29, 31, 32, 36, 37, 38, were included as presented by the European Parliament in the Commission's amended proposal.

Amendments 7, 10, 15, 23, 30, and 33 were included, subject to reformulation as indicated in the explanatory memorandum of the Commission's amended proposal.

Amendment 17, proposing that the results of the Daphne projects be available free of charge to third parties, is moved from Article 4 to Article 6(1). The Council considered that this was rather a matter of implementation of the programme.

##### *3.2.2 Amendments appearing in the amended proposal but not in the common position*

None

#### **3.3 New provisions introduced by the Council**

##### *3.3.1 Title*

The Council amended the title in order to include the words "and to combat" in addition to the prevention of violence.

The Commission accepted this change that describes better the spirit of the programme objectives.

##### *3.3.2 Article 1*

Similarly, and to make it consistent with the title, the Council added the words "and to combat" to the first sentence of article 1 where the subject and scope of the programme are described.

The Commission accepted this change that describes better the spirit of the programme objectives.

### 3.3.3 *Article 3(1) (Organisations allowed to participate to the programme)*

The Council added that local authorities at regional level be allowed to participate to the programme. However, in order to take into account the various levels of sub-national authorities between the Member States, the final formulation was “local authorities at competent level”. This point was also the subject of Recommendation 1 of the opinion of the Committee of the Regions. In addition, again for the sake of consistency with the title and Article 1, the words “and to combat” are added in the first sentence of Article 3.

The Commission accepted these changes as they clarify and make the text more comprehensive in terms of whom is able to participate.

### 3.3.4 *Article 3(2) (Countries allowed to participate to the programme)*

The Council modified the wording listing the countries allowed to participate to the programme, taking into account the present situation of the acceding States. The content of the list is not modified.

The Commission accepted this change as it better represents the current situation.

### 3.3.5 *Article 4(ff) (new) (Treatment for perpetrators)*

The text was modified to clarify the intention as concerns the treatment programmes aimed at victims (now Article 4(f)) and at perpetrators (now Article 4(ff)). In addition, as concerns the support to victims, children and young people who witness domestic violence are also included. Likewise, in Article 4(ff), a further precaution is added which states that the safety of victims and children must be ensured while developing treatment programmes for perpetrators.

The Commission welcomes this wording which is more precise and clear concerning these two activities.

### 3.3.6 *Article 4(i) (new) (concept of positive treatment and well-being)*

Over and above the description of the activities to prevent and to combat violence, the Council considered that within the global framework of prevention, actions should be taken in view of positive treatment for people vulnerable to violence, that is an approach which encourages respect for them and promotes their well-being and self-fulfilment.

The Commission welcomes this change that complements the other activities with a more positive and proactive action.

### 3.3.7 *Article 5 (the budget)*

The Council modified the text of this Article to make it clearer with regard to 2006, the turning point between two sets of financial perspectives. The Council kept the amount of 50 Mio EUR for the five-year period 2004-2008, following the opinion of the European Parliament and of the Commission in its amended proposal. However, it further mentions the amount available for the first three years 2004-2006 (29 Mio EUR).

The Commission can accept this change in the presentation of the budget and very much welcomes the fact that the Council maintained the amount of 50 Mio EUR and the total duration of the programme.

### 3.3.8 *Article 6(3) (Equilibrium between small and big projects)*

As far as the possibility of allowing organisations to apply for funding of up to 250.000 EUR per year is concerned, the Council was of the opinion that this possibility has too many drawbacks : the risk that only big organisations will be able to apply for these bigger projects, introducing a discrimination between organisations; the lack of evidence that a higher funding would lead to better results; and the risk that, whilst the purpose of the increase of the budget for the programme was driven by the need to fund more projects per year, increasing the ceiling of funding would, on the contrary, decrease the number of funded projects.

The Commission originally proposed the possibility of bigger projects to facilitate some more in-depth work with a bigger funding. However, the Commission can accept the arguments of the Council.

### 3.3.9 *Article 6(4 and 4a) and Article 7 (Procedure for the Committee)*

The Council reverted from the committee with advisory procedure, as proposed in the original and amended proposals of the Commission, to a mixed committee where the management procedure will be used for the establishment of the annual work programme and the advisory procedure for other matters, as was the case with the previous Daphne programme.

Although the Commission would have preferred to use an advisory committee for all matters, it can accept the change as part of a global agreement on the Decision.

### 3.3.10 *Article 8(2) (Evaluation of the programme)*

As a complement to the modification made to Article 5, the Council has reinforced the modalities by which the Commission will report to the European Parliament and to the Council in order to ensure the consistency of the budget with the financial perspectives for the period starting in 2007. These two modifications (Article 5 and 8) constitute a package that enabled a general agreement on the duration of the programme and on the amount of its budget.

The Commission is of the opinion that this adds a burden on the programme in terms of reporting, Article 5(2) being explicit enough to ensure the requested consistency with the financial perspectives.

However, the Commission accepted this modification as part of a global agreement on the draft Decision.

### 3.3.11 *Annex, Point I.1(c) and I.2 (f) (new)*

The Council added a further topic covering studies and research concerning the children who are victims of prostitution, in order to detect the risk factors and to prevent the phenomenon.

Given the growing rate of this phenomenon in many Member States, the Commission can accept this change.

*3.3.12 Annex, Point I.2 (a)*

At the end of the paragraph, the phrase “including forcing people into begging or theft” has been added. This also follows Recommendation 3 of the Committee of the Regions.

The Commission can accept this, as it clarifies the objective of the action.

*3.3.13 Annex, Point I.5*

Educational *actions* have been included. This also follows Recommendation 4 of the Committee of the Regions.

The Commission can accept this, as it clarifies who can participate in this action.

*3.3.14 Annex, Point I.6*

The paragraph detailing the objective of this activity was adapted to reflect the changes made in Article 4 (f and ff).

The Commission can accept the revised text.

*3.3.15 Annex, Point I.6 Paragraph 1)*

The revised text adds non-sexual exploitation to the previous reference to sexual exploitation. This also follows Recommendation 5 of the Committee of the Regions.

The Commission can accept this, as it provides a better balance in the concept of commercial exploitation.

*3.3.16 Annex, Point I.7(c)*

The text is modified with various small additions and deletions to make the text more explicit and readable. This also follows Recommendation 6 of the Committee of the Regions.

The Commission can accept this, as it clarifies this action.

#### **4- CONCLUSION**

The Commission supports the Council Common Position because it largely follows the lines of the amended proposal.

This text represents a well-balanced compromise that will enable the Community to resume the combat against violence for another five years with reasonable financial resources.