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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL
AND THE EUROPEAN PARLIAMENT

Evaluation of EU Policies on Freedom, Security and Justice

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Evaluation of EU Policies on Freedom, Security and Justice

1. INTRODUCTION

1. The Hague Programme (2004)\(^1\) states that “evaluation of the implementation as well as of the effects of all measures is, in the European Council’s opinion, essential to the effectiveness of Union action”. The Action Plan implementing The Hague Programme (2005)\(^2\), which sets out a policy framework for the European Union activities on freedom, security and justice over the next five years, provides for the adoption, in 2006, of a general Communication from the Commission on how to develop an evaluation mechanism at EU level in this area\(^3\).

2. The Heads of State and Government had identified evaluation of implementation as a key tool to ensure that the significant results achieved by the Union and its Member States on the development of an Area of Freedom, Security and Justice are properly implemented and constantly reviewed, where appropriate, in order to respond to the real expectations of European citizens.

3. By underlining the importance of evaluation, The Hague Programme aimed at (1) further improving the way policies, programmes and instruments are set up, by identifying problems and obstacles encountered when implementing them, (2) laying down more systematic rules on the financial accountability and scrutiny of policies, (3) favouring learning and exchanges of good practice and (4) participating in developing an evaluation culture across the Union.

In view of (1) the mandate given to the Commission by The Hague Programme and its Action Plan, (2) the fragmentation of existing monitoring and evaluation mechanisms and (3) the need to transmit extensive information to all stakeholders on the implementation and results of policies, the Commission considers that the time has come to work towards setting up a coherent and comprehensive mechanism for evaluation of EU policies on freedom, security and justice, in a spirit of partnership with Member States and EU institutions.

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1 Annex 1 to the Presidency Conclusions of the Brussels European Council, November 2004.
3 The Action Plan also calls for a Communication on the systematic, objective and impartial evaluation of the implementation of EU policies in the field of justice, with a view to reinforcing mutual trust while fully respecting the independence of the judiciary. Later this year the Commission will present a further Communication which will address this issue in detail, in accordance with the general principles established in this Communication.
Such a mechanism will include **monitoring implementation** (as detailed in the Communication on "Strengthening Freedom, Security and Justice in the European Union: report on the implementation of The Hague Programme for the year 2005", hereafter the "Scoreboard plus")\(^4\) and **evaluating the results** of the policies.

2. **THE CONCEPT OF EVALUATION**

4. A distinction must be drawn between the principles of monitoring implementation and of evaluation:

- **Monitoring implementation** consists of reviewing progress on carrying out policies.

- The Communication on Evaluation presented by the Commission in 2000\(^5\) defines **evaluation** as “judgement of interventions (public actions) according to their results, impacts and the needs they aim to satisfy”. The main role of evaluation is to provide policy-makers with input about the impact and effectiveness of activities planned and carried out.

5. The Commission interprets the mechanism referred to in the Action Plan as a means of monitoring implementation and evaluating the concrete results of policies on freedom, security and justice. In this context, evaluation goes beyond and builds up on monitoring implementation of policies by studying the effects of implementation, as outlined below. This is in line with The Hague Programme since the concept of “evaluation of the implementation as well as of the effects of all measures” encompasses both monitoring implementation itself and evaluating the results of the measures taken.

6. This is the rationale for the Commission to propose a coherent and comprehensive package built around two pillars: the "Scoreboard plus" for monitoring implementation and the **evaluation mechanism** proposed in this Communication.

7. The mechanism put forward in this Communication is based on this comprehensive definition which, in the Commission’s view, should allow a full understanding of the quantity and quality of results achieved on freedom, security and justice. Such a mechanism would operate within the framework of the principles established in The Hague Programme. Ultimately this should improve policy-making, by promoting systematic feedback of evaluation results into the decision-making process.

Box 1: Evaluation across the decision-making process

### Political Mandate: Multiannual Planning

<table>
<thead>
<tr>
<th>1</th>
<th>Adoption of the measure through the decision making process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example: Council Directive on the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2</th>
<th>Implementation of the measure by the Member States</th>
</tr>
</thead>
<tbody>
<tr>
<td>National law transposing the Directive in line with the directive provisions</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3</th>
<th>Immediate result of the measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>National implementation of the measure, e.g. by compiling electoral lists, etc.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>4</th>
<th>Outcome/impact of the measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outcome: Number of EU citizens residing in a Member State of which they are not nationals which exercise their right to vote and/or to stand as a candidate in EP elections. Impact: Increased electoral participation; Increased legitimacy and representativity of the EP.</td>
<td></td>
</tr>
</tbody>
</table>

Monitoring the state of play of the adoption and implementation of the measures (Scoreboard)

Evaluating the results of the measures

Evaluating the implementation as well as the effects of all measures (General Evaluation Report)

3. **Evaluating EU policies on freedom, security and justice - Challenges to be addressed**

3.1. **Complex and ambitious policy goals and arrangements**

8. Freedom, security and justice is one of the EU’s most diverse policy areas. The objectives to be achieved encompass some of the most topical issues: free movement of persons, terrorism and organised crime, police and judicial cooperation, asylum and migration policy, all of this while respecting fundamental rights and promoting the rights of Union citizens. Often national sovereignty considerations necessitate compromises at EU level or make implementation difficult. Therefore, any new evaluation mechanism will have to take account of this political context.

9. The complex and ambitious policy goals sought are further complicated by a sometimes confusing legal framework, a mix of decision-making and compliance procedures.
To accommodate this complexity, the proposed evaluation mechanism needs to be progressive and to include possibilities for further development and consolidation.

### 3.2. Timing

10. As a result of the specific role of the Commission and the decision-making process in the freedom, security and justice field, the various policies often require different time frames before they can be developed and become fully operational. A case-by-case approach is therefore necessary to identify the right level of analysis for each individual policy. While immediate and intermediate results will be taken into consideration for all policies, analysing the practical impact could be more difficult for some of them (e.g. drugs or migration policies).

The proposed evaluation mechanism should allow sufficient flexibility for differentiated in-depth evaluation of specific policies, taking due account of their level of development and consolidation.

Focusing on immediate and intermediate results therefore seems appropriate, at least in the first stage. Identification of the overall impact of policies must be the ultimate objective of the evaluation mechanism in the longer term.

### 3.3. Involving institutions and stakeholders

11. Another unique aspect of freedom, security and justice is the impact of policy on stakeholders. Any evaluation mechanism in this field must take into consideration stakeholders’ expectations and priorities and, in particular, the need for confidentiality in some policy areas, such as terrorism and organised crime.

12. In a spirit of partnership, the Commission will consult and debate with Member States and EU institutions during and after preparation of the evaluation report. To that end, Member States and EU institutions will be invited to designate contact points to facilitate dialogue with the Commission. The evaluation report\(^6\) will be public and addressed to the Member States and EU institutions.

13. The Council and the Member States together with the Commission will be the main players in the proposed evaluation mechanism. The European Parliament will be closely associated, in compliance with the institutional prerogatives and obligations. National Parliaments will also be involved in evaluation of the regular reports.

14. In the areas covered by the EC Treaty, the Committee of the Regions and the European Economic and Social Committee will be involved in preparation and implementation of the evaluation mechanism. Evaluation reports will be routinely transmitted to the Committees after adoption.

15. Agencies such as the European Union Agency for Fundamental Rights, the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Europol, Eurojust or the European Agency for the Management of Operational Cooperation at the

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\(^6\) Cf. paragraph 30.
External Borders will play an important role in the mechanism. First, they will feed the evaluation exercise with information and analysis when available. Second, the Commission will consult them on the evaluation reports.

The contribution of civil society will be very valuable in this context. The Commission will ensure that the views of the civil society will be taken into account and will establish appropriate mechanisms to ensure its participation in the evaluation of all policies in the area of freedom, security and justice.

The proposed evaluation mechanism should include transparent consultation mechanisms, which could also be used to gather and cross-check relevant information.

3.4. Availability of statistics

Availability of statistics and of the necessary analytical capacity is a key component in the development of an evaluation system. While statistics are well-developed for some activities (e.g. drugs policy), further work needs to be done in other areas, such as crime and criminal justice. Statistics on evolution of the needs addressed by policies on freedom, security and justice will be required as baseline data to assess whether existing needs are attenuated or aggravated by a policy over time and, ultimately, to be able to draw conclusions about the impact of policies. Improvements should be made in three areas: quality, availability and analysis. Work by agencies, including the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Eurojust, Europol and the future Fundamental Rights Agency, will play a special role in this context. Research projects and networks will also contribute to this objective.

Consequently, in parallel with setting up the proposed evaluation system, improvements will have to be made to the quality, availability and analysis of statistics on freedom, security and justice.

4. Evaluating EU policies on freedom, security and justice - Proposal for a strategic evaluation mechanism

4.1. Description of the evaluation mechanism

The proposed strategic evaluation mechanism for freedom, security and justice builds upon the consolidated results achieved in other areas of EU policy. Such a mechanism would build on current practices, as described in Annex 2, and, in the specific case of funding programmes, use information derived from existing evaluation requirements. Also, in other areas where information is already available

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7 The production of Community statistics is governed by the rules set out in Council Regulation on Community Statistics, and actions on the establishment of Community statistics are carried out according to the Community Statistical Programme and its Annual Programmes, respecting the principles set out in the European Statistics Code of Practice.

8 To this end, the Commission is planning to adopt an EU plan on developing a comprehensive and coherent EU strategy to measure crime and criminal justice. The ultimate goal will be to have community statistics based on harmonised definitions and collection and reporting mechanisms.
particular attention will be paid to making use of existing data and **avoiding duplication of work.**

19. A **three-step progressive** mechanism is proposed:

(1) First, it provides for setting up a system for information gathering and sharing.

(2) Second, it includes a **reporting mechanism** which consolidates, uses and analyses this information.

(3) Third, it is completed by targeted **in-depth strategic evaluations.**

**Box 2: The three steps of the mechanism**

<table>
<thead>
<tr>
<th>3 steps</th>
<th>Deliverables</th>
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</thead>
<tbody>
<tr>
<td>System of information gathering and sharing</td>
<td>Set of factsheets</td>
</tr>
<tr>
<td>Reporting mechanism</td>
<td>Evaluation report</td>
</tr>
<tr>
<td>Strategic policy evaluations</td>
<td>Specific in-depth evaluation report</td>
</tr>
</tbody>
</table>

20. The mechanism will be comprehensive and will encompass all policies in the area of freedom, security and justice\(^9\).

21. Evaluation reports\(^{10}\) will be transmitted to the Council and European Parliament and also to the European Economic and Social Committee and the Committee of the Regions and disseminated as appropriate to wider audiences, including via *ad-hoc* public events.

22. By enhancing reporting and dissemination of evaluation results, the mechanism ultimately seeks to foster actual use of the results at the decision-making level.

23. The mechanism is consistent with current Commission guidance on evaluation and will operate in conformity with its general principles.

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\(^9\) In the third step of the proposed mechanism, the peer review evaluation mechanism described in Annex 2, point 2.3.2 could continue to be carried out. Depending on how the current institutional framework evolves, the Commission could manage this mechanism at a later stage. In any event, the Commission will back up this mechanism with its own in-depth strategic evaluations in the areas covered by Title VI of the EU Treaty.

\(^{10}\) Cf. paragraph 30.
4.1.1. Information gathering and sharing system

24. The information gathering and sharing system will be based on “factsheets” (one for each policy area) which will be filled in by the Member States’ competent authorities. In areas for which information is already available in a similar format, the Commission will fill in the factsheets in advance as far as possible. In parallel, the factsheets will be put out to consultation with relevant stakeholders and civil society. Consultations will be specific to each policy and will build upon existing networks and consultation mechanisms, with due regard to confidentiality requirements in certain areas.

25. The factsheets will indicate an overall policy objective for each area and list the main instruments (legislative, non-legislative and financial) contributing to attaining that objective. The mechanism should provide a clear overview of the achievements.

26. The factsheets will also provide a set of indicators for each policy. These indicators will be clearly linked to the overall objective of the policy area. The factsheets will be an integral part of the consultation process which will follow publication of this document and will be finalised in partnership with Member States. Examples of the proposed factsheets are given in Annex 1 to this Communication.

27. The Commission intends to invite each Member State to designate contact points at national level. The contact points will play an important role in coordination of the response at national level and work in consultation with Commission departments.

28. As regards EU legislation, the indicators and the rating system in the factsheets will focus on tangible results of application of the legislation in practice not on the level of transposition into national law or the impact of EU law on the national legal systems. The latter are the main objectives of the "Scoreboard plus", which assesses transposition and implementation rather than judging the degree of achievement of the objectives.

29. Regarding EU funding programmes, the factsheets will build on existing implementation and evaluation reports produced to meet the obligations set out in the Financial Regulation and the relevant legal basis. The information required by the factsheets on funding programmes is expected to be readily available and any additional contributions required from Member States should therefore be minimal.

4.1.2. Reporting mechanism

30. Following receipt of the factsheets and consultation with stakeholders, the Commission will validate the information received and elaborate an “evaluation report” consolidating and analysing the information provided. This evaluation report will also include political recommendations regarding the different policy areas addressed.

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11 Cf. section 3.3.
31. The aim of this exercise is to evaluate the policies carried out at EU level in the area of freedom, security and justice and to identify areas suitable for an **in-depth strategic evaluation**.

4.1.3. **Strategic policy evaluations**

32. Following the evaluation report and further consultation, **in-depth strategic policy evaluations** can be conducted in **selected areas**. These evaluations will aim at producing useful and timely information as inputs for political decisions in each policy area, as appropriate.

33. Strategic evaluations should add value to the current practices described in Annex 2, notably by:

   (a) focusing on **policies** (or coherent sub-sets), rather than individual instruments (for instance, evaluation of the common immigration policy);

   (b) analysing the **coherence** of different instruments within a given policy (e.g. how financial programmes support and facilitate implementation of the EU legislation in a given field);

   (c) investigating how a certain policy contributes to the **overall objective** of establishing an Area of Freedom, Security and Justice;

   (d) determining the overall **rate of achievement** of that general objective; and

   (e) assessing achievement of an overarching objective in the field of freedom, security and justice (for instance, safeguarding of fundamental rights).

4.2. **Frequency and follow-up**

34. A set frequency makes it possible to monitor progress at regular intervals and to draw comparisons. As regards the timetable, the proposal is to conduct this evaluation exercise (“factsheets” plus “evaluation report”) **twice every five years**. The Commission will draw on available information as far as possible.

35. The proposal takes into account the fact that this mechanism:

   (a) should be conducted on a **regular basis**,

   (b) should not be too burdensome,

   (c) does not need to be conducted every year since it focuses on slow-moving outputs and results and on medium-term data,

   (d) should be coordinated with the **existing** strategic and multi-annual plans.

36. In particular, the proposed timetable would also enable the Council and the Commission to use the results of the evaluation reports as input for assessing the need to prepare a further Strategic Programme in 2009 after The Hague Programme expires.
37. Publishing the evaluation report every two or three years will make it possible to synchronise the mechanism with the five-year cycle. This will foster more thorough and strategic use of evaluation results in decision-making. 2006-2007 will be a transition period (see table below).

38. In order to coordinate with the "Scoreboard plus", the schedule is to send the factsheets to Member States at the end of 2006 and publish the evaluation report, together with the second "Scoreboard plus", in mid-2007.
<table>
<thead>
<tr>
<th>Timetable</th>
<th>&quot;Scoreboard plus&quot; (SB)</th>
<th>Review mechanism</th>
<th>Action Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td></td>
<td></td>
<td>Adoption of The Hague Action Plan</td>
</tr>
<tr>
<td>2006</td>
<td>SB+ 1</td>
<td></td>
<td>Intermediate assessment of implementation (end of 2006)</td>
</tr>
<tr>
<td>2007</td>
<td>SB+ 2</td>
<td>Evaluation report 1</td>
<td>First policy review</td>
</tr>
<tr>
<td>2008</td>
<td>SB+ 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>SB+ 4</td>
<td>Evaluation report 2</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>SB+ 5</td>
<td></td>
<td>End of The Hague programme</td>
</tr>
<tr>
<td>2011</td>
<td>SB+ 6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>SB+ 7</td>
<td>Evaluation report 3</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>SB+ 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>SB+ 9</td>
<td>Evaluation report 4</td>
<td></td>
</tr>
</tbody>
</table>

(Transition period in grey)

39. An assessment of the additional administrative costs to Member States is included in the annexed impact assessment. Member States are encouraged to work, with the support of the Commission, towards data comparability and accuracy. Recent experience with the evaluation of a number of legislative instruments has shown that, at times, basic data concerning policies are neither harmonised nor accurate. *Ad hoc* evaluations of policies on freedom, security and justice by the Council or the Commission will be an additional source of information.

40. This Communication is intended to mark the start of a medium-term process. The proposed mechanism and the factsheets are presented so that comments on and improvements to them can be made in the follow-up to this Communication. To this end, a wide-ranging consultation process will be launched, including the organisation of a hearing in the autumn.

41. An assessment of the mechanism will be conducted after five years to decide on possible adjustments and improvements to the system. The outputs to be considered will be the deliverables identified in box 2. The assessment will be against the objectives stated in paragraph 3.
5. **Conclusions**

42. The Commission considers it necessary to set up a **coherent and comprehensive mechanism for evaluation** of EU policies on freedom, security and justice, bearing in mind the current situation and the mandate given by The Hague Programme. Such a mechanism will have to be **progressive** and take into account the **evolving institutional and legal framework**, with a view to ensuring further enhancement and effectiveness of freedom, security and justice policies.

43. This mechanism will provide a means of bringing together individual evaluation results in a coherent framework and thereby informing political decision-making at the appropriate level. In this respect, the proposed mechanism will also provide policy-makers with **relevant information in time** for considering the appropriate follow-up to The Hague Programme when it expires in 2009.

44. The proposed mechanism will be implemented by the Commission and the Council in full compliance with their institutional prerogatives and in close association with the European Parliament. **Concerted action** and **full commitment** by EU institutions and Member States are necessary for effective establishment and implementation of the evaluation mechanism, with national authorities and administrations playing a key role in this respect.

45. Finally, such an evaluation mechanism will aim at making the action taken by the Union more effective and will contribute to the strategic objectives of **better regulation** and **transparency of EU activities**.
## ANNEX 1

### Factsheet of JLS policies

<table>
<thead>
<tr>
<th>POLICY AREA: EXTERNAL BORDERS, VISA POLICY AND FREE MOVEMENT OF PERSONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Factors influencing evaluation mechanism:</strong> well established policy area, 1st pillar activities, there is a strong consensus amongst stakeholders for EU level action; there is a mix of instruments (legislative activities, co-operation activities, programme funding, functioning Community Agency, IT systems); possible to construct evaluation indicators, but might be hard to measure outcomes and results and causal links in practice. Methods to evaluate controls at borders are improving, including available administrative information and statistics. Some constraints on fully independent evaluation. There are strong interlinkages between the instruments within the ABB activity and strong potential for ‘thematic’ evaluation examining instruments in parallel.</td>
</tr>
</tbody>
</table>

**Policy sub-area 1: External borders**

**Objectives:**

- Develop an integrated external border management system
- Ensure uniform high standards of border checks and border surveillance at EU external borders
- Reduce number of illegal cross border movements of people
- Further ‘burden sharing’ in management of external borders

**Policy sub-area level indicators:**

- The numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally as a proportion of all third country national border crossings into EU *(Source: Commission - Eurostat statistics on asylum and migration)*

- The difference between the numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally as a proportion of
all third country national border crossings into EU through the most permeable and least permeable border. Note that this indicator would require to define the most and least permeable EU border.

The numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally *(Source: Commission - Eurostat statistics on asylum and migration)*

The proportion of all resource commitments to external border management originating in countries without EU external borders *(Source: MS)*

<table>
<thead>
<tr>
<th>Main instruments</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific issues /comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schengen Information System (SIS) II</td>
<td>Sharing of information among MS in order to refuse entry on the basis of uniform practices</td>
<td>Consistent input and further use of information among MS</td>
<td>Immediate results</td>
<td>Outcomes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Quality and a Availability of SIS II information for competent national authorities</td>
<td>Success in using SIS information. <em>(Measured by:)</em> Number of correctly identified persons who should be refused entry and wanted goods discovered</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><em>(Source: MS and Commission)</em></td>
<td><em>(Source: MS)</em></td>
</tr>
</tbody>
</table>
| European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX) | Improvement of operational cooperation between Member State authorities | Increased competences of border guards | Co-operation with Agency and responses to good practice, training and other advice. | Operational cooperation  
*Measured by:*  
Number of joint operations and pilot projects carried out  
*(Source: Agency)*  
Development of risk analysis  
*Measured by:*  
Number of risk analyses carried out  
*(Source: Agency)*  
Increased training  
*Measured by:*  
Number of border guards trained  
Number of training courses and  
*Measured by:*  
Use of newly acquired skills  
*(Source: MS)* | Improvement of border control  
*Measured by:*  
Effective joint operations  
*(Source: Agency)*  
Increased intelligence  
*Measured by:*  
Use of risk analyses by national services  
*(Source: MS)*  
Better trained border guards  
*Measured by:*  
Use of newly acquired skills  
*(Source: MS)* | Improved resource deployment at external borders (due to better trained staff) | Difficult to assess causality of intervention.  
Evaluation methods – case studies, follow up surveys.  
EU leading the evaluation.  
(Other EU Agency evaluations have tended to be process rather than impact oriented) |
| Action Programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO) | To promote cooperation between national administrations responsible for implementing Community rules and to ensure that proper account is taken of the Community dimension in their actions. To promote the uniform application of Community law. To encourage transparency of actions taken by the national authorities. To improve the overall efficiency of national | Disbursement rate/amount spent per year | Successful implementation of programme measured by: Number of projects implemented per activity area Number of training actions implemented Number of staff exchanges implemented Number of actions promoting data exchange implemented Number of studies, conferences and seminars conducted (Source: Commission) | Increased cooperation between national administrations and with third countries (Measured by: Number of common operative centres and joint teams set up Number of cooperation activities in third countries set up (Source: Commission)) | Uniform application of Community law Improved transparency of actions taken by national authorities Improved efficiency of national administrations | Mid-term evaluation to be completed by July 2006. |
| Teams of national experts | Further objectives of FRONTEX agency: | Secondment of experts to teams. | Provision of technical and operational assistance.  
*Measured by:* number of assignments carried out by teams *(Source: Agency)* | Improved practice in border surveillance.  
*Measured by:* use of results of teams’ work in border surveillance and efficiency of teams’ work *(Source: Agency and MS)* | Reduced permeability of external borders (due to assistance to staff) | Facilitated legitimate travel | Evaluation methods – case studies, qualitative analysis. |

**Policy sub-area 2:** Visa policy and free movement of persons

**Objectives:**

- Prevent illegal immigration and threats to public order
- Reduce time taken and costs of acquiring visas for legitimate travellers.
- Reciprocation with third countries on visa waivers.
- Reduce number of visas given to travellers who become overstayers and illegal migrants
- Abolish controls at internal EU borders
### Policy sub-area level indicators:

- The average time taken from application to receipt of (a particular class of) visa *(Source: MS, VIS)*

- The average costs (fees) for (a particular class of) visa *(Source: MS, VIS)*

- The number of third countries where the visa requirements of nationals to enter the EU match those EU citizens visiting the country in question *(Source: Commission)*

- The total population of third countries where the visa requirements of nationals to enter the EU match those EU citizens visiting the country in question *(Source: Commission)*

- The number of EU internal border crossings that are subject to controls *(Source: MS)*

<table>
<thead>
<tr>
<th>Main instruments</th>
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<th>Specific issues /comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common application centres (for Schengen countries)</td>
<td>Render the reception of visa applications more efficient through a better allocation of resources. Reduce costs in relation to capturing of biometrics. Harmonisation of reciprocal commitment to the centres. Participation in setting up the centres.</td>
<td>Commitment to the centres. Number of centres established and MS involved <em>(Source: MS)</em>. Number of visas issued through the centres <em>(Source: MS)</em>.</td>
<td>Number of centres established and MS involved <em>(Source: MS)</em>. Increased efficiency of providing visa services. <em>Measured by:</em> time taken to issue visas <em>(Source: MS)</em> <em>(Source: MS)</em>. Improved use of visa related services.</td>
<td>Reduced costs to visa applicants. Reduced costs to administrations. Increased bone fide travel. Evaluation method – efficiency analysis. Potential evaluation leadership from the MS and use of peer review process.</td>
</tr>
<tr>
<td><strong>Visa Information System</strong></td>
<td>Improve the implementation of the common visa policy by the exchange of visa data between Member States, in order to prevent visa shopping, to facilitate the fight against fraud, checks on visas, to assist in the identification of illegal immigrants, to facilitate the application of the Dublin II Regulation and to contribute to the prevention of threats to internal security.</td>
<td>Implementation at the national level, including the development/adaptation of national systems.</td>
<td>Number of number of visas refused, annulled, revoked, processing times <em>(Source: Commission).</em> Availability rate <em>(Source: Commission)</em></td>
<td>Retention and sharing of data from visa applications and related decisions. <em>Measured by:</em> number of entries in VIS <em>(Source: Commission).</em> Measured: number of analyses conducted using VIS data <em>(Source: Commission).</em></td>
</tr>
<tr>
<td><strong>The reciprocity mechanism (Council Regulation)</strong></td>
<td>To ensure EU citizens can travel without a visa to all third countries whose nationals can travel to the EU without a visa.</td>
<td>Co-operation with the Commission, information sharing on bilateral dialogue with third countries.</td>
<td>Number of third countries who have waived visa requirements for EU nationals</td>
<td>Improved reciprocity measured by percentage of decrease of non-EU travelers</td>
</tr>
</tbody>
</table>
851/2005) don’t need a visa to travel to the EU. To travel to the EU. 

Council Regulation on a Border code 

To implement common rules governing the movement of persons across borders, to include both rules on checks at external borders and rules on the removal of checks on persons at internal borders and the reintroduction of such checks in certain circumstances. 

To improve integrated border management 

Application in MS that apply the Schengen acquis 

Harmonisation of rules governing the movement of persons at internal and external borders (Source: Commission) 

Improved border management and control 

Improved control of external borders 

Facilitated travel within the Schengen acquis 

The first Report of the Commission on reciprocity in visa waivers was adopted on 10 January 2006 

This regulation was adopted recently – February 2006.
**Factors influencing evaluation mechanism:**

Relatively new policy area in JLS (although the citizenship policy as such is an established area in the EC/Commission activities), 1st pillar activities, a combination of instruments (legislation, funding programmes, new Community Agency). The nature of the instruments and their objectives leads to reliance on qualitative evaluation methods. However, there is scope for further improvements to the information base through surveys and the development of statistics. The objectives within the policy area are wide ranging and the sub policy areas as defined below are not distinct. There is some scope for evaluating sub sets of instruments in parallel.

**Policy sub-area 1: Citizenship of the Union**

**Global objectives:**

Increase awareness of Union citizens of their rights and of the ways these can be enforced

Decrease any obstacles for the enjoyment of their rights by Union citizens, in particular of the right to free movement and residence

Increase participation of EU citizens in democratic life in the Union

Facilitate the diplomatic and consular protection offered to the Union citizens in third countries

**Policy sub-area level indicators:**

Levels of citizens’ awareness of their rights and mechanisms of redress *(Source: Surveys and Eurobarometer reports)*

Instances of right to free movement and residence hindered *(Source: complaints made to Commission)*

Rates of voting registration and participation – percentage of increase/decrease *(Source: Member States)*

Number of citizens standing for election to public office – percentage of increase/decrease *(Source: Member States)*
<table>
<thead>
<tr>
<th>Main instruments</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific issues/comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directive 2004/38/EC on free movement and residence</td>
<td>Clarify and simplify existing Community law in field</td>
<td>Transposition into national legal systems</td>
<td>Relevant national laws adopted in line with Directive provisions and notified the Commission by 30.4.2006 together with a table of conformity. <em>(Source: Commission)</em> Correct application of rules and provisions contained in the law <em>Measured by:</em> number of court cases/complaints resulting from the Directive <em>(Source: Commission)</em></td>
<td>Evaluation leadership by the EU. Would benefit from strong involvement of MS in evaluation</td>
</tr>
<tr>
<td>Community legislation on the EP elections and on the right of non-national Union citizens’ electoral rights in their country of residence</td>
<td>Ensure that the EP elections are conducted according to the basic principles of democratic elections. Ensure the participation of non-national Union citizens to the EP elections and to the</td>
<td>Transposition into national legal systems</td>
<td>Relevant national laws adopted in line with provisions of Community law and notified to the Commission <em>(Source: Commission)</em> Correct application of rules and provisions contained in the law <em>Measured by:</em> number of court cases/complaints resulting from the legislation <em>(Source: Commission)</em></td>
<td>EP elections carried out democratically. Non-national Union citizens participate in the elections on the same conditions as nationals in EP elections and in municipal</td>
</tr>
</tbody>
</table>
### Policy sub-area 2: Fundamental Rights

**Global objectives:**

Increase the awareness of fundamental rights amongst citizens. (This concerns the rights as protected on European Union and national level including the relevant regional and international instruments.)

Decrease instances of breaches of fundamental rights (including breaches of privacy, personal data protection and protection from violence against...
children, women and youth)
Reduce the instances of racism, anti-semitism and xenophobia
Establish a Fundamental Rights Agency (from EUMC)
Increase number of participants in and their commitments to civil society

**Policy sub-area level indicators:**

Levels of citizens’ awareness of fundamental rights *(Source: Surveys and Eurobarometer reports)*

Instances of breaches of fundamental rights, especially as a result of EU interventions (including breaches of privacy, personal data protection and protection from violence against children, women and youth) *(Source: Commission and FR Agency)*

Instances of racism, anti-semitism and xenophobia *(Source: FR Agency)*

Time commitments of population to participation in civil society *(Source: MS)*

Number of civil society organisations in NMS since accession *(Source: MS)*

<table>
<thead>
<tr>
<th>Main instruments</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific issues/comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant provisions of the Treaties on European Union and on European Community</td>
<td>Ensure that the EU institutions and the Member States fully respect fundamental rights</td>
<td>Compliance of the national legislation and practices with the fundamental rights</td>
<td>Immediate results: Community legislation as well as implementing national laws adopted in compliance with the Treaty</td>
<td>Decreased level of breaches of FR</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Outcomes: Correct application of rights and principles contained in the Treaty</td>
<td>Increased protection of rights of citizens</td>
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<tr>
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<td>Impacts: Measured by: number of court</td>
<td></td>
</tr>
<tr>
<td><strong>Fundamental Rights and Citizenship programme (part Fundamental Rights)</strong></td>
<td><strong>Improve awareness of FR as protected on European and national level</strong></td>
<td><strong>Improve research base</strong></td>
<td><strong>Improve intensity and quality of interfaith and intercultural dialogue in MS</strong></td>
<td><strong>Improve tolerance in the EU</strong></td>
</tr>
<tr>
<td>Preparatory action to support civil society in the NMS in areas of rule of law, democracy, FR, media pluralism, fight against corruption.</td>
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<tr>
<td>Improve quality of civil society organisations in NMS</td>
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<tr>
<td>Improved rule of law in NMS</td>
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<tr>
<td>Improve democracy in NMS</td>
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<tr>
<td>Decrease breaches of FR in NMS</td>
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<tr>
<td>Implementation of measures and projects.</td>
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<tr>
<td>Number of projects supported (studies conducted, activities undertaken) (Source: programme monitoring system)</td>
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<tr>
<td>Number of beneficiaries reached (Source: programme monitoring system)</td>
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<tr>
<td>Increased awareness of issues in focus under the action (Source: public opinion surveys, Commission)</td>
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<tr>
<td>Stronger civil society in the NMS</td>
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<tr>
<td>Clear intervention logic but difficult to measure outcomes and impacts, in part because of the scale and scope of the underlying objectives.</td>
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<tr>
<td>Strong involvement of MS in evaluation</td>
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<table>
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<tr>
<th>Daphne II programme</th>
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<tbody>
<tr>
<td>Reduce violence against children, adolescents and women</td>
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<tr>
<td>Implementation of measures and projects.</td>
</tr>
<tr>
<td>Number of projects supported (studies conducted, activities undertaken) (Source: programme monitoring system)</td>
</tr>
<tr>
<td>Number of good practices identified (Source: programme monitoring system)</td>
</tr>
<tr>
<td>Increased awareness of the issues in wider society (Source: public opinion surveys, Commission)</td>
</tr>
<tr>
<td>Adoption of good practice in tackling violence (Source: MS).</td>
</tr>
<tr>
<td>Better intelligence</td>
</tr>
<tr>
<td>Reduced violence against children, adolescents and women</td>
</tr>
<tr>
<td>Evaluation leadership by the EU.</td>
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<tr>
<td>Major problems of data reliability at the level of impacts.</td>
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<tr>
<td>Fundamental Rights Agency</td>
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<td>Data Protection Directive</td>
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</table>

**Evaluation leadership by the EU but in partnership with MS**

**Facilitated movement of personal information within the EU**

**Harmonised protection of individuals at a high level (both inside the EU and in third countries for personal data transferred from the EU)**

**Causality and measure the impacts of the agency.**
<table>
<thead>
<tr>
<th>supervisory authority (ex officio or following complaints)</th>
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</thead>
</table>

(Source: MS)
Factors influencing evaluation mechanism: Activities in this policy area are cross pillar and cover a variety of areas, including health, police cooperation, information, evaluation and coordination.

The EU Drug Action Plan and EU Drug Strategy are very important documents endorsed by the Council as the basic policy framework for all drugs issues within the EU and within the context of the EU's external relations. They cover all activities in this policy area and provide the guidelines for all Member States to implement the objectives and actions they contain into national policy. The Action Plan takes its lead from the objectives of the EU Drug Strategy and translates these objectives into 80 concrete actions. It concentrates on the two major aspects of drug policy, demand reduction and supply reduction, and also covers a number of cross-cutting themes: international cooperation, research, information and evaluation. It includes actions within EU competence (public health, precursor control, money laundering and development aid) as well as close cooperation between Member States and partnerships with international organisations.

The Action Plan furthermore covers monitoring and evaluation and includes assessment tools and indicators for each action. The actions covered by the Action Plan are subject to an annual progress review by the Commission's services. Evaluation in this area is already well-established through the methods and indicators developed during the evaluation of the previous EU Drugs Strategy and Action Plan. Reliable data is available from the European Monitoring Centre on Drugs and Drug Addiction, Europol and the Commission. As with other policies relating to complex, global socio-political issues, the evaluation of the impacts of EU drug policy is a problematical and sensitive matter due to the multiple factors that have to be taken into account and for which there may not be reliable data by their very nature (e.g. figures for trafficking in illicit drugs are always rough estimates; corruption caused by trade in drugs is hidden, etc.).

Objectives:

To significantly reduce the prevalence of drug use among the population and to reduce the social harm and health damage caused by the use of and trade in illicit drugs, and to strengthen international cooperation (EU Action Plan on Drugs 2005-2008)

Policy-level indicators:

The EU Action Plan contains the major legal instruments such as the Council Decision on the information exchange, risk assessment and control of new psychoactive substances, or the Framework Decision on penalties for drug trafficking. It also contains the assessment tools and indicators required for the evaluation process of these instruments and all other actions. These have been drawn up in cooperation with the
EMCDDA and Europol, who will help the Commission to keep track of implementation.

On this basis the Commission will publish an Annual Progress Review and if necessary propose adjustments. Responsibility for implementation of actions and deadlines are clearly indicated in the Plan. To keep implementation on track, targets whose deadlines have passed or are unlikely to be met will be subject to recommendations for their implementation or identification of failure to implement. The Commission will carry out an impact assessment in 2008 in view of proposing a second Action Plan for 2009-2012. A final evaluation of the Strategy and the Action Plans will be carried out by the Commission in 2012. These evaluations will go beyond the strict confines of the Action Plan and will include, on the basis of the work of the EMCDDA and Europol, a general view of the evolution of the drugs situation in Europe.
<table>
<thead>
<tr>
<th>POLICY AREA: COMMON IMMIGRATION AND ASYLUM POLICIES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Factors influencing evaluation mechanism:</strong> New policy area. 1st pillar activities. Interventions include legislation, programmes and cooperation activities. Good, comparable data is required and is planned. MS consensus about broad aims but not at individual instrument level. Impacts of these instruments on third-countries, and in particular development countries, to be considered.</td>
</tr>
<tr>
<td><strong>Policy sub-area 1:</strong> Common European Asylum System</td>
</tr>
<tr>
<td><strong>Objectives:</strong></td>
</tr>
<tr>
<td>To establish a common asylum procedure and uniform status,</td>
</tr>
<tr>
<td>To facilitate practical and collaborative cooperation,</td>
</tr>
</tbody>
</table>
To address pressures on asylum systems and reception capacities.

**Policy sub-area level indicators:**

- Number of asylum seekers applying for asylum in Member States other than the country of first entry *(Source: Eurodac)*
- Instances of MS breaching minimum defined standards *(Source: Commission)*
- Differences in standards of reception between Member States *(Source: Commission)*
- Differences between Member States with regard to the average time taken to determine the outcome of an application for asylum *(Source: MS and Commission)*
- Comparison of asylum acceptance rates among Member States\(^\text{12}\) *(Source: Commission - Eurostat)*
- Differences in the level of capacity per Member State (asylum systems and reception facilities) relative to needs *(Source: Member States)*

<table>
<thead>
<tr>
<th>Main instrument (and type of instrument)</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific issues /comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dublin Regulation (Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for)</td>
<td>To reduce 'asylum shopping' To increase responsibility sharing among</td>
<td>Adoption of measures implementing the Regulation at national level</td>
<td>Immediate results: Number of take back requests <em>(Source: Commission – Eurostat)</em></td>
<td>Numbers are available through Eurodac which allows for an assessment of trends. Evaluation of the ‘Dublin</td>
</tr>
<tr>
<td></td>
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<td>Outcomes: Decreased delay in the examination of claims and attribution of responsibility</td>
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<td>Impacts: Increased sharing of responsibility</td>
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<td></td>
<td></td>
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<td>measured by: Greater efficiency and effectiveness in implementing decisions on transfers</td>
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</table>

\(^{12}\) Asylum acceptance rates can at the moment only be roughly estimated with the data currently available, as asylum decisions in one year often relate to applications made in earlier years.
<table>
<thead>
<tr>
<th><strong>determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national</strong></th>
<th><strong>MS.</strong> To increase efficiency by granting MS a realistic period in which to implement decisions on transfers.</th>
<th><strong>Commission – Eurostat</strong></th>
<th><strong>average delay of examination before and after implementation of the Regulation (Source: MS)</strong></th>
<th><strong>Reduction of persons making multiple claims</strong></th>
<th><strong>System’ will be ready in June 2006.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Eurodac</strong></td>
<td><strong>To facilitate application of the Dublin Regulation by identifying asylum seekers and persons who have entered the EU irregularly.</strong>&lt;br&gt;<strong>To determine whether a Member States to send required data to central unit.</strong></td>
<td><strong>Efficiency of the system</strong>&lt;br&gt;<strong>Measured by:</strong>&lt;br&gt;<strong>Number of records per Member State (Source: Eurodac)</strong>&lt;br&gt;<strong>Number of successful and rejected transactions recorded in the system (Source:</strong></td>
<td><strong>Increased number of asylum applications being examined in the first country of asylum/entry</strong>&lt;br&gt;<strong>Measured by:</strong>&lt;br&gt;<strong>Percentage rate of change before</strong></td>
<td><strong>Improved efficiency in applying the Dublin Regulation</strong></td>
<td><strong>Difficult to judge whether MS use system correctly and systematically. Some scope for peer review but there could be constraints on independent evaluation. Evaluation is</strong></td>
</tr>
<tr>
<td>Directive</td>
<td>Objective</td>
<td>Method</td>
<td>Measurement</td>
<td>Outcome</td>
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<tr>
<td>Qualification Directive</td>
<td>To ensure a minimum level of protection in all Member States for those in need of protection. To guarantee the rights of persons qualifying for refugee status or subsidiary protection status To reduce disparities among Member States</td>
<td>Reduction of disparities among Member States</td>
<td>Changes made to national legislation (Source: MS and Commission) Numbers of Member States achieving minimum standards or above (Source: Commission)</td>
<td>Guarantee of a minimum level of protection across the EU Approximation of rights granted to refugees Reduction in disparities between legislation and practice Reduction of secondary movements</td>
<td></td>
</tr>
<tr>
<td>Foreign national has previously claimed asylum in another MS.</td>
<td>Reduction of persons making multiple claims</td>
<td>Percentage rate of change before and after (Source: MS)</td>
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<tr>
<td>Eurodac)</td>
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<tr>
<td>Reduction of false claims</td>
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<tr>
<td>Guarantee of a minimum level of protection across the EU Approximation of rights granted to refugees Reduction in disparities between legislation and practice Reduction of secondary movements</td>
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</tr>
<tr>
<td>Reception Directive</td>
<td>Ensure a dignified standard of living to asylum seekers across the EU. Address applicants special needs.</td>
<td>Transposition into national legal systems</td>
<td>Improved facilities measured by: Expenditure on the improvement of reception facilities (Source: MS) Improvement of equal standards across the EU</td>
<td>Improved standard of living for asylum seekers measured by: Number of asylum seekers living in appropriate</td>
<td>Approximation of standards of living for asylum seekers across the EU</td>
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<tr>
<td>content of the protection granted) disparities between MS' legislation and practice. To limit secondary movements. To prevent false claims.</td>
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</table>

Fewer false claims
Improved integration

Improved access to rights measured by:
Increased numbers of refugees accessing education, services, employment, appropriate accommodation, integration programmes (Source: MS)
<table>
<thead>
<tr>
<th>ERF II</th>
<th>Ensure equal standards across the EU. Limit secondary movements.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measures by:</td>
<td>accommodation (Source: MS)</td>
</tr>
<tr>
<td>Numbers of MS achieving minimum standards or above (Source: Commission)</td>
<td>Number of asylum seekers accessing services (Source: MS)</td>
</tr>
<tr>
<td>Number of asylum seekers accessing employment and vocational activities (Source: MS)</td>
<td>Number of specific provisions for applicants with special needs (Source: MS)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Disbursement rate/amount spent per year</th>
<th>Increased reception capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measured by:</td>
<td>Numbers of projects implemented per type of action (Source: MS)</td>
</tr>
<tr>
<td>Measured by:</td>
<td>The proportion of all resource commitments</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Improved reception standards and conditions</th>
<th>Increased access of asylum seekers to health, housing, education, services and</th>
</tr>
</thead>
</table>

Indicators have been developed in the context of the final evaluation.
<table>
<thead>
<tr>
<th>Foster solidarity among MS</th>
<th>Number of beneficiaries (per country of origin and target group) per type of action <em>(Source: MS)</em></th>
<th>Number of voluntary returns <em>(Source: MS)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Promote balance in the efforts to receive asylum seekers</td>
<td>Number of reception places <em>(Source: MS)</em></td>
<td>labour market</td>
</tr>
<tr>
<td>Promote the social, economic and cultural integration of target groups</td>
<td>Increased capacity of services to asylum seekers <em>Measured by:</em> Number and type of services available <em>(Source: MS)</em></td>
<td>An improved balance in effort to receive asylum seekers</td>
</tr>
<tr>
<td>Promote voluntary return</td>
<td>Increased voluntary returns <em>Measured by:</em> Number of voluntary returns <em>(Source: MS)</em></td>
<td></td>
</tr>
</tbody>
</table>
**Policy sub-area 2: Legal and illegal migration**

**Objectives:** To establish admission procedures capable of responding to fluctuating demands for migrant labour

**Policy sub-area level indicators:**

- Skill shortages in vocations and professions (*Source: Commission - Eurostat, MS Labour Force Surveys, EEO*)
- Employment rates amongst migrant groups (*Source: Commission - Eurostat, MS Labour Force Surveys*)
- Estimation of the numbers of migrants overstaying the duration of their work permits (*Source: MS*)

<table>
<thead>
<tr>
<th>Main instrument (and type of instrument)</th>
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<th>Implementation at national level</th>
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<th>Specific issues /comments</th>
</tr>
</thead>
</table>
| Directive on status of TCNs as long-term residents | Approximate national laws by creating a single status. Ensure equal treatment of TCNs throughout the EU. | Transposition into national legal systems. | Reduction of disparities among Member States  
*Measured by:*  
Changes made to national legislation *(Source: MS and Commission)*  
Numbers of MS achieving minimum standards or above *(Source: Commission)* | Equal treatment of TCNs  
*Measured by:*  
Numbers granted/refused status *(Source: MS)*  
Increased number of TCNs accessing employment, education and training (rate of increase) *(Source: MS)*  
Increased mobility of TCNs  
*Measured by:*  
Number of TCNs moving from one MS to another *(Source: Commission)* | Approximation of national laws  
Equal treatment and application of uniform rights for TCNs across the EU  
Improved mobility of TCNs  
Improved integration of TCNs | Common standards difficult to achieve as Directive allows for scope for interpretation |
**Directive on the admission of TCNs for the purposes of studies, pupil exchange, unremunerated training or voluntary service**

To promote Europe as a world centre of excellence for studies and vocational training by promoting the mobility of TCNs to the Community for the purpose of studies. The approximation of the Member States' national legislation on conditions of entry and residence.

**Transposition into national legal systems.**

Approximation of national legislation

*Measured by:*

Changes made to national legislation *(Source: MS and Commission)*

Numbers of MS achieving minimum standards or above *(Source: Commission)*

Increased mobility of TCNs to the Community for the purposes of study/vocational training

*Measured by:*

Numbers granted entry for study/vocational training/voluntary service *(Source: MS)*

**Approximation of national laws**

Improved mobility of TCNs for study, vocational and volunteer purposes

**Policy sub-area 3: Integration of third-country nationals**

**Objectives:**

To prevent the isolation of certain groups and achieve successful integration of Third Country Nationals and their descendents

To fight discrimination against legally residing Third Country Nationals

Common standards difficult to achieve as Directive allows for scope for interpretation.
To promote the exchange of experience and information

**Policy sub-area level indicators:**

Instances of discrimination *(Source: FR Agency, MS)*

Employment rates of third country nationals *(Source: Commission - Eurostat, MS)*

Employment rates of second generation migrants *(Source: SOPEMI Report, MS)*

Relative income levels of third country nationals *(Source: Commission - Eurostat, MS)*

Proportion of third country nationals living in poverty *(Source: Commission - Eurostat, MS)*

<table>
<thead>
<tr>
<th>Main instrument (and type of instrument)</th>
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<th>Specific issues /comments</th>
</tr>
</thead>
</table>
| INTI preparatory actions (integration of TCNs) | Promote new and innovative ways of integrating immigrants. To encourage co-operation between MS and the creation of transnational partnerships and networks. | Disbursement rate/amount spent per year | Successful implementation REFINE  
*Measured by:* Numbers of projects and activities implemented and average sums of money involved *(Source: MS + Commission)*  
Number of TCNs | Identification of new and innovative practices  
Exchange of information and best practices promoted among EU MS  
Transnational networks and dialogue between | Increased cooperation among MS through networks and cooperation activities  
Increased dialogue with civil society  
Enhanced integration of TCNs  
Development and promotion of a European framework | Integration policies are implemented mainly at regional and local levels in MS. Differences exist among MS in terms of numbers of migrants and integration |
Policy sub-area 4: External dimension of asylum and migration

**Objectives:** Assist third countries in migration management, intensify MS cooperation to manage migration flows and prevent humanitarian crises, integrate migration into third country relations, develop policies that link migration, development cooperation and humanitarian assistance, intensify cooperation with third countries on southern and eastern border of EU

**Policy sub-area level indicators:**

Increase/decrease over a 5-year period of:

- Numbers of legal migrants by third country (*Source: Commission - Eurostat*)
- Numbers of illegal migrants by third country intercepted crossing an external border (*Source: Commission – Eurostat*)
- Numbers of visa overstayers by third country intercepted (*Source: MS*)
Numbers of asylum applications by third country (*Source: Commission - Eurostat*)

Numbers of failed asylum applications by third country (*Source: Commission - Eurostat*)

Numbers of failed asylum seekers returning to country of origin /other third country (*Source: MS*)

Number of victims of trafficking from third countries (*Source: MS*)

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<tr>
<th>Main instrument (and type of instrument)</th>
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<th>Implementation at national level</th>
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</tr>
</thead>
</table>
| Programme for financial and technical assistance to third countries (AENEAS) | Give specific and complementary financial and technical aid to third countries in order to support their efforts to improve the management of migratory flows. Develop legislation in third countries on legal immigration and international protection. | Not applicable (action is at Community level) | Successful implementation  *Measured by;*
Number of information campaigns organised on advantages of legal migration/consequences of illegal migration in third countries (*Source: Commission*)
Number of returnees benefiting from reintegration programmes (*Source: Commission*) | Development of legislation in third countries *Measured by;*
New legislation passed in third countries on legal and illegal migration (*Source: Commission*)
Decreased number of illegal migrants entering the EU *Measured by;*
Successful reintegration of returnees | Improved management of migration flows
Decrease in illegal migration and trafficking
Increased awareness in third countries on advantages of legal migration/consequences of illegal migration
Successful reintegration of returnees | High number of external factors to the programme influence impact indicators. Causality links difficult to establish.
As action is at Community level, MS will not contribute to evaluation.
May be difficult to evaluate as this is a new area which is also
### Policy sub-area 5: Return and re-admission

**Objectives:** To establish an effective removal and repatriation policy based on common standards for persons to be returned in a humane manner and with full respect for their human rights and dignity.

**Policy sub-area level indicators:**

Increase/decrease over a 5-year period of:

Proportion of failed asylum seekers (and illegal migrants) who are repatriated *(Source: MS)*

| Raise public awareness in third countries on advantages of legal migration and consequences of illegal migration | Establishment in third countries of preventive policy in the fight against illegal migration | Readmission and durable reintegration of returnees | rate of decrease *(Source: Commission)* | highly political. A Communication on the future of the AENEAS fund was adopted in January 2006. |
Numbers returned to countries subsequently deemed unsafe within a period of two years *(Source: MS)*

Numbers (of labour market age) in employment in country of origin 12 months after being subject to return

<table>
<thead>
<tr>
<th>Main instrument (and type of instrument)</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific issues /comments</th>
</tr>
</thead>
</table>
| Preparatory actions for Return Management | To support efforts made by MS to improve the organisation and implementation of integrated return management and specific measures in the area of return management  
To increase knowledge and capabilities in the area of return management  
To develop cooperation between MS with respect to | Disbursement rate/amount spent per year | Number of actions implemented relating to the introduction and improvement of the organisation and implementation of integrated return management *(Source: Commission)*  
Number of actions implemented relating to the introduction and improvement of specific measures in the area of return management *(Source: Commission)*  
Number of actions implemented relating to the increase of knowledge and capabilities in the area of return management | Increased number of returnees  
*Measured by:* rate of increase *(Source: MS and Commission)*  
Reduction in cost of detaining illegal migrants  
*Measured by:* rate of reduction *(Source: MS and Commission)* | The strengthening of efforts made by Member States at improving the organisation and implementation of integrated return management  
Improved organisation and implementation of integrated return management  
Increased knowledge and capabilities in return management  
Increased cooperation between MS and countries of return with respect to return management |
<p>| Re-admission agreements | To facilitate the readmission to their own country of persons residing without authorisation in a Member State. To combat illegal immigration To improve the effectiveness of return | Successful implementation of the agreements (These are reciprocal agreements between the EU and third countries.) | Increased number of returnees $\text{Measured by:}$ rate of increase ($\text{Source: Commission and MS}$) Reduction in cost for detaining illegal migrants $\text{Measured by:}$ rate of reduction ($\text{Source: MS}$) | Decrease in illegal immigration Improved effectiveness of return procedures | Agreements have been signed with Hong Kong, Macao, Albania, Sri Lanka and Russia. Others are currently being negotiated. |</p>
<table>
<thead>
<tr>
<th>Main instrument (and type of instrument)</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific issues/comments</th>
</tr>
</thead>
</table>
| Proposed mutual information procedure on planned national asylum and immigration measures | Enhance mutual information of national immigration and asylum policies between MS policy-makers | Cooperation by MS | Successful implementation of procedure  
*Measured by:*  
Number of national measures submitted through the system  
Number of responses generated to requests for information  
*(Source: MS + Commission)*  
Meetings organised  
*(Source: MS + Commission)* | Increased knowledge of other Member State policies and measures  
Anticipation of effects of changes to other national policies  
Better understanding of other national contexts could lead to an enhancement of the possibilities for harmonisation | Procedure yet to be implemented.  
Implementation could start in 2007. |
| European Migration Network | Provide the Community and MS with objective, | Organisation of activities at national level by national contact | Successful implementation of network  
Better and faster access to information on migration and | Increased knowledge and understanding of the migration phenomenon at | Proposal and impact assessment due by September |
<table>
<thead>
<tr>
<th>Proposed Regulation on Community statistics on migration and international protection</th>
<th>Improve the statistical knowledge of migration-related phenomena by specifying the data to be collected, the timetables to be applied, the definitions and the quality standards.</th>
<th>Adoption of measures at national level</th>
<th>Successful implementation of Regulation</th>
<th>Increased proportion of statistical data items supplied according to the harmonised definitions as opposed to national definitions (Source: MS)</th>
<th>Improved analyses of data</th>
<th>Improved statistical knowledge</th>
<th>2006 for a Council Decision on the future EMN.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td>Measured by:</td>
<td>Increased proportion of statistical data items directly based on harmonised definitions</td>
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<td>Increased proportion of statistical data items supplied according to the harmonised definitions</td>
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<td></td>
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<td>Measured by:</td>
<td>Improvement to quality and comparability of data between Member States (Source: MS)</td>
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<td>Improvements in the completeness, timeliness and degree of harmonization of</td>
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<td>Measured by:</td>
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</tbody>
</table>
| Action Programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO) | To promote cooperation between national administrations responsible for implementing Community rules and to ensure that proper account is taken of the Community dimension in their actions  
To promote the uniform application of Community law  
To encourage transparency of actions taken by the national administrations | Disbursement rate/amount spent per year | Successful implementation of programme measured by:  
Number of projects implemented per activity area  
Number of training actions implemented  
Number of staff exchanges implemented  
Number of actions promoting data exchange implemented  
Number of studies, conferences and seminars conducted | Increased cooperation between national administrations and with third countries  
Measured by:  
Number of common operative centres and joint teams set up  
Number of cooperation activities in third countries set up  
(Source: Commission) | Uniform application of Community law  
Improved transparency of actions taken by national authorities  
Improved efficiency of national administrations | Mid-term evaluation to be completed in July 2006. |

Appropriate data sources as opposed to statistical estimations *(Source: Commission – Eurostat)*  
Migration and asylum data supplied to the Commission – Eurostat *(Source: Commission – Eurostat)*
| authorities |
| To improve the overall efficiency of national administrations in their tasks |

(Source: Commission)
Factors influencing evaluation mechanism:

The policy area includes both first pillar (civil justice) and third pillar (criminal justice) matters. The main instruments are legislation including the introduction of new legal instruments and activities to stimulate judicial cooperation. Evaluation should cover the implementation of mutual recognition instruments and the various flanking (confidence building) measures that make mutual recognition possible. The potential to identify the causal links between the interventions and the achievement of objectives is greater within civil matters than criminal matters. Information on the scale and nature of the relevant (cross border) civil and criminal matters is however poor. The instruments in both sub policy areas are potentially reinforcing. The classification of the instruments within the civil matters sub policy area relate to both process (cooperation and procedures) and to substantive problems addressed by the instruments (cross border disputes and breakdown of international marriages). There is also a miscellaneous sub category. The achievement of a European area of justice in criminal matters may be constrained by continued variations in definitions of crimes and penalties. Several of the instruments mentioned under civil matters are ‘forthcoming’. They are included however because they illustrate aspects of the evaluation challenges in this policy area. The Judicial training instrument is relevant to both sub policy areas. There are close links between the instruments and objectives of the policy sub area 2 Criminal matters, and the objectives and activities in the policy area: law enforcement cooperation, prevention and fight against organised crime. Also, it should be noted that adjustments to the indicators put forward in criminal matters may take place in light of the implementation of the forthcoming Action Plan on statistics in the field of crime and criminal justice (see more expanded reference on page 49).

Policy sub-area 1: Civil matters

Objectives:

To increase mutual recognition and enforcement of judicial decisions
To establish clear rules on jurisdiction and applicable law
To reduce the costs of resolving cross border disputes
To increase the likelihood that cross border disputes are resolved
To reduce the likelihood of cross border disputes arising
To reduce the negative consequences of breakdowns in ‘international’ marriages and prevent child abduction

**Policy sub-area level indicators:**

- Number of mutually recognised judicial decisions
- Average costs (of different types) of cross-border disputes
- Number of cross-border cases not resolved
- Spouses’ (perceptions of) costs of international divorces
- The number and amount of cross-border maintenance claims not paid

*Source: MS*

<table>
<thead>
<tr>
<th>Main instrument</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific /comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Horizontal cooperation activities</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Specific programme ‘Civil justice’ (Framework Programme 2007-2013 Fundamental Rights and Justice)</td>
<td>To increase mutual confidence of judicial actors.</td>
<td>Participation in and support for cooperation programme.</td>
<td>Number of meetings, workshops. Numbers of legal, judicial and administrative authorities involved in cooperation.</td>
<td>Increased knowledge of Member States legal and judicial systems in civil matters. Measured by: Levels of knowledge</td>
</tr>
</tbody>
</table>
| **European judicial network in civil and commercial matters** | **To improve and facilitate co-operation in civil justice matters** | **Participation in and support for cooperation programme.** | **Meetings, publications website.**  
**Numbers of legal actors involved in cooperation.**  
*Source: Network management reports (Source: Commission)* | **Hits and usage of website (Source: Commission)** | **Improved access to justice and quality of advice on cross (internal) border issues.**  
**Improvement of judicial cooperation between MS and courts** | **Establishing causal links between the interventions and outcomes and impacts will be problematic** |

**Rules on procedures**

| **Regulation on jurisdiction and the recognition** | **To harmonise national rules of conflict of** | **Implementation** | **Harmonised Community rules**  
**Simpler and quicker procedures to recognise and** | **Better and quicker access to justice** | **Clear intervention logic** |
<table>
<thead>
<tr>
<th>Regulation</th>
<th>Purpose</th>
<th>Implementation</th>
<th>Results</th>
<th>Measurement</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brussels I-44/2001</td>
<td>To simplify procedures for recognition and enforcement of judgements from MS</td>
<td>(Source: MS reporting to Commission)</td>
<td>Prevent conflict of jurisdiction</td>
<td>Length of time taken to recognise and enforce the judgements</td>
<td>(Source: MS)</td>
</tr>
<tr>
<td>Regulation on taking evidence in civil and commercial matters (1206/2001)</td>
<td>To improve, simplify and speed up procedures for taking evidence between the courts of different MS</td>
<td>Establishment of facilitated cross-border procedures between courts in different MS for taking evidence</td>
<td>Better and quicker access to justice</td>
<td>Length of time taken to take evidence between courts</td>
<td>(Source: MS)</td>
</tr>
<tr>
<td>Regulation on the service of documents in civil and commercial matters (Regulation 1348/2000)</td>
<td>To increase efficiency and speed in judicial procedures</td>
<td>Establishment of common rules on transmission of judicial and extrajudicial documents between</td>
<td>Clear intervention logic.</td>
<td>Length of time taken to transmit</td>
<td>Quicker judicial procedures</td>
</tr>
</tbody>
</table>

To guarantee adequate level of legal aid in cross-border disputes through establishing minimum common standards between MS.

#### Implementation

Minimum common standards relating to legal aid in cross-border disputes.

#### Outcome

Adequate levels of legal aid in cross-border disputes.

- **Source:** MS reporting to Commission
- **Description:** Improved access to justice, especially of vulnerable groups.
- **Implementation:** Numbers of cross-border orders for payment made.
- **Outcome:** Reduced costs and time of litigation in cross-border cases concerning uncontested pecuniary claims.
- **Establishing causal links:** Establishing causal links between the interventions and outcomes and impacts will be problematic. Proposal yet to be adopted.

### Resolution of cross-border disputes

#### European payment order (forthcoming)

To reduce the costs and time taken to make payments.

To increase the number of cross-border orders for payment.

#### Implementation

Numbers of cross-border orders for payment made.

#### Outcome

Reduction of intermediate procedures.

- **Description:** Reduced costs and time of litigation in cross-border cases concerning uncontested pecuniary claims.
- **Implementation:** Improved access to justice.
- **Outcome:** Facilitated recovery of cross-border debts.
| Instrument on Alternative Dispute Resolution (ADR) | To reduce the costs of dispute resolution  
To facilitate recourse to mediation by improving legal certainty | Implementation | Number of applications of European enforcement order in EU MS  
(Source: MS) | Quicker and more efficient enforcement of uncontested claims in another MS  
Measured by:  
Length of time needed to enforce such a claim  
(Source: MS) | Reduced costs and time in such cross-border cases  
Improved access to justice | Establishing causal links between the interventions and outcomes and impacts will be problematic |
| Instrument on small claims | To facilitate cross-border access to justice for small claims  
To reduce the costs and time taken to resolve | Implementation | Application of Small Claims Procedure in the 25 EU MS  
(Source: MS) | Increased number of small claims pursued.  
(Source: MS) | More small claims resolved.  
Increased legal certainty.  
Increased access to justice. | Proposal yet to be adopted. |
### Marriage and divorce law

| Instrument on maintenance obligations | To improve and simplify enforcement procedures of maintenance obligations. | To enhance cooperation. | To clarify what is applicable (non-conflicting) law | Implementation | Application of Regulation in maintenance obligations proceedings in 25 EU MS  
*(Source: MS)* | Reduction of intermediate procedures.  
Reduced cases of forum shopping  
Increased cooperation between legal professionals / competent authorities in the Member States  
*(Source: MS)* | Increased legal certainty  
Better informed decisions  
Mutually recognised decisions acted upon/ enforced.  
Facilitated recovery of debts (maintenance for creditors) | Instrument is at the Council discussion stage.  
Establishing causal links between the interventions and outcomes and impacts will be problematic. Evaluation requires good data from the Member States. |

| Regulation on jurisdiction and recognition and enforcement of judgements in matrimonial | To harmonise rules of jurisdiction  
To enable automatic | Implementation | Establishment of harmonised rules on jurisdiction  
*(Source: MS)* | Quicker and more efficient recognition and enforcement of judgements | Better access to justice  
Better protection of citizens in case of divorce | Evaluation requires good data from the Member States. |
<table>
<thead>
<tr>
<th>Instruments used</th>
<th>Goals</th>
<th>Implementation</th>
<th>Measured by:</th>
<th>Facilitated outcomes and impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parental matters and parental responsibility (Brussels II, 2201/2003)</td>
<td>Recognition and enforcement of judgements between MS</td>
<td></td>
<td>Length of time taken to recognise and enforce a judgement <em>Source: MS</em></td>
<td>Facilitated visiting rights for parents, Better protection of children’s’ rights</td>
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<tr>
<td><strong>Various</strong></td>
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<tr>
<td>Instrument on the conflict of laws in the area of contractual obligations (Rome I).</td>
<td>To reduce costs associated with differences regarding non-contractual obligations</td>
<td>Numbers of cross-border disputes settled, Application of conflict of law rules in the MS <em>Source: MS</em></td>
<td>Improved mutual trust between judicial authorities, Faster procedures. <em>Source: MS</em></td>
<td>Reduced legal uncertainty, Reduced costs, Facilitated mutual recognition of international contracts</td>
</tr>
<tr>
<td>Proposal for a regulation on the law applicable to non-contractual obligations (Rome</td>
<td>To harmonise rules on non-contractual obligations</td>
<td>Provision of a set of community rules, Application of conflict of law rules</td>
<td>Improved mutual trust between judicial authorities, Faster procedures.</td>
<td>Reduced legal uncertainty, Better access to justice</td>
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<td></td>
<td>Establishing causal links between the interventions and outcomes and impacts</td>
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<tr>
<td>Regulation on insolvency proceedings (1346/2000)</td>
<td>To improve efficiency and effectiveness of cross-border insolvency proceedings</td>
<td>To prevent shopping for a more favourable legal position</td>
<td>Implementation</td>
<td>Provision of a set of community rules</td>
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<td>Application of rules in the MS</td>
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<thead>
<tr>
<th>Directive on</th>
<th>To facilitate better</th>
<th>Implementation</th>
<th>Co-operation</th>
<th>Better access to</th>
<th>Better access to</th>
<th>Clear intervention logic</th>
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<tr>
<td>compensation to crime victims (2004/80/EC)</td>
<td>access for victims to compensations where crime was committed in another MS</td>
<td>To establish a compensation mechanism in such cases</td>
<td>mechanism between MS set up [(Source: MS)]</td>
<td>compensation to victims of crimes in cross-border situations [(Source: MS)]</td>
<td>justice[Better compensation for victims of cross-border crime in Europe]</td>
<td></td>
</tr>
</tbody>
</table>

**Policy sub-area 2:** Criminal matters (Justice)

**Objectives:**

To promote mutual recognition

To increase confidence and other conditions leading to mutual recognition

To reduce differences in the definition of crimes. In particular, to explore common definitions and procedures for human trafficking and cross border crimes

To reduce differences in detention and trial procedures

To improve taking of evidence

To reduce differences in penalties

To speed up cross border arrest and surrender procedures

To facilitate cross border management, freezing and confiscation of criminal assets

To protect victims of crime
Policy sub-area level indicators:

- Number of mutually recognised judicial decisions
- Extent of mutual confidence: proportion of officials in national administrations who have high confidence in other MS systems (measured by surveys of national authorities)
- Level of awareness of judicial actors of other MS systems
- Number of definitions of crimes approximated
- Number of reduced differences in detention and trial procedures and definition of penalties
- Length of cross-border arrest and surrender procedures
- Size of criminal assets frozen and confiscated in cross-border cases

*Source: MS*

<table>
<thead>
<tr>
<th>Main instrument (and type of instrument)</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific issues/comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>European arrest warrant and the surrender procedures between Member States (Council Framework Decision of 13 June 2002 on the)</td>
<td>To facilitate and expedite surrender procedures in respect of persons wanted for trial and sentenced persons between Member States</td>
<td>Transposition</td>
<td>Numbers of arrest warrants issued, executed and refused Numbers of persons surrendered and of persons received from other Member</td>
<td>Faster and simpler surrender procedures <em>Measured by:</em> Average duration of surrender procedures <em>(Source: MS)</em> Increased visibility of mutual recognition, better knowledge of each other's judicial systems and increased mutual confidence Requires good data from MS. MS must actively participate in evaluation.</td>
</tr>
<tr>
<td>European arrest warrant and the surrender procedures between Member States (2002/584/JHA)</td>
<td>States and numbers of persons consenting to surrender. (Source: MS)</td>
<td>between judicial authorities. Increased security and safety within the EU</td>
<td></td>
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</tr>
</tbody>
</table>
| Instrument on the execution of orders freezing property or evidence (Council Framework Decision 2003/577/JHA of 22 July 2003) | To facilitate recognition and execution of freezing orders issued by a judicial authority of another Member State | Number of freezing requests issued and executed (Source: MS) | Increased efficiency and effectiveness of freezing orders

*Measured by:*
- Faster procedures to freeze assets
- Increased use of procedures to freeze assets
- Increased speed of national procedures as a consequence of freezing order
- Improved access to evidence obtained/
- Improved recovery of assets

Increased efficiency of procedures; increased mutual confidence between judicial authorities. Decreased levels of organised crime *(Source: Europol reports)* | Requires good data from MS. |
<table>
<thead>
<tr>
<th>Instrument on the application of the principle of mutual recognition to financial penalties (Council Framework Decision 2005/214/JHA of 24 February 2005)</th>
<th>To facilitate the enforcement of financial penalties imposed by judicial or administrative authorities in a Member State other than the State in which the penalties were imposed.</th>
<th>Transposition</th>
<th>Number of decisions and issued and executed (Source: MS)</th>
<th>Faster and more effective procedures to ensure enforcement of financial penalties Measured by: Average length of procedures (Source: MS)</th>
<th>Dissuasive effect to potential criminals and decreased level of financial crime Increased visibility of mutual recognition, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities. Requires good data from MS. Difficult to measure causal links between outcomes and impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instrument on the exchange of information extracted from the criminal record (Council Decision 2005/876/JHA of 21 November 2005)</td>
<td>To improve exchanges of information on criminal records between Member States</td>
<td>Voluntary compliance</td>
<td>Number of requests sent, number of replies sent - for the purpose of criminal proceedings, and - for other purposes Respect of</td>
<td>Improved knowledge available to sentencing authorities about the convicted person's full European criminal record. Improved circulation of information on criminal records for other purposes (e.g.</td>
<td>Dissuasive effect to potential criminals and hence decreased levels of crime Increased visibility of mutual recognition, better knowledge of each other's Requires good data from MS. Difficult to measure causal links between outcomes and impacts</td>
</tr>
<tr>
<td>Instrument on the standing of victims in criminal proceedings (Council Framework Decision of 15 March 2001)</td>
<td>To assist victims before or after criminal proceedings</td>
<td>Transposition</td>
<td>Application of rules the instrument</td>
<td>Better information for victims on legal advice and on their rights, protection for vulnerable victims and more appropriate methods of obtaining evidence</td>
<td>Improved situation for victims in relation to criminal proceedings</td>
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<tr>
<td>framework programme on police and judicial</td>
<td>Help legal practitioners, law enforcement</td>
<td>Commitments to AGIS projects</td>
<td>Number of activities promoting training and expert</td>
<td>Development of instruments, strategies and</td>
<td>Improved operational procedures and</td>
</tr>
</tbody>
</table>

**deadlines** *(Source: MS)*

Improved quality of information on criminal records from abroad in the Member State of nationality *(Source: MS)*

judicial systems and increased mutual confidence between judicial authorities.

More appropriate and better informed sentencing decisions

**To assist victims before or after criminal proceedings**

**Transposition**

Application of rules the instrument *(Source: MS)*

Better information for victims on legal advice and on their rights, protection for vulnerable victims and more appropriate methods of obtaining evidence

Improved situation for victims in relation to criminal proceedings *(Source: MS)*

Raised awareness of victims' rights amongst practitioners

Measured by MS surveys

Better access to justice

Requires good data from MS.
cooperation in criminal matters (AGIS) officials and representatives of victim assistance services from the EU Member States and Candidate Countries set up Europe-wide networks, exchange information and best practices. Encourage Member States to step-up co-operation with the applicant countries and other third countries.

<table>
<thead>
<tr>
<th>Flanking measures in place</th>
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</thead>
<tbody>
<tr>
<td>The European Judicial Network (Joint Action of 29 June 1998 adopted by the Council) To improve judicial cooperation between Member States through direct contacts between judicial authorities</td>
</tr>
<tr>
<td>Designation of national contact points</td>
</tr>
<tr>
<td>Regular meetings, creation and updating of specific tools (website, &quot;fiches belges&quot;, atlas and SOLON legal)</td>
</tr>
<tr>
<td>Increased efficiency of procedures and better communication between judicial authorities.</td>
</tr>
<tr>
<td>Improved functioning of mutual recognition instruments, better knowledge of each other's</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Participation</th>
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<tbody>
<tr>
<td>mobility</td>
</tr>
<tr>
<td>Number of dissemination activities</td>
</tr>
<tr>
<td>Number of conferences and seminars</td>
</tr>
<tr>
<td>Number of studies, research and evaluations (Source: Commission)</td>
</tr>
</tbody>
</table>

| activities for cooperation Development of methods, techniques and instruments for operational and training use Exchange and dissemination of information, experience and best practices (Source: Commission) |
| approaches Better operational cooperation Cross-border use of good practices Mutual understanding of respective police, legal and administrative systems Common perception of criminality |

<p>| qualitative approaches to evaluation taking account of varying contexts. |</p>
<table>
<thead>
<tr>
<th>Eurojust (Council Decision of 28 February 2002)</th>
<th>Better co-ordination of investigation and prosecution of serious cross-border crime</th>
<th>Appointment of national experts to Eurojust</th>
<th>Immediate access to information about legal systems from a practitioner of the nationality of the Member States in question. Measured by: number of cases where Eurojust is used Establishment of the coordination role. Establishment of Eurojust as a potential arbiter of conflicts of judicial systems and increased mutual confidence between judicial authorities.</th>
</tr>
</thead>
</table>
| Number of cases in which the EJN is involved. (Source: EJN and Member States) Average duration of procedures, analysis of outcomes of proceedings, perceptions of ECJ as a communication tool (Source: EJN and Member States) | Increased efficiency of procedures and better communication between prosecutors and judicial authorities. Measured by: Average duration of procedures, analysis of outcomes of proceedings (Source: Eurojust and MS) | Increased cross border prosecution rates and improved efficiency (evidence gathering, mutual information exchange on procedural matters) Improved functioning of mutual recognition instruments, better knowledge of each other’s judicial systems and increased mutual confidence between judicial authorities.
**Establishment of Eurojust as reporting authority for problems with European Arrest Warrants.**

*(Source: Eurojust and MS)*

### Joint investigation teams

**To facilitate, expedite and improve investigations in cross border cases**

**Setting up of joint investigation teams**

**Number of cases investigated by such teams**

*(Source: MS)*

**Efficient gathering of evidence in cross border cases**

**Average duration of cross-border case reaching the court**

*(Source: MS)*

**Increased range of judicial cooperation tools.**

**Improved functioning of mutual recognition instruments, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.**

---

**Transposition**

**mutual confidence between judicial authorities.**
<table>
<thead>
<tr>
<th>Judicial training</th>
<th>Participation in training activities</th>
<th>Organisation of training activities</th>
<th>In evaluating the success of this policy, regard must be had to the effective use of available EU funding. Increased number of judicial training activities, increased coordination between national judicial training programmes, development of the European Judicial Training Network.</th>
<th>Increased understanding of mutual recognition Promotion of a European judicial culture.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To improve knowledge of relevant EU instruments among legal practitioners To enhance mutual understanding of legal systems among judges and prosecutors To co-ordinate national judicial training programmes To promote better language skills among European legal practitioners</td>
<td></td>
<td>Measured by: Training programmes offered, number of participants benefiting from training on EU matters</td>
<td>Measured by: Quality of training activities, number of participants in exchanges Improved knowledge of European and international instruments amongst judges and prosecutors</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>(Source: Commission. Participant feedback)</td>
<td>(Source: MS)</td>
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<tr>
<td>Interviews with law enforcement and judicial actors</td>
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</tbody>
</table>
5.1. POLICY AREA: LAW ENFORCEMENT COOPERATION AND PREVENTION OF AND FIGHT AGAINST GENERAL ORGANISED CRIME

Factors influencing evaluation mechanism: Policy based on the TEU Title VI (third pillar). Activities include legislation, including the approximation of crimes and penalties and cooperation measure. Establishing causal links between the EU interventions and the ultimate objective of reducing crime is always likely to be problematic. The current factsheet intends to facilitate the assessment of the implementation of EU instruments in this area. Full fledged evaluation will require substantial improvements in the quality and availability of statistical information in the field of crime and criminal justice. The forthcoming Action Plan in this field (to be adopted by the Commission in July 2006) will address these issues and put forward concrete proposals, including carrying out an inventory and setting-up an expert group. In this context, this factsheet and the indicators included therein will necessarily be adjusted and improved in the light of the implementation of the Action Plan, and could be used as a starting point for discussions in this field.

Policy sub-area 1: Crimes and Sanctions (i.e. legislation to fight organised (cross border) crime and terrorism)

Objectives:
To combat:

- Terrorism
- Smuggling and trafficking of human beings,
- Sexual exploitation, racism and xenophobia,
- Financial and economic crime,
- Environmental crime,
- Illicit trafficking in goods,
- Organised crime and cyber crime.
To reduce the financial resources available to those involved in organised crime

To criminalise active and passive corruption

<table>
<thead>
<tr>
<th>Policy sub-area level indicators:</th>
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<tr>
<td>Numbers and trends of successful prosecutions for (Source: UN crime and criminal justice trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics):</td>
</tr>
<tr>
<td>- Smuggling and trafficking of human beings,</td>
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<tr>
<td>- Sexual exploitation,</td>
</tr>
<tr>
<td>- Financial and economic crime,</td>
</tr>
<tr>
<td>- Environmental crime,</td>
</tr>
<tr>
<td>- Illicit trafficking in goods (including firearms),</td>
</tr>
<tr>
<td>Numbers of successful prosecutions for organised crime (Source: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics)</td>
</tr>
<tr>
<td>Numbers of prosecutions for active and passive corruption (Source: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics)</td>
</tr>
<tr>
<td>Perception of levels of active and passive corruption (Source: Transparency International survey)</td>
</tr>
<tr>
<td>Numbers of crimes subject to EU interventions and instruments (Source: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics)</td>
</tr>
<tr>
<td><strong>Main instrument</strong></td>
</tr>
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</tr>
<tr>
<td><strong>Terrorism</strong></td>
</tr>
<tr>
<td>Council Framework Decision (FD) of 13 June 2002 on combating terrorism (2002/475/JHA)</td>
</tr>
<tr>
<td><strong>Pilot project on victims of terrorism</strong></td>
</tr>
</tbody>
</table>
To recover by means of social or psychological support provided by organisations and/or their networks.

To raise the awareness of the European public against the terrorist threat, so that the traditional fight against terrorism through police and judiciary measures can be complemented by public opinion condemning terrorism in all its forms.

<table>
<thead>
<tr>
<th>Pilot project on prevention, preparedness and combat terrorism</th>
<th>Implementation of projects</th>
<th>Number of studies carried out</th>
<th>Development of capabilities for the management of terrorist attacks</th>
<th>Improved expertise on increase awareness of the European public</th>
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<tr>
<td>Response to terrorist attacks</td>
<td>To improve the security of citizens</td>
<td>Number of expert networks set up</td>
<td>Crises</td>
<td>Increased exchange of experience and best practice</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Smuggling and trafficking of human beings</th>
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</thead>
<tbody>
<tr>
<td>Council Framework Decision (FD) 2002/629/JHA of 19 July 2002 on combating trafficking in human beings</td>
<td>Reduce human trafficking</td>
</tr>
<tr>
<td>Measured by: Number of detentions resulting from FD (Source: MS)</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Sexual exploitation</th>
<th></th>
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<tbody>
<tr>
<td>Measured by: Number of</td>
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</table>
| combating the sexual exploitation of children and child pornography | pornography. | detentions resulting from FD  
(Source: MS) | numbers of complaints.  
Reduced child pornography.  
Indicated for example by reduction in number of illicit websites and other outlets. | problematic |
| --- | --- | --- | --- | --- |

**Financial and economic crime**

*Measured by:*  
New crimes detected as a result of FD  
Number of detentions resulting from FD  
(Source: MS) | Successful prosecutions resulting from FD  
(Source: Transparency International surveys) | Reduced corruption in private sector.  
(Source: Transparency International surveys) |
| --- | --- | --- | --- | --- |

**FD on money laundering and counterfeiting of**

<p>| Criminalise fraud involving any form of non- | Implementation of FD | Application of FD provisions. | Successful prosecutions resulting from FD | Reduced money laundering and counterfeiting of |</p>
<table>
<thead>
<tr>
<th>non-cash payments</th>
<th>cash means of payment in all MS</th>
<th>Measured by: New crimes detected as a result of FD Number of detentions resulting from FD Source: MS</th>
<th>(Source: MS) non-cash payments (Source: national criminal justice statistics)</th>
</tr>
</thead>
</table>

### Illicit trafficking in goods

| Proposal for a regulation on import/export licensing system for firearms | Reduce firearms trafficking. Harmonize the regime for import and export of firearms. | Establishment of the system Application of the regulation Measured by: Numbers of arms licensed (Source: MS) | Increased control over imports and exports of firearms Measured by: perceptions of law enforcement agencies (Source: MS) Reduced firearms trafficking Reduced use of illicit firearms Clear intervention logic (forthcoming) The instrument is relevant to borders policy area. |

### Organised crime

| Council Framework Decision 2001/500/JHA | Approximate definitions, incriminations and sanctions | Implementation of FD Application of rules and provisions contained in FD Assets frozen and confiscated. Measured by: | Reduced money laundering Reduced crime Regular monitoring reports from the Commission |
of 26 June 2001 relating to money laundering, identification, tracing, freezing or seizing and confiscation of the instrumentalities and proceeds from crime

| Proposal for a FD on fight against organised crime (2005) | Harmonise the definition of offences and penalties Facilitate | Implementation of FD | Application of rules and provisions contained in FD.  
*Measured by:* Better harmonised | Increased judicial co-operation  
*Measured by:* Trials and successful | Reduced organised crime  
*Measured by:* Perceptions of law enforcement agencies. | Identifying cases specifically linked to the FD may be problematic  
(This instrument might fit better under financial crime although it is about enacting penalties and might better fit under Justice criminal matters. Evaluation need to be done in combination with the third money laundering directive). |

| **Measured by:** | Effective judgments pronounced | Amounts frozen and confiscated  
*(Source: MS)* | Perceptions of law enforcement agencies. |

**Increase judicial co-operation**

**Trials and successful**

**Reduced organised crime**

**Perceptions of law enforcement agencies.**

**Identifying cases specifically linked to the FD may be problematic**

**(This instrument might fit better under financial crime although it is about enacting penalties and might better fit under Justice criminal matters. Evaluation need to be done in combination with the third money laundering directive).**
<table>
<thead>
<tr>
<th>Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. (April 2004)</th>
<th>Reduce organised crime participation in illegal migration and human trafficking</th>
<th>Implementation of Directive</th>
<th>Application of rules and provisions contained in Directive</th>
<th>More victims testifying against suspected criminals</th>
<th>Reduced organised crime participation in illegal migration and human trafficking</th>
<th>linked to the FD may be problematic (This too might better fit under Justice criminal matters policy area)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Facilitate victims giving evidence against suspected criminals</td>
<td></td>
<td></td>
<td>Successful prosecution of suspected criminals</td>
<td></td>
<td>This instrument is relevant to borders policy area. (It does not fit easily in this sub category.)</td>
</tr>
</tbody>
</table>
**Policy sub area 2:** Cooperation and exchange of information to enforce the law.

(The architecture of the instruments in this sub policy area is such that the instruments should be reinforcing. Capturing these synergies in evaluation work would be of value)

**Objectives:**

- To increase cooperation between police and customs authorities of MS
- To increase cooperation of MS police and customs authorities with Europol
- To develop and improve use of ‘intelligence led law enforcement’ and Joint Investigation Teams
- To encourage exchange of experiences on best practice on investigative techniques
- To improve the quality of Member States law enforcement data with the assistance of Europol

**Policy sub-area level indicators:**

- Number of formal joint investigations
- Number of informal joint investigations
- Number of successful prosecutions resulting from joint investigations (formal and informal)
- Number of successful prosecutions resulting from the adoption of best practice investigative techniques
- Extent of mutual confidence: proportion of officials in national administrations/law enforcement authorities who have confidence in other MS systems (measured by surveys of national authorities)
- Periods of time (person days) on (trans-national) exchanges of staff

*Source: MS*
<table>
<thead>
<tr>
<th>Main instrument</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific issues /comments</th>
</tr>
</thead>
</table>
| Schengen Information System (SIS) II | Sharing of information among MS in order to refuse entry on the basis of uniform practices | Consistent input and further use of information among MS | Quality and availability of SIS II information for competent national authorities  
*Measured by:* Number of records per category  
*(Source: MS and Commission)* | Reduced permeability of the external border.  
Increased confidence to promote ‘free movement’ policies.  
Clear intervention logic.  
Evaluation methods – analysis of trends and process changes.  
Commission responsible for evaluation co-ordination and analysis. Most of the analysis will depend upon information from MS.  
Evaluation will be very difficult. |
| Common position on the | To prevent and combat serious crime | Exchange of data with Interpol | Number of data records forwarded to Interpol | Decreased illicit trade |
| Exchange of data with Interpol on passports and organised crime including terrorism through improved cooperation between MS’ law enforcement authorities and between them and such authorities in third Countries by exchanging passport data with Interpol | through database on stolen travel documents | Interpol | between law enforcement authorities | activities |

| Task Force of Police Chiefs | Create conditions for cooperation | Participation of police chiefs (or alternates) | Cooperation activities.  
*Measured by:*  
Meetings held  
Informal contacts  
Formal cooperation agreements  
(*Source: MS*) | Mutual cooperation  
*Measured by:*  
Instances of cooperation  
Perceptions of participants  
(*Source: MS*) | Sustained cooperation  
*Measured by:*  
Instances of cooperation arising indirectly and at lower levels.  
Decrease in criminal | By its nature a difficult instrument to evaluate in its own right. |
| Europol | Promote cooperation between MS law enforcement agencies | Provision of information, application and use of information received from Europol or via bilateral cooperation initiated by Europol | Cooperation activities  
*Measured by:*  
Strategic analyses undertaken,  
Instances of exchange of intelligence.  
Use of formal joint investigation teams  
Use of informal joint investigation teams  
Number of investigations informed.  
(Source: Europol) | Better law enforcement  
*Measured by:*  
Trials resulting from exchanges of intelligence and cooperation.  
Successful prosecutions resulting from exchanges of intelligence and cooperation.  
(Source: MS and Europol) | Reduced ‘cross border’ crime  
Reduced crime  
(Sources: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, UK Home Office international criminal justice statistics) | Evaluation needs to acknowledge the real constraints on multilateral police cooperation (issues of confidentiality and credit for solving cases) and the potentially weak links between police cooperation and reductions in crime.  
Evaluation work has included peer reviews |
<table>
<thead>
<tr>
<th>CEPOL</th>
<th>Improve likelihood of (transnational) cooperation. Improve competences of trainees.</th>
<th>Commitment to EU level training activities</th>
<th>Improved cooperation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Measured by: Number of police officers trained Number of courses offered</td>
<td>Measured by: Resulting instances of cooperation between individual officers. Resulting instances of cooperation between agencies Resulting improved investigations. Resulting detentions and prosecutions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Source: CEPOL, including potential follow up survey of trainees.)</td>
<td>(Sources: MS Law enforcement agency records, judicial records)</td>
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<tr>
<td></td>
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<td></td>
<td>Increased competence in cross border level practice Reduced ‘cross border’ crime Reduced crime</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Sources: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, UK Home Office international criminal justice statistics)</td>
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<td></td>
<td>Identifying causal links with impacts will be especially difficult.</td>
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<tr>
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<td></td>
<td>An report on the operation and future of CEPOL was published in January 2006.</td>
</tr>
<tr>
<td>Framework programme on police and judicial cooperation in criminal matters (AGIS)</td>
<td>Help legal practitioners, law enforcement officials and representatives of victim assistance services from the EU Member States and Candidate Countries set up Europe-wide networks, exchange information and best practices. Encourage Member States to step-up cooperation with the applicant countries and other third countries</td>
<td>Commitments to AGIS projects Participation</td>
<td>Number of activities promoting training and expert mobility</td>
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<td></td>
<td>Number of dissemination activities</td>
<td>Number of conferences and seminars</td>
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<td></td>
<td></td>
<td>Number of studies, research and evaluations</td>
<td>(Source: Commission)</td>
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</table>

(Number of activities promoting training and expert mobility | Development of instruments, strategies and activities for cooperation | Improved operational procedures and approaches | Transnational cooperation activities normally require qualitative approaches to evaluation taking account of varying contexts. | Number of dissemination activities | Number of conferences and seminars | Number of studies, research and evaluations | (Source: Commission) | Exchange and dissemination of information, experience and best practices | Source: Commission) | Mutual understanding of respective police, legal and administrative systems | Common perception of criminality |
Policy sub area 3: Crime Prevention

Objectives:

To reduce instances of (cross border organised) crime
To establish European instruments for collecting, analysing and comparing information on crime and victimisation.
To provide better information on trends in crime in Member States

Policy sub-area level indicators:

Numbers of successful prosecutions of cross border organised crime
The frequency with which EU level statistics are collected (benchmark: annually)
The level of reliability of data (for example, number of definition changes), also indicated by the levels of confidence in data by key actors (source: regular surveys)
Consistency of data between Members States (for example, numbers of definition variations), indicated the levels of confidence in data by key actors (source: regular surveys)

Source: Commission, MS

<table>
<thead>
<tr>
<th>Main instrument</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific issues /comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forum on organised crime prevention</td>
<td>Better exchange of information</td>
<td>Active participation from MS</td>
<td>Coordination and cooperation of activities</td>
<td>Reduced crime</td>
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<tr>
<td></td>
<td>Creation of a</td>
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<td>Better and increased information base</td>
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<td></td>
<td>Better legal and</td>
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<tr>
<th>European crime prevention network</th>
<th>Platform of expertise</th>
<th>Measured by: Meetings and seminars held, Studies undertaken etc. <em>(Source: Commission)</em></th>
<th>other instruments Measured by: Application and dissemination of information and best practices exchanged <em>(Source: MS)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>EU action plan</td>
<td>Provide better</td>
<td>Active participation from MS Measured by Meetings, Exchange of information Identification and propagation of good practice, Copies/hits on good practice and recommendations. <em>(Source: Commission)</em></td>
<td>Application of Network Knowledge Measured by: Uptake of recommendations Improved policy making processes <em>(Source: MS via Consultations)</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Availability of Application of Better informed Difficult to measure causal links</td>
<td>Improved policies and practices with respect to crime prevention Reduced crime</td>
</tr>
<tr>
<td>Action plan on public-private partnerships</td>
<td>Establish public-private partnerships at EU level to tackle multinational organised crime and terrorism</td>
<td>Active participation from MS</td>
<td>Implementation of Action plan</td>
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<td>on EU statistics on crime and criminal justice</td>
<td>information base on EU crime trends, levels and on victimisation as well as on criminal justice.</td>
<td>participation from MS</td>
<td>information on crime and criminal justice covering EU</td>
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<tr>
<td>Policy sub area 4: Management of crises with cross border effects</td>
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<tr>
<td><strong>Objectives:</strong></td>
<td>Reduce detrimental cross border impacts of crises</td>
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13 With particular regard to preparedness and response to terrorist attacks.
### Policy sub-area level indicators:

Number of cross border crises reported in press/media

Number of cross border crises involving EU crisis management

<table>
<thead>
<tr>
<th>Main instrument</th>
<th>Objectives</th>
<th>Implementation at national level</th>
<th>Indicators/evaluation questions</th>
<th>Specific issues/comments</th>
</tr>
</thead>
</table>
| Setting up of integrated and co-ordinated EU crisis-management arrangements in the Commission and the Council | Increase the level of preparedness to tackle cross-border crises within the EU | Active participation from MS in the structures to be established | Establishment of integrated and co-ordinated structures at the EU level  
*Measured by:*  
Assessments of MS capacities  
Training and joint exercises conducted  
Operational plans established  
(Source: MS administrative records) | Increased level of preparedness for cross border crises  
*Measured by:*  
Actual responses to crises  
Results of ‘Exercises’ undertaken.  
(Source: MS Potential stakeholder surveys) | Reduced impacts of such crises |

There are likely to be particular difficulties in establishing the counter factual with respect to this instrument. Impacts may only be assessed sometime following emergencies. Some scope for peer review
ANNEX 2

Current practice for monitoring and evaluating EU policies on freedom, security and justice

1. MONITORING

1.1. The Tampere scoreboard

The Tampere European Council in 1999 invited the Commission to compile a scoreboard to keep implementation of policies on freedom, security and justice under continuous review. The scoreboard would specifically keep track of progress made with implementation of the measures and compliance with the deadlines set in the Amsterdam Treaty, the Vienna Action Plan and the Tampere programme. In response, the Commission produced its first scoreboard in March 2000, followed by regular updates every six months taking into account the objectives set by the European Councils in Laeken (2001), Seville (2002) and Thessaloniki (June 2003). The last Tampere scoreboard was presented in June 2004, marking the end of the first five-year period (1999-2004).

The scoreboards indicated the objectives and deadlines set at Tampere and in each case the responsibilities assigned to launch, advance and complete the process. To provide a clear view of the progress made in each area, the scoreboard showed the outstanding proposals and initiatives presented, progress in Council and European Parliament proceedings and the work planned. A specific section of the scoreboard focused on transposition of the instruments adopted.

1.2. Reviewing implementation of EU legislation

1.2.1. Instruments adopted under the EC Treaty

Implementation by the Member States of Community legislation concerning free movement of persons, visas, asylum, immigration, judicial cooperation in civil matters and citizens’ rights adopted under the European Community Treaty is monitored by the Commission. If a Member State fails to comply with its legislative obligations, the Commission can then initiate infringement proceedings under Article 226 of the EC Treaty and may bring the matter before the Court of Justice.

Apart from normal application of the monitoring mechanism under Articles 226 of the EC Treaty, monitoring implementation of the instruments adopted under Title IV of the EC Treaty is not systematic, although it is usual practice. For example, none of the four directives adopted on illegal migration provides for a monitoring report by the Commission.

Some reports, such as the evaluation of the derogation for issuing visas to members of the Olympic family, go beyond mere analysis of implementation and contain information on

14 Report on the functioning of the derogation system introduced by Regulation 1295/2003 regarding measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens (SEC(2005) 1051). This report was written by the Commission on the basis of information provided by the Greek authorities.
results. There are other examples concerning instruments adopted under Title II of the Treaty, such as reports\textsuperscript{15} relating to free movement of Union citizens or reports\textsuperscript{16} on their electoral rights in municipal and European Parliament elections.

1.2.2. Instruments adopted under Title VI of the Treaty on European Union

In the case of instruments adopted under Title VI of the EU Treaty concerning police and judicial cooperation in criminal matters, there is no equivalent compliance mechanism allowing the Commission to exercise its institutional powers as guardian of the Treaties.

For all Framework Decisions adopted by the Council, it is compulsory for Member States to transmit a detailed set of national implementing measures to the Commission and to the Council. Based on this information, the Commission then issues a report (e.g. 2002 Framework Decision on combating terrorism\textsuperscript{17}), allowing the Council to debate the need for further measures in the field concerned. The Council generally expresses its position in a final report.

For some Framework Decisions, the Commission repeats or updates its monitoring exercise (e.g. “Victims” Framework Decision\textsuperscript{18}).

Similarly, the Commission systematically monitors common positions and issues a monitoring report on national implementing measures. The Commission has also taken the initiative to issue specific reports on certain Council Decisions imposing no monitoring obligation such as those relating to Eurojust\textsuperscript{19}.

This monitoring exercise deals only with the legal transposition aspect and rarely includes details on the practical implementation of instruments. Such assessments of legal transposition answer the following questions: are the implementing measures effective, correct and in line with the Framework Decision? Are they clear and do they provide legal certainty? Do they fully apply the instrument and comply with the time limit for transposition?

In some cases this exercise has been backed up by an initial assessment of practical implementation in the Member States and of the tangible results of the national legislation. For example, in the case of the Framework Decision on the European Arrest Warrant\textsuperscript{20}, some

\textsuperscript{18} Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.
\textsuperscript{20} Report from the Commission based on Article 34 of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States (COM(2005) 63 final), p.2, paragraph 2: “The evaluation criteria adopted by the Commission for this report are, firstly,
of the practical results of the implementing measures were included in the monitoring report, such as the question of effectiveness and rapidity of surrender. The Commission’s report also included some preliminary figures, such as the number of warrants issued or the average time taken to execute a warrant, which mainly illustrated the difficulty of obtaining adequate statistics in this field.

1.3. Information-gathering mechanisms on policy implementation

1.3.1. Existing mechanisms

Following the call by the 2001 Laeken European Council to set up an enhanced exchange of information in the field of immigration and asylum, the Commission launched an information and consultation procedure with a “Committee on Immigration and Asylum” (CIA) at its heart. The CIA is made up of experts from the Member States but also frequently provides a forum for representatives of civil society, such as European social partners and the UNHCR, to present their views on pertinent immigration and asylum issues.

In the field of integration, the "National Contact Points on Integration" (NCP) play an important role in monitoring progress across policy fields and in ensuring that integration efforts at national and EU level support each other. They convey key results to the CIA.

A European Migration Network (EMN) was set up in 2002 as a preparatory measure in response to the need to improve exchanges of information on all aspects of migration and asylum. Its primary objective is to provide the Community and the Member States with objective, reliable and comparable information in these fields by systematically collecting and storing existing data and information from Member States and carrying out national and European level analysis. At present, the EMN consists of national contact points designated by the Member States.

1.3.2. Mechanisms in preparation

In the field of asylum, a Communication21 on strengthened practical cooperation proposed bringing into operation a system for sharing expertise, resources and knowledge between key stakeholders, as a tool for strengthening common approaches to implementation of the first-stage legislative instruments of the European asylum system, building - amongst others - on existing mechanisms, such as the EURASIL group.

In September 2005 the Commission tabled a proposal for a Regulation on Community statistics on migration and international protection. The Regulation will improve statistical knowledge of migration-related phenomena by specifying the data to be collected, the timetables to be applied, the definitions and the quality standards.

In October 2005 the Commission tabled a proposal for a Council Decision on the establishment of a mutual information procedure on national measures taken in the areas of asylum and immigration which could affect other Member States. The proposal is based on

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21 the general criteria normally used nowadays to evaluate the implementation of framework decisions (practical effectiveness, clarity and legal certainty, full application and compliance with the time limit for transposal), and, secondly, criteria specific to the arrest warrant, principally the fact that it is a judicial instrument, its effectiveness and its rapidity.”

the recognition that the absence of border checks in the Schengen area and the gradual development of common EU immigration and asylum policies require timely exchanges of information and discussion of national measures taken on asylum and immigration.

1.4. Monitoring implementation of The Hague Programme

The Hague Multi-Annual Programme (2005-2009) and the Action Plan implementing it invited the Commission to present an annual report on implementation of these two instruments to the Council (the "Scoreboard plus").

The "Scoreboard plus" will aim predominantly at assessing proper and adequate transposition of the legislative acts adopted and effective implementation of the measures agreed. In concrete terms, "Scoreboard plus" will assess the outcome of both (a) the significant political progress achieved at the point of adoption at EU level and (b) implementation at national level of measures related to freedom, security and justice.

This structure will bring visibility to monitoring and provide a comprehensive overview of implementation of the Action Plan, meeting the requirements of the European Council in The Hague Programme. It will increase transparency and visibility and improve and facilitate implementation. The first "Scoreboard plus" is presented in parallel to this Communication, one year after adoption of the Action Plan implementing The Hague Programme.

2. Evaluation

This section briefly describes the state of play with evaluation in the field of freedom, security and justice, depending on the subject-matter: (1) programmes, (2) legislation or (3) policies22. Evaluations on freedom, security and justice mainly focus on individual policy instruments, be they legislative or financial. As in other areas, evaluation of policies (defined as a coherent set of instruments serving the same coherent objective) is still developing. As a consequence, evaluation activities are currently very diverse (internal or external evaluations, annual progress reports, peer reviews, etc.) and very different in scope. This results in a lack of comparable evaluation results across policies and of a true overview of the results achieved in establishing an Area of Freedom, Security and Justice.

The evaluation mechanism put forward in this Communication aims at tackling this issue. It provides a platform for exhaustive presentation and comparability of existing evaluation results, and identification of any information gaps. Whilst taking into account the fact that evaluation is more advanced for some activities than others, it will allow the establishment of a common set of minimum evaluation requirements across the different policies.

2.1. Evaluation of Community programmes

Evaluation of programmes is well developed within the Commission, including in the area of freedom, security and justice, where major programmes such as the European Refugee

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22 Evaluations of agencies and external bodies have not been included, for example the evaluation of the draft Council Decision transforming the European Police College (CEPOL) into an EU body, the evaluation of the European Monitoring Centre for Drugs and Drug Addiction and the evaluation of the functioning of the European Judicial Network (EJN) in civil and commercial matters.
Fund, AGIS and DAPHNE are regularly evaluated. Available evaluation results demonstrate that whilst the immediate results of funding programmes are easily identified and measured, their longer-term effects are sometimes more difficult to grasp. In this context, the Commission proposals for the 2007-2013 programmes on freedom, security and justice establish a better link between the programmes' specific objectives and the overall political objectives. This will have an impact on the evaluation framework for these programmes, in particular through assessment of their consistency with other instruments (legislative or other) in the same field.

2.2. Evaluation of legislation

Contrary to the evaluation of programmes, evaluation of legislation is a more recent development in the case of freedom, security and justice. Recent examples include the evaluation of the European Arrest Warrant (2005), the economic evaluation of the Data Protection Directive (2005) and the on-going evaluations of the Directive on minimum standards for the reception of asylum-seekers and of the Brussels I Regulation. Also, the introduction of impact assessments of EU legislation has led to systematic ex-ante appraisal, which should greatly facilitate further interim and/or ex-post evaluation. In this context, systematic scrutiny of legislative proposals and other draft instruments to ensure that they are compatible with the Charter of Fundamental Rights should serve the same purpose.

2.3. Evaluation of policies

2.3.1. Mechanism for Schengen evaluation

The Schengen evaluation system, first established in the intergovernmental Schengen framework and then integrated into the European Union framework, assesses correct implementation of the Schengen acquis by participating Member States through a peer review mechanism, including visits to Member States. It has issued restricted reports, given details of cases of non-compliance with existing rules and practices and made further recommendations. This mechanism applies to both Community and third pillar measures.

When internal border controls with and between new EU Member States are lifted, the Commission will submit a “proposal to supplement the existing Schengen evaluation mechanism with a supervisory mechanism”, as requested by The Hague Programme.

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23 The results of these evaluations are available online at: [http://europa.eu.int/comm/dgs/justice_home/evaluation/dg_coordination_evaluation_annexe_en.htm](http://europa.eu.int/comm/dgs/justice_home/evaluation/dg_coordination_evaluation_annexe_en.htm).
25 Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.
29 Decision 26 DEF 1998 of the Schengen Executive Committee.
2.3.2. **Mechanism for the fight against organised crime**

Joint Action 97/827/JHA, adopted by the Council on 5 December 1997, established a mechanism for evaluating the application and implementation at national level of international undertakings in the **fight against organised crime**\(^{30}\). Two rounds of evaluation have already been completed and two others are ongoing. The first round focused on mutual legal assistance in criminal matters, on which a report was subsequently released on 1 August 2001\(^{31}\). The second assessed instruments dealing with law enforcement and drug trafficking. Finally, the third and fourth rounds, not yet completed, are evaluating exchanges of information and intelligence between the Member States and Europol and the European Arrest Warrant respectively. The 1997 mechanism is operated by teams of experts designated by Member States, assisted by the General-Secretariat of the Council, with the involvement of the Commission. It is based on **study visits** and allows an in-depth examination of how instruments or policies are working in practice.

The Commission believes that although this mechanism has proved **useful and effective**, it nevertheless has some **shortcomings**, in particular the total duration of the process, the scope limited to only matters related to organised crime and the limited dissemination of the evaluation results.

2.3.3. **Mechanism for the fight against terrorism**\(^{32}\)

Following the conclusions of the extraordinary meeting of the Justice and Home Affairs Council on 20 September 2001, the Council set up a procedure for peer assessment of national anti-terrorist arrangements in the framework of international cooperation between Member States. The first round of evaluations started in 2003 and focused on exchanges of information. Evaluation teams are made up of national experts and their reports are confidential.

2.3.4. **Evaluation of the EU Action Plan on Drugs**

In 2004 the Commission carried out the final evaluation of the EU Drugs Strategy and Action Plan on Drugs for 2000-2004\(^{33}\), in cooperation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol. The evaluation exercise provided an **overview of the drugs situation in the European Union** over the reference period. The Strategy and the Action Plan included a wide range of drug-related measures, mainly within the competence of the Member States. Their impact on the drug situation in the European Union could not be considered, mainly because the EU Strategy and Action Plan failed to establish impact indicators.

The EU Action Plan on Drugs for 2005-2008 takes into account the evaluation of the preceding Action Plan and has been designed from the outset to facilitate full evaluation. Accordingly, it clearly allocates responsibilities for each action and includes specific assessment tools, indicators and schedules for implementation. The Action Plan provides for


\(^{31}\) Final report on the first evaluation exercise - mutual legal assistance in criminal matters (2001/C 216/02).

\(^{32}\) Council Decision 2002/996/JHA of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism.

the Commission to present annual reviews of implementation of the Plan plus a final evaluation in 2008, with a view to preparing the next Plan. The first annual progress review will be presented in autumn 2006.

2.3.5. Mechanism for evaluating respect of fundamental rights

The European Monitoring Centre on Racism and Xenophobia studies the extent and development of the phenomena of racism, xenophobia and anti-Semitism and analyses their consequences and effects. Its findings are presented in annual reports. Once established, the Agency on Fundamental Rights, with its wider mandate, is expected to play a key role in evaluating respect of fundamental rights.

The network of fundamental rights experts was created by the European Commission in 2002 in response to a recommendation in the European Parliament's report\(^{34}\) on the state of fundamental rights in the European Union. The network assesses the fundamental rights situation through an annual report, on the basis of an analysis of the legislation, the case-law and the administrative practice of the national authorities of the Member States and in the institutions of the Union. The reference points for the evaluation are the rights set out in the European Union's Charter of Fundamental Rights. The results are published annually (so far, in 2003, 2004 and 2005).

\(^{34}\) 2000/2231(INI).
ANNEX 3

Glossary

**Activity:** A coherent area of action with objectives and resources. In other words, "Activities" consist of well-defined and delimited measures to which inputs are allocated and converted into outputs.

The policy for the development of an Area of Freedom, Security and Justice has been divided into different Activity-Based Management (ABB) activities such as:

- Activity 1802 “External borders, visa policy and free movement of persons”,
- Activity 1803 “Common immigration and asylum policies”,
- Activity 1804 “Citizenship and fundamental rights”,
- Activity 1805 “Law enforcement cooperation and prevention of and fight against general organised crime”,
- Activity 1806 “Establishing a genuine European area of justice in criminal and civil matters”,
- Activity 1807 “Coordination in the field of drugs”.

**Evaluation:** “Judgement of interventions according to their results, impacts and the needs they aim to satisfy”. It is a process undertaken by the Commission in order to identify what can be learned for policy and planning.

**Ex ante/ex post evaluation**

*Ex ante* evaluation: Evaluation performed before implementation of a measure. For the purposes of the Commission, *ex ante* evaluation is defined as a process that supports the preparation of proposals for new or renewed Community activities. Its purpose is to gather information and carry out analyses that help to define objectives and to ensure that these objectives can be met, that the instruments used are cost-effective and that reliable subsequent evaluation will be possible.

Intermediate (or mid-term) evaluation: Evaluation performed during implementation of a measure. If the evaluation extends throughout the period of implementation, this is also called "on-going evaluation". This type of evaluation critically appraises the first outputs and results, in order to assess the quality of monitoring and implementation of the measure. The main focus is to help to prepare adjustments and reprogramming and to provide input for the preliminary deliberations on the future of the measures.

*Ex post* evaluation: Evaluation conducted either on or after completion of a measure. The main interest is overall assessment of the measure, in particular by analysing the impact

achieved and examining its efficiency. The objective is to understand the reasons for success or failure and the sustainability of the results and impact. It also tries to draw conclusions that can be applied generally to other measures.

**Impact:** A general term used to describe the effects of a measure on society. Impact can be either positive or negative and foreseen or unforeseen. Initial effects are called outcomes/results, whilst impact is usually longer-term.

**Impact assessment:** Impact assessment is about examining the likely economic, social and environmental impact of the Commission's proposals. It identifies and assesses the issue at stake and the objectives pursued. It identifies the main options for achieving the objectives and analyses their likely impact. It outlines the advantages and disadvantages of each option as well as synergies and trade-offs.

**Indicators:** A characteristic or attribute which can be measured to assess an activity in terms of its outputs or impacts. Output indicators are normally straightforward. Impact indicators may be more difficult to obtain, and it is often appropriate to rely on indirect indicators as proxies. Indicators can be either quantitative or qualitative.

**Monitoring:** A continuous process of examining delivery in terms of adoption and implementation of different measures, especially legislation. It is not to be confused with programme monitoring, which consists of examining the delivery of programme outputs to the intended beneficiaries. Evaluation, on the other hand, is carried out at a discrete point in time, and consists of an in-depth study. Monitoring generates data which can be used in evaluations.

**Outcomes/results:** The intermediate effects of a measure.

**Policy:** A set of activities, which may differ in type (programmes, measures, procedures, laws or rules) and beneficiaries or target groups, directed towards common general objectives or goals. Unlike projects and programmes, a policy is not usually delimited in terms of time or budget.

**Policy area:** Within the EU the concept *policy* may designate various scope and levels of complexity, ranging from an overall Commission strategy or objective over a policy area to an ABB-activity. In this context, a policy will normally embrace a range of instruments. At Commission level, the ABB-activities (215 altogether) have been grouped into some 30 policy areas, closely identifiable with Directorates-General. This Communication deals with policy area 18: Freedom, security and justice.

**Policy instruments:** A set of techniques by which public authorities attempt to ensure support and to effect or prevent social change. In this sense, there is a strong emphasis on the dynamic evolving nature of policies, with individual policy instruments being added, withdrawn or redesigned over time. The variety of available policy instruments includes, for example, legislation such as regulations or directives and may involve resource commitments, for example in the form of operational programmes; they also include Communications, action plans, etc. However, policy instruments differ significantly in the way in which they bring about results and impacts and the timescales over which these can be expected.
**Programme**: A set of organised but often varied actions (a programme may encompass several different projects, measures and processes) directed towards achieving specific objectives, often with a definite time schedule and budget.