INTRODUCTION

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

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

The objectives of the framework programme are the following:

— to promote judicial cooperation in civil matters, aiming in particular at ensuring legal certainty and improving access to justice, promoting mutual recognition of judicial decisions and judgments, promoting the necessary approximation of legislation, or eliminating obstacles created by disparities in civil law and civil procedures,

— to improve mutual knowledge of Member States' legal and judicial systems in civil matters,

— to ensure the sound implementation and application of Community instruments in the area of judicial cooperation in civil matters, and

— to improve information to the public on access to justice, judicial cooperation and the legal systems of the Member States in civil matters.

The budget available for 2002 is EUR 3 000 000. The following types of actions will be financed within this budget:

— specific actions taken at the initiative of the Commission,

— actions providing financial support for specific projects of Community interest, and

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

The second type of action corresponds basically to the type of actions carried out under the previous Grotius-civil programme 2001.

This annual programme, which covers the priorities for 2002, consists of three parts: A description of the specific actions the Commission intends to undertake (part A), a call for proposals for support of specific projects (part B), and a call for proposals for support of NGOs (part C). The indicative minimum budget to be allocated for this year for the calls for proposals (part B and part C) will be EUR 1 000 000.

A. COMMISSION ACTIONS

The Commission intends to undertake the following actions in 2002.

— European Judicial Atlas in civil matters. An informatics tool in the form of a database available in all official languages of the European Union will be created, to be made accessible via the Internet. The purpose of the tool is to provide user-friendly access to information relevant for judicial cooperation in civil matters. Every professional and every citizen should easily be able to identify the competent authorities with which he can apply for certain purposes, in particular:

— finding courts with territorial competence,

— serving documents,

— taking evidence,

— enforcing judgments, and

— other issues.

Furthermore, the corresponding procedures shall be facilitated as far as possible by enabling the user to access an informatic tool based on the different forms that need to be filled in for application of the different legal instruments.

— As for the Brussels Convention of 1968, it can be expected that the application of the Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I) will give rise to a substantial jurisprudence. The uniform application of the Regulation throughout the Community is essential for its good functioning. Moreover, the Regulation foresees a report from the Commission on its application five years after it has entered into force.

The application of the Regulation in the Member States would be the main focus of a database designed to assemble judgments and decisions delivered by the courts of the Member States on the application of the Regulation as well as on the application of the Brussels Convention of 1968 and the Lugano Convention of 1988. The information collected will contribute to the evaluation of the functioning of the Regulation and will provide information for legal practitioners and the public. It will also contribute to the uniform application of the Regulation.

The action will thus consist of the design, creation and updating of a database on the jurisprudence of the courts of the Member States on the application of the Regulation.

— Joint conference with the Council of Europe on access to justice, Brussels, October 2002. Around 200 participants. Focus on how to best provide a further follow-up to the Tampere conclusions, going beyond the initiatives that have been presented or are currently planned, in particular with a view to meeting the expectations of citizens on the information to be provided by public authorities.

— Launching of an information campaign aiming at awareness raising of legal practitioners on judicial cooperation in civil matters in the European Community. A particular focus will be devoted to information on the functioning of the legal instruments in force, on the on-going work for preparation of new instruments, and to inform legal practitioners about the tools available for finding further information for these purposes. The overall objective will be to stress the importance for legal practitioners to continuously monitor legal developments at European level as closely as at national level.

Interested parties should not submit any tender, proposal or expression of interest of any kind in relation to the above actions at this stage. The relevant calls for tenders will be published in accordance with the procedures applicable thereto.

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

1. Eligible applicants — who can apply?

Projects may be submitted by institutions and public or private organisations, including professional organisations, research institutes and legal and judicial training/further training institutes for legal practitioners. For reference, it may be noted that the same types of applicants are eligible for support under the framework programme as under Grotius-civil 2001.

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

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

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

Projects should be scheduled to start between 1 October and 31 December 2002 and to finish before 31 December 2003, at the latest.

Projects must involve at least three Member States (1).

Projects may also associate practitioners from Denmark, from the candidate countries where this would contribute to their preparation for accession, or from other countries not participating in this framework for activities where this serves the aims of the projects.

As concerns projects involving the candidate countries, it should be noted that this framework programme is not intended to provide pre-accession assistance. Proposals having such assistance as their main objective will therefore not be considered eligible. Support for such projects may be sought from the Commission’s pre-accession instruments such as Phare. Further information is available from the Commission’s website http://europa.eu.int/comm/enlargement/pas/paa.htm

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

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

2.1. Projects aimed at promoting judicial cooperation in civil matters

Scope

Projects with this objective may consist of studies and research or meetings and seminars, or a combination of both. Projects can cover any topic in the area of judicial cooperation in civil matters.

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

Projects focusing on the following topic: Identification of best practices in the Member States on efficiency of justice in civil matters, notably in cross-border situations involving enforcement of judgments and decisions, service of documents, and the award of legal aid to facilitate access to justice.

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

Scope

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

Specific priority

Projects consisting of exchange and work experience placements.

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

Scope

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

Specific priority

Projects consisting of training on EC Regulations adopted on the basis of Article 61(c) of the TEC (1).

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

Scope

Projects with this objective may consist of dissemination of information.

Specific priority

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

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

The maximum rate of co-financing by the Commission is 60 % of the total eligible costs of the project. By way of exception 80 % can be awarded provided that the applicant can justify why other, sufficiently large sources of co-financing cannot be found. The rules on eligible costs are described in the Vade-mecum on grant management. It may be noted that contributions in kind are not eligible costs, but are taken into account in calculating the rate of funding granted by the Commission for the project.

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

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

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

The Commission grant will be paid in two instalments: by way of an advance (generally 30 % of the total grant) upon signature of the grant agreement, and the balance upon receipt and approval by the Commission of the final report and final financial statement of the project. Consequently pre-financing by the applicants of the projects is presumed.

4. The application — how should it be presented?

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

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

4.1. Application form

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

(1) Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.
4.2. Budget form

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

4.3. Detailed project description

Applicants must submit a separate detailed description of their project proposal. There is no form to be used for this description.

4.4. Financial identification form

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

4.5. Other documentation to be included:

— The applicant's articles of association or statutes as relevant, allowing for verification that they are properly constituted under the law,

— audited accounts, where available (for non-governmental organisations only), and

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

5. Selection and evaluation of proposals

5.1. Selection criteria

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

— Sufficient operational, financial and professional capacity of the applicant to complete the project,

— correspondence of the project proposal to the scope of one of the four types of projects described under sections 2.1 to 2.4,

— no substantial overlap or duplication in relation to other activities, including in relation to previous projects financed under the Grotius or Grotius-civil programmes. A list of previous projects can be found on the Commission's website,

— a sufficiently detailed budget allowing for an assessment of all individual costs that the applicant expects to incur in the implementation of the project. The budget must demonstrate a satisfactory level of value for money, that is, the expected results of the project compared to the grant requested. It must also show that the grant requested is the minimum necessary for completing the project,

— a sufficiently detailed description of the project, giving a clear picture of the steps the applicant foresees for meeting the objectives of the project. The description must show that the project is well thought out, sufficiently prepared, and realistic in terms of its scope and the timetable for its implementation,

— as concerns the types of projects described under section 2.1, the project must have a problem-solving approach, aimed at producing operational conclusions allowing for further progress at European level on the given topic,

— the target group for the proposal: the project must be directed towards legal practitioners, with the exception for the types of projects described under section 2.4, which should target the public at large or specific groups thereof.

5.2. Evaluation criteria and priorities

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

Criteria

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

— Ability of the project to reach the chosen objective, in particular in terms of the relevance of the expected results and practical impact. Applicants should pay attention to the current state-of-play at European level for their chosen topic, having regard to the Tampere conclusions (1), the programme on mutual recognition (2), and the Commission’s scoreboard (3),

— problem-solving orientation and methodology. As appropriate for each type of project, it should be demonstrated that the objective of the project reflects a clearly identified need for action,


— European dimension. A larger geographical scope of the project will be regarded as positive, in terms of partners, participants, and target group for the project in question,

— measures foreseen to ensure dissemination of the results,

— complementarity with other past, present or future activities. This may relate to all relevant activities, whether previously financed under the Grotius or Grotius-civil programmes or not,

— size of the action, in particular in terms of economies of scale and cost-effectiveness, but also in terms of participants and target group and range of topics covered. As a general rule priority will be given to large projects.

Allocation of points

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

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

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

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

C. CALL FOR PROPOSALS: CO-FINANCING OF THE ACTIVITIES OF NON-GOVERNMENTAL ORGANISATIONS

Grants awarded under this heading are not intended to co-finance the implementation of a specific project but to support the activities included in the annual activity programme 2003 of eligible organisations.

1. Eligible applicants — who can apply?

Non-governmental organisations meeting the following criteria can apply:

— they must be non-profit organisations,

— they must be constituted in accordance with the law of one of the Member States (with the exception of Denmark),

— they must pursue activities with a European dimension and involve, as a general rule, at least half of the Member States,

— the aims of their activities must include one or more of the objectives of this framework programme (see above under 'Introduction').

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

The maximum rate of co-financing by the Commission is 60 % of the total eligible costs the applicant expects to incur in carrying out its activities during 2003. By way of exception 80 % can be awarded provided that the applicant can justify why other, sufficiently large sources of co-financing cannot be found.

Eligible costs are those necessary to enable the organisation to pursue its stated goals. Ineligible costs are the same as those for support to specific projects, except that all reasonable overheads are eligible. It should be noted that any expenditure yielding an increase in the applicant's capital is excluded.

The minimum grant that can be requested is EUR 50 000. The maximum grant that can be awarded is EUR 100 000.

The remaining funding of the organisation's budget must come from other sources. Contributions in kind do not count as external co-financing.

Co-financing of the activities of an organisation under this framework cannot be combined with any other co-financing of the activities from the budget of the European Communities.

If an organisation realises a surplus of income over expenditure at the end of the financial year a repayment of part of the grant paid out by the Commission may have to be made.

The Commission grant will be paid in two instalments: by way of an advance (generally 50 % of the total grant) upon signature of the grant agreement, and the balance upon receipt and approval by the Commission of the final report and final financial statement. Consequently pre-financing by the applicants of the activities is presumed.
3. The application — how should it be made?

Applications must comprise the parts set out under 3.1 to 3.4 below. The application form, the budget and the annual activity programme for 2003 must be submitted with three extra copies. Applications lacking any of these parts at the expiry of the deadline for submitting applications will be disqualified. Forms or other documentation completed by hand will not be taken into account. Applicants are free to submit any further documentation they consider appropriate in support of their application.

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

3.1. Application form

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

3.2. Budget

The applicant’s provisional budget for the financial year 2003 must be submitted, providing a detailed breakdown of the estimates of all its costs and revenues.

3.3. Financial identification form

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

3.4. Other documentation to be included:

— The applicant’s articles of association or statutes as relevant, allowing for verification that they are properly constituted under the law,
— annual activity programme for the applicant for 2003, describing in detail its planned activities,
— report or description of the activities carried out or being carried out by the organisation during 2001 and 2002,
— an organisation chart and a description of the tasks of staff, including CVs for the staff responsible for the activities to be carried out,
— a full list of other fund providers,
— proof of an organised accounting system,
— the latest financial statements (balance-sheet, profit-and-loss account), including audited accounts where available.

4. Selection and evaluation

4.1. Selection criteria

The proposals will be assessed against the following selection criteria:

— Sufficient operational, financial and professional capacity of the applicant,
— a sufficiently detailed budget allowing for an assessment of all individual costs that the applicant expects to incur in the implementation of its activities. The budget must demonstrate a satisfactory level of value for money, that is, the expected results compared to the grant requested. It must also show that the grant requested is the minimum necessary to implement the activities foreseen and that administrative costs are kept to a strict minimum,
— a sufficiently detailed description of the activities foreseen, giving a clear picture of the activities the applicant foresees for meeting its objectives. The description must show that the activities are well thought out, sufficiently prepared, and realistic in terms of their scope and the timetable for its implementation.

4.2. Evaluation criteria

Only proposals meeting the selection criteria described above will be subject to in-depth evaluation. The proposals will be evaluated against the following criteria, with maximum points to be allocated under each criterion as indicated below:

— Ability of the organisation to contribute to the objectives of this framework programme, in particular in terms of the relevance of the results and practical impact (maximum 30 points),
— problem-solving orientation. It should be demonstrated that the objective(s) of its activities meets a clearly identified need (maximum 30 points),
— European dimension. A larger geographical scope of the activities will be regarded as positive, in terms of partners, participants, and target group for the activities in question (maximum 10 points),
— measures foreseen to ensure dissemination of the results (maximum 10 points),
— complementarity with other past, present or future activities (maximum 10 points),
— size and scope of the activities foreseen, in particular in terms of economies of scale and cost-effectiveness, but also in terms of participants and target group and range of activities covered, as appropriate (maximum 10 points).

Proposals will be ranked according to the points allocated in the evaluation. The Commission will select a maximum of four organisations for support, subject to budgetary constraints.
PRACTICAL INFORMATION

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

Applicants should note that separate application forms are to be used for proposals under points B and C respectively of this annual programme. The financial identification form is the same for both. The budget form is only to be used for the call for proposals under point B.

The forms can be downloaded from the following website: http://europa.eu.int/comm/justice_home/jai/prog_en.htm

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

Applications should be sent to the address indicated above or handed in at Rue de Luxembourg 46, Brussels. Applications sent by fax or by electronic mail will not be accepted. Applicants are encouraged to enclose a diskette containing the application form (as a Word file) and the budget form (as applicable) as well.

The Vade-mecum on grant management is available from the website mentioned above. All applicants are assumed to have taken note of the rules in this Vade-mecum.

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

2. Deadline for applying

The last date for submitting applications is 16 August 2002. The date of postmark will count. For applications submitted by hand the deadline is at 17.00 on the same date.

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

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

The Commission will take its final decision on the selection of proposals after hearing the opinion of the Member State committee set up by the Regulation. All applicants will be informed in writing of the outcome as concerns their application no later than 30 November 2002. The Commission will not give any pre-information to applicants concerning the outcome of the selection before the final decision has been made.

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