



Committee of the Regions

CIVEX-V-031

96th plenary session, 18 and 19 July 2012

OPINION of the Committee of the Regions

EU FINANCIAL INSTRUMENTS IN JUSTICE AND CITIZENSHIP

THE COMMITTEE OF THE REGIONS

- considers that the proposed programmes are important instruments for supporting the implementation of EU policies in the fields of justice, rights and citizenship;
- believes that the proposals comply with the principle of subsidiarity, owing to the significant cross-border dimension to the policy areas involved and the planned implementation of the European area of justice and rights, which require transnational cooperation mechanisms and networking opportunities for the professionals concerned, and typically cannot be achieved by Member States acting alone;
- finds that the provisions contained in the Multiannual Financial Framework 2014-2020 could lead to the pursuit of actions with added value at European level, with the aim of extending the European area of justice and improving the promotion and protection of the rights of persons as enshrined in the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union;
- reiterates its commitment and willingness to supporting the area of freedom, security and justice and promoting European citizenship;
- calls on the Commission and the Member States to involve local and regional authorities in implementing the programmes, particularly in developing the annual work programmes;
- suggests that one representative of the Committee of the Regions may be involved in the advisory procedure.

Rapporteur:

Mr Varacalli (IT/ALDE) Mayor of Gerace

Reference documents

Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights and Citizenship Programme
COM(2011) 758 final

Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme
COM(2011) 759 final

Proposal for a Council Regulation establishing for the period 2014-2020 the programme "Europe for Citizens"
COM(2011) 884 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General remarks

1. considers that the proposed programmes are important instruments for supporting the implementation of EU policies in the fields of justice, rights and citizenship; together, these programmes intend to support activities carried out in the Member States with a view to raising awareness and understanding, supporting the implementation of Union law and policies in the Member States, promoting transnational cooperation and improving the knowledge and understanding of potential issues in the relevant policy areas with a view to ensuring evidence-based policy making and legislation. The Europe for Citizens programme, in particular, aims at promoting the development of a European citizenship;
2. believes that the proposals comply with the principle of subsidiarity, owing to the significant cross-border dimension to the policy areas involved and the planned implementation of the European area of justice and rights, which require transnational cooperation mechanisms and networking opportunities for the professionals concerned, and typically cannot be achieved by Member States acting alone;
3. considers that the proposals are also in line with the proportionality principle, having verified in particular that their form and content correspond to what is likely to be required in order to achieve the intended objectives, and that the total financial envelope for the three programmes appears sufficient for their effective implementation, given that this envelope has been maintained in line with that granted to the programmes currently in force for the same areas of action and that, *inter alia*, provision has been expressly made for upward revision in the event of accession of a new Member State;
4. appreciates, with a view to the improvement of regulations, the impact assessments accompanying the proposals, which are deemed sufficiently justified and comprehensive, taking into account the fact that the Commission also consulted stakeholders during the preparatory phase and the relevant results were fed into the impact assessment, and a similar consultation was held at various levels with local and regional authorities;
5. finds that the provisions contained in the Multiannual Financial Framework 2014-2020 could lead to the pursuit of actions with added value at European level, with the aim of extending the European area of justice and improving the promotion and protection of the rights of persons as enshrined in the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union;

6. hopes that the programmes will continue to contribute to the gradual achievement of a better understanding of the EU by citizens, particularly by providing incentives for active civic involvement, and to significantly strengthen awareness;
7. also hopes that the implementation of the Rights and Citizenship Programme (with regard to the specific objective of "[contributing] to enhancing the exercise of rights deriving from the citizenship of the Union") and the Europe for Citizens Programme (with regard to the general objective of "... [enhancing] capacity for civic participation at the Union level" and the specific objective of "[encouraging] democratic and civic participation of citizens at Union level, ...") can also help develop Europeans' awareness of the recent opportunity brought by Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative enabling them to make legislative proposals to the Commission on issues in which the EU is competent, with the possibility for such initiatives to be promoted or supported by organisations;
8. reiterates its commitment and willingness to support the area of freedom, security and justice and promoting European citizenship;
9. considers it necessary, with specific reference to the Rights and Citizenship Programme, regarding gender mainstreaming, to ensure the adequate and effective application of the points made in the proposal for a regulation in Recital 12 regarding the continuation and development of activities previously carried out on the basis of three programmes, in particular the programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme), as well as the sections on "gender equality" and "diversity and antidiscrimination" of the EU Programme for Employment and Social Solidarity (Progress), and in Article 4(b) (Specific objectives), with specific reference to non-discrimination on grounds of sex and the principle of equality between women and men;
10. appreciates, in principle, the plans to replace the six operational programmes for 2007-2013 with two programmes, bearing in mind that the reduction could lead to leaner and more efficient management of the actions planned also with a view to the desirable improved focus in the distribution of funds and the avoidance of geographical imbalances identified among the current programmes by the Commission in the legislative financial statements appended to the proposals;
11. calls on the Commission and the Member States to involve local and regional authorities in implementing the programmes, particularly in developing the annual work programmes;
12. recommends, particularly as regards the planned and indeed timely possibility of private bodies benefiting from the proposed actions, that the Commission also aim to further refine the mechanisms for the preliminary verification of the quality of requests;

13. stresses that local and regional authorities have a special interest in the issues dealt with in the area for freedom, security and justice, owing above all to the direct impact that these have on the everyday life of people living in the European Union and on the duties of local and regional authorities themselves, and the fact that these authorities have many key powers in policy fields falling within the area;
14. emphasises that, for local and regional authorities, subsidiarity and proximity towards citizens and residents require a direct approach to the concerns and aspirations of these citizens, for whom local bodies often implement innovative, appropriate solutions;
15. points out, with particular regard to the Europe for Citizens programme, that involvement in town twinning schemes, as expressly encouraged by the programme itself, has resulted in extremely valuable exchanges of experiences between communities in different geographical areas, strengthening experimentation with successful initiatives through which authorities have also put themselves forward as promoters and facilitators of citizenship;
16. endorses the possibility set down in the three proposals that all public bodies, including local and regional authorities, could have access to the programmes; points out, however, that the application procedures should not be too costly, particularly with regard to the planned complementarity between the programmes themselves and the related and relevant possibility of using resources allocated to different programmes, provided that the financing covers different items of expenditure;
17. supports the objectives set down in the programme, as it has expressed in previous opinions, and pledges its ongoing commitment to promoting and fostering their use in neighbouring countries through its cooperation bodies (working groups, joint consultative committees, CORLEAP, ARLEM) in line with the relevant cooperation agreements and in cooperation with the Commission;
18. stresses the particular importance of creating a genuine area of freedom, security and justice for citizens in a world characterised by increasing mobility; welcomes, in line with the ongoing efforts by the Committee of the Regions to promote a system of multilevel protection of fundamental rights, the fact that the progress made towards this area of freedom, security and justice places citizens at the centre of the project;
19. considers that the issues of security and protection of fundamental rights and freedoms must be brought together in a balanced way, by implementing coherent instruments in the field of freedom, security and justice: in this regard it cannot be denied that while Europe has a solid legal framework for the protection of human rights, in practice this must continue to be improved with a view to guaranteeing the effective exercise of these rights;

20. welcomes the fact that the three programmes, while displaying objective differences, together contribute to raising public awareness of the European dimension of citizenship, as a means for involvement in the European integration process and contribution to European democracy;
21. reiterates certain points made in its recent opinion on the new Multiannual Financial Framework post-2013, in which it underlined the significance of providing adequate resources to foster fundamental rights, democracy and citizens' participation in the effort to build European citizenship, and considered of paramount importance the emphasis given in the Europe for Citizens Programme to partnerships in support of EU level civil society, highlighting that the EU's security is closely linked to the furtherance of democracy, good governance and the rule of law in third countries, and that it is incumbent upon the Union to promote these values globally;
22. stresses, as it has previously pointed out, that it would be helpful to support the various forms of territorial cooperation to implement projects and measures aimed at making European citizenship a reality and which could help reduce obstacles and red tape, including by disseminating the various best practices relating to cross-border services, for example in the areas of health and multilingualism;
23. hopes that the actions taken in these fundamental areas can be taken into account as priorities for the annual work programmes, especially in relation to the Rights and Citizenship and Europe for Citizens programmes;
24. acknowledges that merging the previous six programmes for Justice and Rights and Citizenship into two and restructuring the Europe for Citizens Programme could create more flexibility when it comes to setting priorities over the seven year programming period, reducing management costs at European level, lessening bureaucratic burdens for the beneficiaries and allowing for more cross-cutting projects that cover several objectives of the programmes;
25. reiterates the position it has expressed in the past, particularly with regard to the issue of justice, that policies developed in the fields of justice and internal affairs should be coordinated and integrated with other Union policies (especially its economic and social and external policies), as improved coordination of these policies is bound to strengthen their overall effectiveness;
26. agrees that promoting citizenship is a horizontal issue that must be taken into account in the European Union's other actions, which is why synergies with the Instrument for Pre-Accession Assistance (IPA) are important in order to ensure that future EU citizens are informed about European citizenship and know their rights and responsibilities;
27. hopes, therefore, that practical solutions will be implemented that allow for complementarity and synergies between the three proposed programmes and with other Union instruments, and

invites the Commission to provide information on the means it intends to employ in order to guarantee these synergies and complementarity;

28. is concerned that it will not be sufficiently possible for local and regional authorities to be effectively involved in devising the annual work programmes and evaluating at least two out of the three specific programmes: the process of building a citizens' Europe must go hand in hand with the concrete participation of local and regional authorities at every phase, as they represent vital institutional levels through which to guarantee more democratically legitimate decision-making;
29. therefore calls for a guarantee that local and regional authorities, through the Committee of the Regions, will formally participate in the drafting of the annual programmes of activities for the Rights and Citizenship and Europe for Citizens programmes;
30. furthermore, considers, with regard to the interim evaluation reports and the ex-post evaluation reports provided by the Commission for the Rights and Citizenship programme, that it should be able to express its own opinion, as is formally provided for with regard to the Europe for Citizens programme, and therefore calls for a specific provision in this connection to be included in the proposal on the Rights and Citizenship programme;
31. requests that the measurement of the achievement of the specific objectives of the Rights and Citizenship programme also be contingent on the collection of qualitative and quantitative data on the respect, exercise and implementation of these rights, given that the reference to perception at European level is not an adequate measure in terms of results; also refers in this connection to the activities of the European Union Agency for Fundamental Rights and the European Institute for Gender Equality in drawing up corresponding indicators and comparative studies;
32. supports the important role that the programme proposals should play through awareness raising and information activities for European citizens, particularly as regards wide-ranging access to information, which is increasingly important if they are to play an active part in the political process. The Committee has already highlighted this point, calling on its members to strive to ensure that access to information is effectively guaranteed in the Member States;
33. believes, with regard to the Justice programme, that the planned continuation of exchanges of staff from national judicial systems, within the broader scope of the European justice network, will gradually strengthen mutual recognition of judicial systems and improve trust between them;
34. strongly supports, therefore, the specific proposal to fund training activities for judicial staff as laid down in Article 6 of the proposal for the Justice programme, as such training and awareness are key elements in building a Europe of justice;

35. recommends paying particular attention to this aspect in order to guarantee effective participation from all staff working within the judicial system, in the public and private sectors;
36. considers that the training activities funded under the Rights and Citizenship Programme should include training in European citizenship for those planning to obtain the citizenship of a Member State, and for schoolchildren, supporting the principle of active citizenship of young people through education;
37. is in favour of the funding support for the development of online training modules provided for in the programme proposal, which coincides with the CoR's call to promote measures aimed at citizenship training via the media and ICT;
38. believes that the Justice programme and Rights and Citizenship programme are also a viable means of strengthening local and regional authorities' considerable potential in cross-border cooperation on issues relating to the area of freedom, security and justice;
39. fully endorses, in principle, the more result-oriented approach chosen by the Commission for the programmes, focused on the use of indicators to measure the achievement of the programmes' objectives; highlights, however, that while a comprehensive list of indicators is contained in the Europe for Citizens proposal, the proposal for the Justice Programme, for example, only mentions a single indicator for each objective and hints to an undefined set of further indicators; suggests, therefore, a specification which is broader in general, preferably referring to qualitative parameters as well as quantitative ones;
40. highlights that the proposal on the Europe for Citizens programme provides for a more flexible structure than the programme currently underway; it is therefore not necessary to allocate quotas in advance for individual actions that can be carried out under the new programme;
41. points out, in this connection, that town twinning schemes, as well as continuing to benefit from the programme, could also have available a fixed quota set in advance, which in the current programme is equivalent to almost one third of the total budget and could be maintained at this level;
42. therefore calls for a good part of the overall budget of the Europe for Citizens programme to be allocated to activities that take place in the context of town twinning, particularly given the recognised, important role that twinning plays in building strong and sustainable contacts between citizens, including those of third countries;
43. reiterates that, as the Parliament and the Council have recently introduced the European Heritage Label as an instrument to enhance the shared cultural heritage of the Member States while respecting national and regional diversity, the Europe for Citizens programme could, in

order to pursue its stated objectives, also tap into the potential of the sites that will receive this new label, in the same way that the European Cities of Culture promote European identity and citizenship.

II. RECOMMENDATIONS FOR AMENDMENTS

RIGHTS AND CITIZENSHIP – COM(2011) 758 final

Amendment 1

Article 4(2)

Specific objectives

<i>Text proposed by Commission</i>	<i>CoR amendment</i>
2. The indicators to measure the achievement of the objectives set out in paragraph 1 shall be, inter alia, the European perception of the respect, exercise and implementation of these rights and the number of complaints.	2. The indicators to measure the achievement of the objectives set out in paragraph 1 shall be, inter alia, <u>the qualitative and quantitative data collected, at European level, on the European perception of</u> the respect, exercise and implementation of these rights and the number of complaints.

Reason

With a view to effectively measuring the achievement of the specific objectives of the programme, it seems clearer to refer to the collection of qualitative and quantitative data, given that the concept of "perception" could be interpreted less clearly, in a way that does not sufficiently reflect the achievement of the objectives.

RIGHTS AND CITIZENSHIP – COM(2011) 758 final

Amendment 2

Article 9(1)

Committee procedure

<i>Text proposed by Commission</i>	<i>CoR amendment</i>
1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation 182/2011. <u>One representative of the Committee of the Regions may be involved in the advisory procedure.</u>

Reason

The adoption of the annual work programmes, through which the entire programme is implemented, should involve the participation of a representative of the Committee of the Regions, alongside the Committee comprising representatives of the Member States and assisting the Commission.

As this relates to the implementation of programmes in which local and regional authorities are strongly involved, their participation in devising the annual work programmes through the European institution (Committee of the Regions) representing them, will enable the programmes to be built from the ground up, in accordance with the wishes expressed by the European citizens.

Moreover, the participation of the Committee of the Regions in drawing up the annual programmes is in line with Committee's power, in the framework of the legislative procedure for the adoption of a regulation of the European Parliament and of the Council, to formally issue this opinion.

RIGHTS AND CITIZENSHIP – COM(2011) 758 final

Amendment 3

Article 12(2)

Monitoring and evaluation

<i>Text proposed by Commission</i>	<i>CoR amendment</i>
2. The Commission shall provide the European Parliament and the Council with: (a) an interim evaluation report, by mid-2018 at the latest; (b) an ex-post evaluation report.	2. The Commission shall provide the European Parliament, <u>and the Council, the European Economic and Social Committee and the Committee of the Regions</u> with: (a) an interim evaluation report, by mid-2018 at the latest; (b) an ex-post evaluation report.

Reason

It is particularly important to validate the monitoring and evaluation process for the Rights and Citizenship and Europe for Citizens programmes: indeed, for the latter, it is expressly stated in Article 14(3) (Monitoring and evaluation) of the Commission proposal that the Commission shall provide an interim evaluation report and an ex-post evaluation report not only to the European Parliament and the Council but also to the European Economic and Social Committee and the Committee of the Regions.

Therefore, there are no valid reasons to maintain the provision of Article 12(2) of the proposal on the Rights and Citizenship programme which does not include the European Economic and Social Committee and the Committee of the Regions among the recipients of the interim evaluation report and an ex-post evaluation report. The amendment duly incorporates these two bodies.

JUSTICE – COM(2011) 759 final

Amendment 1

Article 7

Participation

<i>Text proposed by Commission</i>	<i>CoR amendment</i>
<p>1. Access to the Programme shall be open to all public and/or private bodies and entities legally established in:</p> <ul style="list-style-type: none">a) the Member States;b) EFTA countries which are party to the EEA Agreement, in accordance with the conditions laid down in the EEA Agreement;c) accession countries, candidate countries and potential candidates, in accordance with the general principles and the general terms and conditions laid down in the framework agreements concluded with them on their participation in Union programmes;d) Denmark, on the basis of an international agreement. <p>2. Public and/or private bodies and entities legally established in other third countries, notably countries where the European Neighbourhood Policy applies, may be associated to actions of the Programme, if this serves the purpose of these actions.</p>	<p>1. Access to the Programme shall be open to all public and/or private bodies and entities legally established in:</p> <ul style="list-style-type: none">a) the Member States;b) EFTA countries which are party to the EEA Agreement, in accordance with the conditions laid down in the EEA Agreement;c) accession countries, candidate countries and potential candidates, in accordance with the general principles and the general terms and conditions laid down in the framework agreements concluded with them on their participation in Union programmes;d) Denmark, on the basis of an international agreement. <p>2. Public and/or private bodies and entities legally established in other third countries, notably countries where the European Neighbourhood Policy applies, may be associated to actions of the Programme, if this serves the purpose of these actions.</p>

Reason

Points 1 and 2 include in the list of potential beneficiaries of the programme entities which are not clearly defined; as both paragraphs refer to public and/or private bodies, the addition of "entities" seems superfluous and should therefore be removed¹.

¹

Translator's note: this amendment does not concern the English version of the text, in which the word "entities" is not repeated.

EUROPE FOR CITIZENS – COM(2011) 884 final

Amendment 1

Article 9(1)

Committee

<i>Text proposed by Commission</i>	<i>CoR amendment</i>
1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation 182/2011. <u>One representative of the Committee of the Regions may be involved in the advisory procedure.</u>

Reason

The adoption of the annual work programmes, through which the entire programme is implemented, should involve the participation of a representative of the Committee of the Regions, alongside the Committee comprising representatives of the Member States and assisting the Commission.

As this relates to the implementation of programmes in which local and regional authorities are strongly involved, their participation in devising the annual work programmes through the European institution (Committee of the Regions) representing them, will enable the programmes to be built from the ground up, in accordance with the wishes expressed by the European citizens.

Brussels, 18 July 2012

The President
of the Committee of the Regions

Mercedes Bresso

The Secretary-General
of the Committee of the Regions

Gerhard Stahl

III. PROCEDURE

Title	Opinion on the EU financial instruments in Justice and Citizenship
Reference(s)	COM(2011) 758 COM(2011) 759 COM(2011) 884
Legal basis	Art. 19(2), 21(2), 81(1&2), 82(1), 84, 114, 168, 169, and 197 TFEU
Procedural basis	Rule 39(a) RP
Date of Commission and Council letters	Commission: 15 November 2011 and 29 March 2012 Council: 10 February 2012 (COM(2011) 758)
Date of President's decision	7 December 2011
Competent Commission	Commission for Citizenship, Governance, Institutional and External Affairs
Rapporteur	Giuseppe Varacalli (IT/ALDE), Mayor of Gerace
Background memo	24 January 2012
Discussed in Commission	27 April 2012
Date of adoption by the Commission	27 April 2012
Result of the vote in commission	Unanimity
Date of adoption by the plenary session	18 July 2012
Previous CoR opinions on this subject	<ul style="list-style-type: none"> - Opinion on The new multiannual financial framework post-2013 (CdR 283/2011) - Opinion on a Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union (CdR 406/2010) - Opinion on the EU Citizenship Report 2010 (CdR 355/2010) - Opinion on Delivering an area of freedom, security and justice for Europe's citizens – action plan implementing the Stockholm Programme (CdR 170/2010) - Opinion on the European Heritage Label (CdR 105/2010) - Opinion on The Stockholm Programme: challenges and opportunities in view of a new multiannual programme on the EU area of freedom, security and justice (CdR 201/2009) - Opinion on City Diplomacy (CdR 235/2008) - Opinion on Promoting the active citizenship of young people through education (CdR 173/2007) - Opinion on the Hague Programme and a framework programme on fundamental rights and citizenship (CdR 122/2005) - Opinion on the Proposal for a Decision of the European Parliament and of the Council establishing the programme "Citizens for Europe" to promote active European citizenship for the period 2007-2013 (CdR 120/2005)