

## III

(Notices)

## COMMISSION

## FRAMEWORK PROGRAMME FOR JUDICIAL COOPERATION IN CIVIL MATTERS

## Annual programme and call for proposals 2004

(2003/C 179/06)

## INTRODUCTION

On 25 April 2002 the Council adopted the Regulation (EC) No 743/2002 establishing a general framework for Community activities to facilitate the implementation of judicial co-operation in civil matters for the period 2002 to 2006 <sup>(1)</sup>.

Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, did not participate in the adoption of this Regulation, and is therefore not bound by it nor subject to its application.

The objectives of the framework programme are the following:

- to promote judicial cooperation in civil matters, aiming in particular at ensuring legal certainty and improving access to justice, promoting mutual recognition of judicial decisions and judgments, promoting the necessary approximation of legislation, or eliminating obstacles created by disparities in civil law and civil procedures,
- to improve mutual knowledge of Member States' legal and judicial systems in civil matters,
- to ensure the sound implementation and application of Community instruments in the area of judicial cooperation in civil matters, and
- to improve information to the public on access to justice, judicial cooperation and the legal systems of the Member States in civil matters.

The envisaged budget for 2004 is EUR 3 750 000. The following types of actions will be financed within this budget:

- specific actions taken at the initiative of the Commission,
- actions providing financial support for specific projects of Community interest, and

- actions providing financial support for the activities of non-governmental organizations (NGOs).

This annual programme, which covers the priorities for 2004, consists of three parts:

- A description of the specific actions the Commission intends to undertake (part A),
- the call for proposals for support of specific projects (part B) as hereby published,
- and a call for proposals for support of NGOs (part C), which will be published separately in April 2004.

The indicative minimum budget envisaged for 2004 for the calls for proposals (part B and part C) will be EUR 2 000 000, with an indicative split of EUR 1 700 000 for part B and EUR 300 000 for part C.

The granting of funding is subordinated to the budgetary authority's decision to earmark appropriations for this purpose.

## A. COMMISSION ACTIONS

The Commission intends to undertake the following actions in 2004

- European Judicial Atlas in civil matters, launched in 2002. An informatic tool in the form of a database available in all official languages of the European Union, to be made accessible via the internet. The purpose of the tool is to provide user-friendly access to information relevant for judicial cooperation in civil matters. In 2004, besides the need for continuous management and follow-up of the tool, an extension will be necessary in view of the accession of 10 new Member States to the European Union.
- Database designed to assemble judgments and decisions delivered by the courts of the Member States on the application of the Brussels I Regulation as well as on the application of the Brussels Convention of 1968 and the Lugano Convention of 1988, launched in 2002.

<sup>(1)</sup> OJ L 115, 1.5.2002, p. 1.

In 2004, besides the need for continuous management and follow-up of the tool, an extension will be launched to allow for covering also the judgments and decisions delivered by the courts of the Member States on the application of Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses (Brussels II), as well as on the proposed new regulation on parental responsibility (Brussels IIbis) which, once adopted, will replace the Brussels II Regulation. An extension of the whole database will be necessary in view of the accession of 10 new Member States to the European Union also.

- Launching of a number of new actions on information for legal practitioners on judicial cooperation in civil matters in the European Community, as follow-up to the actions already launched in this domain. A particular focus will be devoted to information on the functioning of the legal instruments in force, on the on-going work for preparation of new instruments, and to inform legal practitioners about the tools available for finding further information for these purposes. Actions will be pursued to provide information to citizens on access to justice also, in line with the Tampere conclusions. The latter will in particular include actions in relation to the European day of civil justice.

On-going and new actions in this domain will be extended to reach the countries acceding to the European Union in 2004.

- Multilateral conference to be organised in collaboration with the Council of Europe on best practices in civil proceedings in Europe. The conference will be an occasion to present concrete examples of the best performing civil procedures in Europe. The organisation of the conference will follow the same model as the successful conference held in October 2002 'Towards a better access to justice for the citizen'.
- Study on the effects of EC legislation on insolvency. The study will aim at monitoring the implementation of EC law, in particular the Insolvency Regulation <sup>(2)</sup>. It will consist of collecting case law on the application of the Regulation, identifying possible difficulties, and possible proposals for remedies.
- Feasibility study on the creation of a structure/network for reinforcing European research on international private law, civil law and civil procedure from a Community perspective. The study will make an inventory of current

research activities in these fields in the Member States and the accession countries, describing the scope of on-going activities as well as current initiatives for networking and cooperation between different institutions involving more than one Member State. The inventory should also cover issues such as dissemination of research results, pooling of resources, identification of priority areas, and cross-fertilisation between Member States as well as with other academic disciplines. On this basis the study will, against the objective of creating a European judicial area in civil matters, formulate proposals on how the role of research in supporting policy development and political decision-making at European level could be strengthened and on different possible models for attaining this result (for example, creation of a European institute or development of a specific section in an existing institute, creation of an international association, creation of a network of universities).

Interested parties should not submit any tender, proposal or expression of interest of any kind in relation to the concrete actions mentioned above.

## **B. CALL FOR PROPOSALS: CO-FINANCING OF SPECIFIC PROJECTS**

### **1. Eligible applicants — who can apply?**

Countries acceding to the European Union in 2004 <sup>(3)</sup>, will be considered as Member States under this call for proposals. Institutions and organizations from these countries are therefore eligible to apply under the same conditions as the current Member States. However, the final decision on funding will not be taken until accession has actually taken place. Applicants from these countries should take this into account when scheduling their projects.

Should any candidate country not accede to the Community during 2004, any application made by or from the country concerned for funding shall be null and void, unless it is covered by a relevant Association Council Decision, Agreement or Memorandum of Understanding. In this case the latter shall continue to apply in respect of that country throughout the entire year 2004.

Projects may be submitted by institutions and public or private organisations, including professional organisations, research institutes and legal and judicial training/further training institutes for legal practitioners.

Private individuals are not eligible to apply, nor commercial organizations.

<sup>(2)</sup> Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings.

<sup>(3)</sup> Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia.

The participants and/or target group for the projects should, as a general rule, be legal practitioners, including judges, prosecutors, advocates, solicitors, academic and scientific personnel, ministry officials, court officers, bailiffs, court interpreters and other professionals associated with the judiciary in the area of civil law.

## 2. Eligible proposals — what kind of projects can be supported?

Projects should be scheduled to start between 1 April and 31 December 2004 and to finish before 31 December 2005, at the latest.

Projects must involve at least three Member States <sup>(4)</sup>. The countries acceding to the European Union in 2004 will be regarded as Member States for the purpose of this criteria, provided that accession actually takes place. Any application which intends to fulfill this criteria by involving one or several of the acceding countries will not be finally decided upon until actual accession of these countries has taken place. Projects may also associate practitioners from Denmark, from the candidate countries where this would contribute to their preparation for accession, or from other countries not participating in this framework for activities where this serves the aims of the projects.

As concerns projects involving the candidate countries, it should be noted that this framework programme is not intended to provide pre-accession assistance. Proposals having such assistance as their main objective will therefore not be considered eligible. Support for such projects may be sought from the Commission's pre-accession instruments such as Phare. Further information is available from the Commission's website

<http://europa.eu.int/comm/enlargement/pas/paa.htm>

An applicant may apply for support for several separate projects. In that case separate applications should be submitted for each project.

The following four types of projects can be supported, based on each of the four objectives of the framework programme.

### 2.1. Projects aimed at promoting judicial cooperation in civil matters

#### Scope

Projects with this objective may consist of studies and research or meetings and seminars, or a combination of both. Projects

<sup>(4)</sup> At this moment only Member States are participating in this framework programme, in the sense of the first paragraph of Article 5(3) of Regulation (EC) No 743/2002.

can cover any topic in the area of judicial cooperation in civil matters.

#### Specific priority

Projects focussing on the following topics:

- Improving the efficiency of enforcement of judicial decisions within the European Union in cross-border situations.
- Facilitating mutual recognition in the area of the patrimonial consequences of the break-up of married and unmarried couples.
- Facilitating mutual recognition in the field of succession and wills.
- Improving and facilitating the recovery of maintenance payments.
- Evaluation of progress made in implementing the 1999 Tampere conclusions <sup>(5)</sup>,
- Identification of new areas not covered by the 1999 Tampere conclusions or the programme on mutual recognition <sup>(6)</sup> where Community action could be necessary.

### 2.2. Projects aimed at improving mutual knowledge of Member States' legal and judicial systems in civil matters

#### Scope

Projects with this objective may consist of training, exchanges and work experience placements, meetings and seminars, or a combination of these activities.

#### Specific priority

Projects consisting of exchange and work experience placements.

<sup>(5)</sup> European Council conclusions 15-16 October 1999, 'Towards a union of freedom, security and justice: the Tampere milestones'.

<sup>(6)</sup> Joint programme of the Commission and the Council of measures for implementation of the principle of mutual recognition of decisions in civil and commercial matters, 30 November 2000 (OJ C 12, 15.1.2001, p. 1).

2.3. *Projects aimed at ensuring the sound implementation and application of Community instruments in the area of judicial cooperation in civil matters*

Scope

Projects with this objective may consist of training, studies and research, meetings and seminars, or dissemination of information, or a combination of these activities.

Specific priority

Projects consisting of

- training for legal practitioners on EC legislative instruments adopted on the basis of article 61(c) of the TEC <sup>(7)</sup>,
- training for the central authorities foreseen by the proposed regulation on parental responsibility (Brussels IIbis) <sup>(8)</sup> in relation to their tasks on judicial cooperation,
- training for legal practitioners on family mediation in cross-border situations.

2.4. *Projects aimed at improving information to the public on access to justice, judicial cooperation and the legal systems of the Member States in civil matters*

Scope

Projects with this objective may consist of dissemination of information.

Specific priority

Projects focussing on information for citizens on access to justice in situations involving two or more Member States.

<sup>(7)</sup> Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (OJ L 26, 31.1.2003, p. 41); Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p. 1); Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and enforcement of judgments in civil and commercial matters (OJ L 12, 16.1.2001, p. 1); Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings (OJ L 160, 30.6.2000, p. 1); Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses (OJ L 160, 30.6.2000, p. 19); Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (OJ L 160, 30.6.2000, p. 37).

<sup>(8)</sup> Proposal for a Council Regulation concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility repealing Regulation (EC) No 1347/2000 and amending Regulation (EC) No 44/2001 in matters relating to maintenance. COM(2002) 222 final/2, 17.5.2002.

**3. Budgetary rules — what kind of financial support can be awarded?**

The maximum rate of co-financing by the Commission is 60 % of the total eligible costs of the project. By way of exception 80 % can be awarded, on the condition that the applicant provides a justification for why other, sufficiently large sources of co-financing cannot be found. The rules on eligible costs are described in the standard grant agreement.

Contributions in kind are not eligible costs but can, in duly substantiated cases, be taken into account in calculating the rate of funding granted by the Commission for the project, up to a maximum of 20 % of total costs. However, a minimum of 20 % of the co-financing for the project must be in the form of a direct monetary contribution, from the applicant or from another fund provider.

Co-financing of a project under this framework cannot be combined with any other co-financing by another programme financed by the budget of the European Communities.

The minimum grant that can be requested is EUR 30 000, and the maximum grant that can be awarded is EUR 120 000.

A Commission grant is given for non-commercial purposes only and projects must be strictly non-profit making.

As a general rule, the Commission grant will be paid in two installments: by way of a prefinancing payment (generally 30 % of the total grant) upon signature of the grant agreement, and the balance upon receipt and approval by the Commission of the final report and final financial statement of the project. Consequently pre-financing by the applicants of the projects is presumed.

**4. The application — how should it be presented?**

Applications must comprise the parts set out under 4.1 to 4.5 below. The application form, the budget form and the timetable must be submitted with three extra copies. The application form and the budget form should be submitted in electronic format also, on diskette or CD-rom, in WORD and EXCEL format respectively. Applications lacking any of these parts at the expiry of the deadline for submitting applications will be disqualified. Forms or other documentation completed by hand will not be taken into account. Applicants are free to submit any further documentation they consider appropriate in support of their application.

For deadlines and contact details on where to request the forms and how to submit the applications, see below under 'Practical information'.

#### 4.1. *Application form*

Only applications made on the standard application forms will be taken into account. Any alterations made to the form will disqualify the application. The form must be completed in full, in any of the official languages of the European Community. It must be signed by the person responsible for committing the applicant.

#### 4.2. *Budget form*

A separate budget form must be submitted, providing a detailed breakdown of the estimates of all the costs necessary for realizing the project proposal and all the revenue that it is expected to generate. All costs should be specified, where appropriate, exclusive of VAT. In case of co-financing (other than contributions in kind) from another organization than the applicant, a declaration from the organization in question to provide the co-financing should be submitted. A declaration containing a commitment which is conditional upon the receipt of a grant by the Commission is acceptable also. Should a grant of more than 60 % of total eligible costs be requested, a justification must be provided.

#### 4.3. *Timetable*

Applicants must submit a separate detailed timetable for the implementation of their project.

#### 4.4. *Financial identification form*

This form must be completed in full, signed by the applicant (as account-holder) and by the bank, and submitted together with the application.

#### 4.5. *Other documentation to be included*

- The applicant's articles of association or statutes as relevant, allowing for verification that they are properly constituted under the law,
- audited accounts, where available (for non-governmental organizations only); where the costs of the project exceed EUR 300 000 an external audit report produced by an approved auditor must be included. This report shall certify the accounts for the last financial year available and give an assessment of the financial viability of the applicant, and

- CVs of the staff to be directly involved in carrying out the project.

### 5. **Selection and evaluation of proposals**

#### 5.1. *Selection criteria*

Proposals meeting the eligibility requirements as described in sections 1 to 4 of this call for proposals will be assessed against the following selection criteria:

- sufficient operational, financial and professional capacity of the applicant to complete the project,
- correspondence of the project proposal to the scope of one of the four types of projects described under sections 2.1 to 2.4,
- no overlap or duplication in relation to other activities, including in relation to previous projects financed under this programme, the Grotius or Grotius-civil programmes. A list of previous projects can be found on the Commission's website,
- a sufficiently detailed budget allowing for an assessment of all individual costs that the applicant expects to incur in the implementation of the project. The budget must demonstrate a satisfactory level of value for money, that is, the expected results of the project compared to the grant requested. It must also show that the grant requested is the minimum necessary for completing the project,
- a sufficiently detailed description of the project, giving a clear picture of the steps the applicant foresees for meeting the objectives of the project. The description must show that the project is well thought out, sufficiently prepared, and realistic in terms of its scope and the timetable for its implementation,
- as concerns the types of projects described under section 2.1: The project must have a problem-solving approach, aimed at producing operational conclusions allowing for further progress at European level on the given topic,
- the target group for the proposal: The project must be directed towards legal practitioners, with the exception for the types of projects described under section 2.4, which should target the public at large or specific groups thereof.

## 5.2. Evaluation — award criteria and priorities

Only proposals meeting the selection criteria described under section 5.1 will be subject to in-depth evaluation. The proposals will be categorized according to the types of projects described under sections 2.1 to 2.4 and evaluated against other proposals of the same type.

### Criteria

The evaluation will be carried out according to the following criteria as applicable to each type of project:

- ability of the project to reach the chosen objective, in particular in terms of the relevance of the expected results and practical impact. Applicants should pay attention to the current state-of-play at European level for their chosen topic, having regard to the Tampere conclusions <sup>(5)</sup>, the programme on mutual recognition <sup>(6)</sup>, and the Commission's Scoreboard <sup>(9)</sup>,
- problem-solving orientation and methodology. As appropriate for each type of project, it should be demonstrated that the objective of the project reflects a clearly identified need for action,
- European dimension. A larger geographical scope of the project will be regarded as positive, in terms of partners, participants, and target group for the project in question,
- measures foreseen to ensure dissemination of the results,
- size of the action, in particular in terms of economies of scale and cost-effectiveness, but also in terms of participants and target group. As a general rule priority will be given to large projects.

### Allocation of points

Proposals will be ranked on the basis of points. The maximum allocation of points for each criterion and for projects falling within the specific priorities in relation to each type of project is described in the table below. The table gives also the

indicative distribution of the available budget for each type of project.

	Promoting judicial cooperation: section 2.1	Mutual knowledge of legal systems: section 2.2	Application of EC instruments: section 2.3	Information to the public: section 2.4
Results/impact	30	30	30	30
Problem-solving, methodology	25	15	15	10
European dimension	15	10	10	10
Dissemination of results	5	10	10	20
Size of the action	10	20	20	15
Specific priority	15	15	15	15
<b>Total points</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Share of the available budget</b>	<b>35 %</b>	<b>15 %</b>	<b>35 %</b>	<b>15 %</b>

Without prejudice to the award criteria or any of the other requirements described in this annual programme, an even repartition of projects between the Member States will, as far as possible, be sought. The same applies for the coverage of different topics within each of the different types of projects.

In the case of several applications for separate projects from one applicant, the Commission retains the right to decide to select only one project from each applicant. Applicants may indicate which out of several applications they wish to give priority to.

### PRACTICAL INFORMATION

#### 1. Where to get the forms and further information, and how to submit applications

The forms can be downloaded from the following website:

[http://europa.eu.int/comm/justice\\_home/funding/intro/funding\\_intro\\_en.htm](http://europa.eu.int/comm/justice_home/funding/intro/funding_intro_en.htm)

<sup>(9)</sup> Communication from the Commission to the Council and the European Parliament. Biannual update of the scoreboard to review progress on the creation of an area of freedom, security and justice in the European Union. COM(2003) 291, 22.5.2003.

They can also be requested from:

European Commission  
Directorate-General for Justice and Home Affairs (unit A.3)  
Framework programme for judicial cooperation in civil matters  
B-1049 Brussels  
E-mail: jai-framework-civil@cec.eu.int  
Fax (32-2) 299 64 57.

Applications should be sent to the address indicated above or handed in at Rue de Luxembourg 46, Brussels. Applications sent by fax or by electronic mail will not be accepted.

The standard grant agreements are available on the same website.

Further information is available in the guidelines document from the same website, which contains advice on how to apply and on how to manage projects. Should the provisions in these guidelines and those of this annual programme differ, the provisions of this annual programme shall prevail.

## 2. Deadline for applying

The last date for submitting applications is 3 November 2003. The date of postmark will count. For applications submitted by hand the deadline is at 17.00 the same date.

## 3. Selection of proposals — when will applicants be informed of the outcome?

Applicants should be aware of that they may be contacted by the Commission for questions or requests for supplementary information at any time before the final decision is taken. Failure to respond to such questions or requests within a given time may lead to disqualification of the application. Such questions or requests do not in any way constitute or reflect a favorable evaluation or pre-selection of the proposal on the part of the Commission. Applicants should ensure that they can be reached with short notice until the selection of proposals has been finalized.

The Commission will take its decision on the selection of proposals after hearing the opinion of the Member State Committee set up by the Regulation. All applicants will be informed in writing of the outcome as concerns their application no later than 31 March 2004. As concern projects from the countries acceding to the European Union 2004 and projects involving such countries to meet the criteria on the number of Member States involved, the decision will only become final once actual accession has taken place. The Commission will not give any pre-information to applicants concerning the outcome of the selection before the final decision has been made.

Grant agreements will be proposed to all successful applicants, setting out their rights and obligations as recipients of Community grants including provisions on technical and financial controls.

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