

III

(Notices)

COMMISSION

GROTIUS II CRIMINAL PROGRAMME

Annual work programme and call for applications for 2002

(2002/C 66/16)

On 28 June 2001 the Council adopted the Grotius II criminal programme for judicial cooperation in criminal matters for a period of two years (Council Decision 2001/512/JHA of 28 June 2001, OJ L 186, 7.7.2001).

This annual programme covers the year 2002 and the financial reference amount for implementing it comes to EUR 2 000 000.

1. Programme objectives

The **general objectives** of the Grotius II programme, as described in Article 2(1) of the Decision establishing it, help to provide citizens with a high level of protection in an area of freedom, security and justice. Within this framework, the programme is intended to stimulate mutual knowledge of legal and judicial systems and to facilitate judicial cooperation between the Member States in criminal matters.

The programme's **specific objectives**, as listed in Article 2(2) of the Decision, are:

- **preparation of future projects in the field of judicial cooperation in criminal matters** (e.g. mutual recognition of judicial decisions),
- **help in implementing the instruments adopted** (e.g. convention on mutual assistance in criminal matters),
- **support for better mutual understanding on general topics of shared interest to the Member States** (e.g. use of new technologies),
- **local ad-hoc projects with the aim of improving cooperation on the ground** (e.g. the fight against paedophilia),
- **networking of certain organisations and professions** (e.g. network of specialised judges, victim support services).

Article 3(3) of the Decision provides that, in order to be eligible for co-financing, projects must involve **at least three**

Member States **or two** Member States and one applicant country.

Projects may involve any of the organisations and professional categories with recognised legal status referred to in Article 3(1) and (2) of the Decision and concern any subject relating to judicial cooperation in general and criminal matters (see below for possible subjects).

It should be noted that the programme is not intended for students pursuing their studies but is open to young professionals undergoing training, as participants.

Important! Initiatives by private individuals are not eligible for the programme.

In addition to the criteria and guidelines set out in the Decision establishing the programme, it should be borne in mind that projects relating to training in existing secondary Community law and its proper application do not come under the Grotius criminal programme.

2. Field of action compared to other Title VI programmes

It is not permitted to combine financing under the Grotius criminal programme and other programmes.

For example, the following justice and home affairs programmes are managed by the Commission:

- Oisín II: a programme for the exchange and training of, and cooperation between, law enforcement authorities (OJ L 186, 7.7.2001),
- STOP II: an incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children (OJ L 186, 7.7.2001),
- Falcone: a programme of exchanges, training and cooperation for persons responsible for action to combat organised crime (OJ L 99, 31.3.1998),

- Hippokrates: a programme of incentives and exchanges, training and cooperation for the prevention of crime (O) L 186, 7.7.2001).

It is essential that the applications for financing be sent to the right programme.

The link between Grotius criminal and Community programmes to assist the applicant countries, such as Phare, is described below under 'assessment of projects'.

3. Eligible expenditure

Expenditure directly chargeable to the implementation of projects is eligible. Subject to point 6 below, **Community co-financing can never exceed 70 % of the total cost of a project**. Consequently, projects asking for more than 70 % funding are not eligible, except if they fall within the specific actions and complementary measures referred to in point 6. The running costs of an organisation are not eligible, even where the organisation is pursuing one of the goals of the programme.

It is important to note that:

- all projects financed under the 2002 budget must have started before the end of 2002,
- projects must be finalised (unless special reasons are given) no later than one year after the date when the decision granting the financing was officially communicated, unless an extension has been approved,
- owing to the payment procedures applied by the Commission, the pre-financing of projects will fall on the applicants.

Promoters are requested to carry out their projects in accordance with the vade-mecum on project management, which can be consulted on the website of the Justice and Home Affairs DG of the Commission.

4. Activities of the programme

Projects to be financed from the 2002 budget may cover any of the activities listed in Article 4 of the Decision, namely:

- **conferences, seminars, meetings and symposia**,
- coordination of **research and studies** on subjects with a bearing on judicial cooperation,
- the distribution of **documentation and information** about foreign law and judicial cooperation,

- **training** in languages for vocational purposes and in comparative law,

- the organisation of **work experience placements and visits** abroad.

The budget for the year 2002 will run to EUR 2 000 000. The following table is provided for information, showing how the budget will be allocated to the various activities:

Activities	Year 2002
Conferences, seminars, meetings and symposia	800 000
Studies and research	300 000
Documentation and information	100 000
Training	250 000
Work experience placements and visits	550 000
Total	2 000 000

5. Selection and evaluation criteria

The criteria for selecting projects for financing are listed in Article 6(5) of the Decision. They are:

- conformity with the programme's objectives,
- whether the project has a European dimension and/or may be open to participation by the applicant countries,
- compatibility with work in progress or planned in the context of the European Union's policy priorities for judicial cooperation in general and criminal matters,
- complementarity with other past, present or future cooperation projects,
- ability of the organiser to implement the project,
- the inherent quality of the project in terms of its design, organisation, presentation and expected results,
- amount of the subsidy requested under the programme and proportionality with the expected results,
- the impact of the expected results on the programme's objectives.

Other criteria are:

- relevance of the project, its topicality, for example because it is linked to the implementation of legal and judicial cooperation instruments adopted by the Council,

- specific need for the project, for example if it focuses on an issue that has so far received little discussion but is now topical, or on cooperation or improvement of mutual knowledge between Member States that have not yet experienced frequent judicial contacts,
- language training should be considered only where directly linked to professional needs, and not easily available in the absence of the submitted project.

6. Priorities for 2002

In selecting topics for projects eligible for support from the programme, particular attention should be given to the conclusions of the Tampere European Council. By way of example, the following topics are suggested as being of particular interest at present:

Judicial cooperation in criminal matters

1. Mutual recognition of court decisions and its context:

- (a) the newly adopted or proposed instruments: the European arrest warrant (in relation to extradition procedures), the enforcement of pre-sentencing measures such as the freezing of assets and evidence, the enforcement of fines ... ,
- (b) new perspectives relating to the enforcement of decisions in criminal matters: imprisonment, confiscation, disqualification, alternative sanctions, mediation, release from prison ... ,
- (c) the elements of mutual confidence:
 - access to justice and procedural guarantees: obtaining evidence, provisional custody, legal aid and linguistic interpretation in legal proceedings,
 - administration and functioning of the criminal justice system.

2. Approximation of criminal legislation and the fight against certain types of cross-border criminality:

- trafficking of human beings,
- terrorism,
- financial crime, fraud and corruption,
- counterfeiting of means of payment,
- commercial counterfeiting,

- environmental crime,
- cyber-crime,
- racism and xenophobia,
- assisting illegal immigration.

3. Cooperation between Member States in the fight against criminality:

- the legal tools of mutual assistance (in particular the Convention of 29 May 2000 and its protocol),
- Eurojust,
- the European judicial network,
- the role of liaison magistrates,
- the prevention and regulation of conflicts of jurisdiction.

4. Mutual knowledge of the criminal justice system and its context:

- knowledge of procedural systems,
- the protection of victims and witnesses,
- the position of minors in criminal proceedings,
- data protection,
- relations with the media,
- cooperation between judicial authorities and administrative services of Member States in specific fields.

Specific projects and complementary measures

In order to achieve the objectives set out in Article 3(4) of the Decision, proposals for specific projects and complementary measures may also be submitted to the Commission by promoters from the Member States in the fields described above.

For 2002, the Commission is planning to undertake a maximum of two specific projects and two complementary measures.

- (a) The **specific projects** are of particular relevance to the priorities of the programme or to cooperation with applicant countries.

The Commission proposes the following specific projects for 2002:

- a feasibility study to determine how best to ensure, while taking fully account of requirements relating to personal freedoms and data protection, that the competent authorities in the European Union are informed of any disqualification, prohibition or incapacity handed down by the courts in a Member State. The study should also consider which of the following would be the best method: (a) to facilitate bilateral information exchanges; (b) to network national criminal records offices; or (c) to establish a genuine European central criminal records office ⁽¹⁾,
 - the development of a package of measures intended to promote assistance to victims of crime outside their Member State of residence, in particular:
 - the development of information booklets on victims' rights and services which are available to them, in the languages of European Union in each Member State,
 - the feasibility of setting-up a single telephone number.
- (b) The **complementary measures** cover seminars, meetings of experts and distribution of information obtained under the Grotius programme.

The Commission proposes the following complementary measures for 2002:

- creation of a web subsite bringing together the good practice and the main innovative results of the Grotius programme in order to disseminate and enhance their value in connection with the website of the Commission,
- an inventory of studies and ideas developed in previous seminars as regards the collection and admissibility of evidence, the preparation of a methodology and the organisation of a seminar covering the comparative application, in a series of practical examples drawn from experience, of the principles relating to the presumption of innocence, the burden of proof, the communication of items of evidence and the conditions for admissibility of evidence.

The specific projects and complementary measures referred to in Article 3(4) of the Decision qualify for 100 % financing, up to a maximum of 10 % and 5 % respectively of the total funding allocated annually to the programme for each of the two categories.

⁽¹⁾ Measure 21 of measures programme to implement the principle of mutual recognition of criminal decisions (OJ C 12, 15.1.2001, p. 10).

7. General guidelines

In principle, projects should concentrate on situations where practitioners and citizens experience practical difficulties. They should focus first on correct implementation of existing law, and explore available means of ensuring this implementation, before addressing the issue, if necessary, of possible amendments to legislation or conventions. Special attention should be devoted to the reciprocal understanding of different judicial approaches and legal cultures in order to foster mutual confidence in cases requiring judicial cooperation.

The following guidelines should help applicants:

- ambitious schemes, schemes of long duration or those for which a large grant is being applied for should be supported by pilot projects or feasibility studies,
- any plan for setting up a documentation network, databases, etc. should state in detail the sources, the field of investigation, the methodological approach, the frequency of updates, etc.,
- research projects should not be limited to a study based purely on the legal literature but should be based on practical experience and aim to produce usable conclusions,
- the knock-on effect of a project will be assessed on the basis of the number of participants and in view of their status and capacity to disseminate the results of the project,
- justification will have to be shown as to the benefits likely to be derived from very small projects, organisation of work experience placements or visits for a small number of participants. Projects likely to benefit only the applicant organisation will not be considered.

Projects will be assessed in accordance with the criteria and guidelines outlined above

They will be assessed individually according to the above criteria and guidelines, but also overall so as to balance the programme between the most interactive forms of training, exchange and seminar and the more traditional activities such as meetings or research. Applications will be encouraged from organisations in EU Member States less represented in the projects as a whole.

Special attention will be given to projects open to professionals less familiar with international contacts, and to projects open to practitioners from applicant countries. It must be emphasised, however, that the Grotius II criminal programme is not intended to provide assistance to the applicant countries, for which specific facilities are provided under Phare (see <http://europa.eu.int/comm/enlargement/index.htm>).

8. Submission of applications

Applications for grants must be sent **no later than 30 April 2002** (the postmark being taken as proof) to Ms Anita Braun, European Commission, Directorate-General for Justice and Home Affairs, Office LX 46, 4/90, B-1049 Brussels. Applications sent by express courier or delivered by hand must reach: European Commission, Central Mail Office, 1 Rue de Genève, B-1140 Brussels, no later than 17.00 (Brussels time) on 30 April 2002.

Applications must be submitted using the application form in one of the 11 European Union languages; however, in order to facilitate examination of the file, applicants are asked, where possible, to attach a summary of maximum 20 lines of the project (description, place, date, contents, partnership, participating countries, budget and expected results of the project) in English or French.

Forms may be obtained by applying to the address above, by fax on (32-2) 295 81 06, by e-mail at address JAI-GROTIUS@cec.eu.int, or by downloading the application forms from the website http://europa.eu.int/comm/justice_home/jai/prog_en.htm Note that the signed **original** application form must be submitted (not a fax followed by the original), together with **three copies (four in total)**. Alterations to the form or the use of earlier versions of the form, etc., will disqualify the application.

Applications must be accompanied by a detailed budget, presented only in the stipulated form, in euro (with cross-references to the national currency for countries where the euro has not been adopted). The budget must show the expected overall cost, expenditure and revenue of the project. The aid requested may not exceed 70 % of the final cost, except in the case of specific projects and complementary measures, which may be wholly financed.

The amount of aid actually granted may be less than the amount requested. In other cases, it may be decided to grant aid only for part of the proposed action. It should be pointed out that most of the aid granted to date has covered 50 % to 60 % of project budgets. If the amount granted is less than that originally requested, the promoter will be required to submit a revised budget estimate showing the new breakdown of the project's funding.

Important! Applications which do not comprise a detailed financial statement, on the stipulated form indicating expen-

diture and revenue and enabling expenditure to be correlated to the various items in the project, will not be considered.

In summary, a valid application consists of:

- **the original application form, duly completed and signed,**
- **the description of the project,**
- **the planned budget with a detailed financial statement,**
- **the original and three copies of these documents.**

Applications that do not contain the above documents are ineligible and will not be examined.

Beneficiaries are required to state in all advertising or published material that the project has received financial support under the Grotius II general and criminal programme. They will be asked to send an evaluation form to all participants. They should allow on request a representative of the manager of the Grotius criminal programme to attend any seminars, colloquia or conferences.

All project promoters will be informed of the outcome of the assessment during August 2002.

Within three months of the completion of their project, promoters must submit for the attention of Ms Anita Braun, European Commission, Office LX 46 4/90, B-1049 Brussels, a **final report** on the project, any obstacles encountered, the evaluation given by the participants, the results obtained, the dissemination of such results and the conclusions drawn; they should also submit a **final financial** report. The reports must be based on the forms indicated on the site:

http://www.europa.eu.int/comm/justice_home/jai/guidelines/guidelines_en.htm

They will also be required to agree to make available to the Commission the results, presented in a form that is usable and suitable for their dissemination: manuals, publications, videos, software, Internet sites.