

Wednesday 13 February 2019

P8\_TA(2019)0097

**Justice programme \*\*\*I**

**Amendments adopted by the European Parliament on 13 February 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the Justice programme (COM(2018)0384 — C8-0235/2018 — 2018/0208(COD))<sup>(1)</sup>**

**(Ordinary legislative procedure: first reading)**

(2020/C 449/51)

**Amendment 1****Proposal for a regulation****Recital 1**

*Text proposed by the Commission*

- (1) According to Article 2 of the Treaty on European Union, 'the Union is founded on the values of respect for human dignity, freedom democracy, equality, the rule of law and the respect for human rights, including the rights of the persons belonging to minorities. These values are common to the Member States in a society where pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail'. Article 3 further specifies that the 'Union's aim is to promote peace, its values and the well-being of its people' and, among others, 'it shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced'. These values are further reaffirmed and articulated in the rights, freedoms and principles enshrined in the Charter of Fundamental Rights of the European Union ('the Charter').

*Amendment*

- (1) According to Article 2 of the Treaty on European Union, 'the Union is founded on the values of respect for human dignity, freedom democracy, equality, the rule of law and the respect for human rights, including the rights of the persons belonging to minorities. These values are common to the Member States in a society where pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail'. Article 3 further specifies that the 'Union's aim is to promote peace, its values and the well-being of its people' and, among others, 'it shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced'. **Article 8 TFEU further states that the Union shall, through all its activities, aim at eliminating inequalities, promote gender equality and combat discrimination when defining and implementing its policies and activities.** These values are further reaffirmed and articulated in the rights, freedoms and principles enshrined in the Charter of Fundamental Rights of the European Union ('the Charter') **and the UN Convention on the Rights of Persons with Disabilities.**

<sup>(1)</sup> The matter was referred back for interinstitutional negotiations to the committees responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0068/2019).

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**Amendment 2**  
**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

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*Amendment*

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- (1 a) ***In line with Articles 8 and 10 of the Treaty on the Functioning of the European Union, the Justice Programme in all its activities should support gender mainstreaming, including gender budgeting, and the mainstreaming of non-discrimination objectives.***

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**Amendment 3**  
**Proposal for a regulation**  
**Recital 2**

Text proposed by the Commission

- (2) These rights and values must continue to be promoted **and** enforced, shared among the citizens and peoples within the Union and be at the heart of Europe's societies, Therefore, a new Justice, Rights and Values Fund, comprising the Rights and Values and the Justice programmes shall be created in the Union budget. At a time where European societies are confronted with extremism, radicalism and divisions, it is more important than ever to promote, strengthen and defend justice, rights and EU values: human rights, respect for human dignity, freedom, democracy, equality, the rule of law. This will have profound and direct implications for political, social, cultural and economic life in the EU. As a part of the new Fund, the Rights and Values Programme will bring together the 2014-2020 Rights, Equality and Citizenship Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council<sup>(10)</sup> and the Europe for Citizens programme established by Regulation (EU) No 390/2014 of the Council<sup>(11)</sup>. The Justice programme (hereafter the 'Programme') will continue to support the development of an integrated European justice area and cross-border cooperation, in continuity with the 2014-2020 Justice Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council<sup>(12)</sup> (hereafter 'the predecessor Programme').

Amendment

- (2) These rights and values must continue to be **actively cultivated, protected**, promoted **by the Union and each Member State in all their policies, in a consistent way, as well as** enforced **and** shared among the citizens and peoples within the Union and be at the heart of Europe's societies, **At the same time, a properly functioning European area of justice and efficient, independent and quality national legal systems, as well as greater mutual trust, are necessary for a flourishing internal market and for upholding the common values of the Union.** Therefore, a new Justice, Rights and Values Fund, comprising the Rights and Values and the Justice programmes shall be created in the Union budget. At a time where European societies are confronted with extremism, radicalism, **polarisation** and divisions, **and proceedings under Article 7 of the Treaty on European Union, relating to systematic breaches of the rule of law, as well as infringement proceedings on issues relating to the rule of law in Member States, are ongoing**, it is more important than ever to promote, strengthen and defend justice, rights and EU values: human rights **and fundamental rights**, respect for human dignity, freedom, democracy, equality, **including gender equality, non-discrimination** and the rule of law, **since the deterioration of those rights and values in any Member State can have detrimental effects on the Union as a whole.** This will have profound and direct implications for political, social, cultural and economic life in the EU. As a part of the new Fund, the Rights and Values Programme will bring together the 2014-2020 Rights, Equality and Citizenship Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council<sup>(10)</sup> and the Europe for Citizens programme established by Regulation (EU) No 390/2014 of the Council<sup>(11)</sup>. The Justice programme (hereafter the 'Programme') will continue to support the development of an integrated European justice area and cross-border cooperation, in continuity with the 2014-2020 Justice Programme established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council<sup>(12)</sup> (hereafter 'the predecessor Programme').

<sup>(10)</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62)

<sup>(10)</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62)

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Text proposed by the Commission

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<sup>(11)</sup> Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period 2014-2020 (OJ L 115, 17.4.2014, p. 3)

<sup>(11)</sup> Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period 2014-2020 (OJ L 115, 17.4.2014, p. 3)

<sup>(12)</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62).

<sup>(12)</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62).

#### Amendment 4

#### Proposal for a regulation

#### Recital 3

Text proposed by the Commission

Amendment

(3) The Justice, Rights and Values Fund and its two underlying funding programmes will focus **primarily** on people and entities which contribute to make our common values, rights and rich diversity alive and vibrant. The ultimate objective is to nurture and sustain our rights-based, equal, inclusive and democratic society. **That includes** a vibrant civil society, **encouraging** people's democratic, civic and social participation **and to** fostering the rich diversity of European society, also based on our common history and memory. Article 11 of the EU Treaty **further specifies** that the institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

(3) The Justice, Rights and Values Fund and its two underlying funding programmes will focus on people and entities which contribute to make our common values, rights and rich diversity alive and vibrant. The ultimate objective is to nurture and sustain our rights-based, equal, **open**, inclusive and democratic society, **in particular by funding activities that promote** a vibrant, **well-developed, resilient and empowered** civil society, **enabling** people's democratic, civic and social participation, **and the proper application and implementation of human and fundamental rights**, fostering the rich diversity of European society, also based on our common history and memory. Article 11 of the EU Treaty **requires** that the institutions **shall maintain an open, transparent and regular dialogue with civil society and** shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. **This is particularly important in the light of the increasingly shrinking space for independent civil society in a number of Member States.**

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**Amendment 5**  
**Proposal for a regulation**  
**Recital 4**

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*Text proposed by the Commission*

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- (4) The Treaty on the Functioning of the European Union (TFEU) provides for the creation of an area of freedom, security and justice, with respect for fundamental rights and the different legal systems and traditions of the Member States. To that end, the Union may adopt measures to develop judicial cooperation in civil matters **and judicial cooperation in criminal matters** and to promote and support the action of Member States in the field of crime prevention. Respect for fundamental rights as well as for common principles and values, such as non-discrimination, **gender equality**, effective access to justice for all, the rule of law and a well-functioning independent judicial system **shall** be ensured in the further development of a European area of justice.

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*Amendment*

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- (4) The Treaty on the Functioning of the European Union (TFEU) provides for the creation of an area of freedom, security and justice, with respect for fundamental rights and the different legal systems and traditions of the Member States. **Respect for and promotion of the rule of law, fundamental rights and democracy within the Union are prerequisites for upholding all rights and obligations enshrined in the Treaties, and for building people's trust in the Union. The way in which the rule of law is implemented in the Member States plays a vital role in ensuring mutual trust among Member States and between their legal systems.** To that end, the Union may adopt measures to develop judicial cooperation in civil **and criminal matters and, when applicable, administrative** matters and to promote and support the action of Member States in the field of crime prevention, **focusing in particular on serious cross-border crimes, fiscal crimes, environmental crimes, terrorism and violations of fundamental rights, such as human trafficking, and in the field of victims' rights protection.** Respect for **human and** fundamental rights as well as for common principles and values, such as non-discrimination, **solidarity, equal treatment on the basis of any of the grounds listed in Article 21 of the Charter**, effective access to justice for all, the rule of law, **democracy** and a well-functioning independent judicial system **should** be ensured **and fostered** in the further development of a European area of justice **at local, regional and national levels.**

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**Amendment 6**  
**Proposal for a regulation**  
**Recital 4 a (new)**

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*Text proposed by the Commission*

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*Amendment*

- (4 a) *Article 81 TFEU explicitly provides that the Union may adopt legal acts for the approximation of laws of the Member States. Under the Treaty, such acts may be adopted inter alia for the mutual recognition and enforcement between Member States of judgments and extrajudicial decisions; the cross-border service of judicial and extrajudicial documents; the compatibility of the private international law rules applicable in the Member States concerning conflict of laws and of jurisdiction; cooperation in the taking of evidence; effective access to justice; the elimination of obstacles to the proper functioning of civil, criminal and administrative proceedings, which may include making national court procedures more compatible; the development of alternative dispute resolution (ADR); and support for training of the judiciary and judicial staff.*

**Amendment 7**  
**Proposal for a regulation**  
**Recital 5**

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*Text proposed by the Commission*

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*Amendment*

- (5) Financing **should remain** one of the important tools for the successful implementation of the ambitious goals set by the Treaties. They should be attained inter alia by establishing a flexible and effective Justice Programme which should facilitate planning and implementation of those goals.

- (5) Financing **is** one of the **most** important tools for the successful implementation of the ambitious goals set by the Treaties. They should be attained inter alia by establishing a flexible and effective Justice Programme which should facilitate planning and implementation of those goals, **taking into account which activities bring the highest Union added value, using key performance indicators, whenever possible.**

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**Amendment 8**  
**Proposal for a regulation**  
**Recital 5 a (new)**

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*Text proposed by the Commission*

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*Amendment*

- (5 a) *The Programme should aim to increase the flexibility and accessibility of its funds and provide the same funding opportunities and conditions for civil society organisations inside as for the ones outside the Union.*

**Amendment 9**  
**Proposal for a regulation**  
**Recital 6**

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*Text proposed by the Commission*

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*Amendment*

- (6) For the gradual establishment of an area of freedom, security and justice, the Union is to adopt measures relating to judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and judicial decisions, which is a cornerstone of judicial cooperation within the Union since the Tampere European Council of 15 and 16 October 1999. Mutual recognition requires a high level of mutual trust among Member States. Measures to approximate the laws of the Member States in several areas have been adopted to facilitate mutual recognition and foster mutual trust. A well-functioning area of justice, where obstacles in cross-border judicial proceedings and access to justice in cross-border situations are eliminated, is also key to ensure economic growth.

- (6) For the gradual establishment of an area of freedom, security and justice **for all**, the Union is to adopt measures relating to judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and judicial decisions, which is a cornerstone of judicial cooperation within the Union since the Tampere European Council of 15 and 16 October 1999. Mutual recognition requires a high level of mutual trust among Member States. Measures to approximate the laws of the Member States in several areas have been adopted to facilitate mutual recognition and foster mutual trust. A well-functioning area of justice, where obstacles in cross-border judicial proceedings and access to justice in cross-border situations are eliminated, is also key to ensure economic growth **and further integration.**

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**Amendment 10**  
**Proposal for a regulation**  
**Recital 6 a (new)**

*Text proposed by the Commission*

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*Amendment*

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(6 a) ***As recalled by the Court of Justice of the European Union in its case law <sup>(1a)</sup>, judicial independence forms part of the essence of the fundamental right to a fair trial and represents the basis for mutual trust and mutual recognition.***

<sup>(1a)</sup> CJEU, Grand Chamber, 27 February 2018, C-64/16, *Associação Sindical dos Juizes Portugueses*, ECLI:EU:C:2018:117; CJEU, Grand Chamber, 25 July 2018, C-216/18 PPU, L.M., ECLI:EU:C:2018:586.

**Amendment 11**  
**Proposal for a regulation**  
**Recital 6 b (new)**

*Text proposed by the Commission*

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*Amendment*

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(6 b) ***Access to justice should include, in particular, access to courts, to alternative methods of dispute settlement, and to public office-holders who are obliged by the law to provide parties with independent and impartial legal advice.***

**Amendment 12**  
**Proposal for a regulation**  
**Recital 6 c (new)**

*Text proposed by the Commission*

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*Amendment*

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(6 c) ***The incorporation of the gender perspective in justice systems should be considered an important goal to further develop the European area of justice. Intersectional discrimination in the justice system is still one of the main barriers in terms of women's equal access to justice. The programme should therefore actively contribute to the elimination of any discrimination and barriers to minorities, persons with disabilities, migrants, asylum seekers, elderly people, people living in remote areas or any vulnerable groups that might be faced with restrictions to access to justice, and support victim-friendly and gender sensitive procedures and decisions in judicial systems.***



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**Amendment 13**  
**Proposal for a regulation**  
**Recital 7**

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*Text proposed by the Commission*

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- (7) Respect **for** the rule of law is essential for a high level of mutual trust in the area of justice and home affairs, in particular for effective judicial cooperation in civil and criminal matters which is based on mutual recognition. The rule of law is one of the common values enshrined in Article TEU 2, and the principle of effective judicial protection provided for in Articles 19(1) TEU and 47 of the Charter of Fundamental Rights is a concrete expression of the rule of law. Promoting the rule of law by supporting the efforts to improve the independence, quality and efficiency of national justice systems enhances the mutual trust which is indispensable for judicial cooperation in civil and criminal matters.

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*Amendment*

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- (7) **Full respect and promotion of** the rule of law is essential for a high level of mutual trust in the area of **freedom, security and** justice and home affairs, in particular for effective judicial cooperation in civil and criminal matters which is based on mutual recognition. The rule of law is one of the common values enshrined in Article TEU 2, and the principle of effective judicial protection provided for in Articles 19(1) TEU and 47 of the Charter of Fundamental Rights is a concrete expression of the rule of law. Promoting the rule of law by supporting the efforts to improve the independence, **transparency, accountability,** quality and efficiency of national justice systems enhances the mutual trust which is indispensable for judicial cooperation in civil and criminal matters.

**Amendment 14**  
**Proposal for a regulation**  
**Recital 7 a (new)**

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*Text proposed by the Commission*

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*Amendment*

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- (7 a) **It is important to recall that justice means affirming the rule of law in society and ensuring for everyone the right to a fair trial by an independent and impartial court with a view to the protection of European values.**

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**Amendment 15**  
**Proposal for a regulation**  
**Recital 8**

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*Text proposed by the Commission*

- (8) Pursuant to Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the EU, the Union shall support the training of the judiciary and judicial staff as a tool to improve judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and of judicial decisions. Training of justice professionals is an important tool to develop a common understanding of how best to uphold the rule of law. It contributes to the building of the European area of justice by creating a common judicial culture among justice professionals of the Member States. It is essential to ensure the correct and coherent application of law in the Union and mutual trust between justice professionals in cross-border proceedings. The training activities supported by the Programme should be based on sound training needs' assessments, use state of the art training methodology, include cross-border events gathering justice professionals of different Member States, comprise active learning and networking elements and be sustainable.

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*Amendment*

- (8) Pursuant to Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the EU, the Union shall support the training of the judiciary and judicial staff as a tool to improve judicial cooperation in civil, and criminal **matters and, when applicable, administrative** matters based on the principle of mutual recognition of judgments and of judicial decisions. Training of justice professionals is an important tool to develop a common understanding of how best to **implement and** uphold the rule of law **and fundamental rights**. It contributes to the building of the European area of justice by creating a common judicial culture among justice professionals of the Member States. It is essential to ensure the **non-discriminatory**, correct and coherent application of law in the Union and mutual trust **and understanding** between justice professionals in cross-border proceedings. The training activities supported by the Programme should be based on sound training needs' assessments, use state of the art training methodology, include cross-border events gathering justice professionals, **including those working for civil society organisations**, of different Member States, comprise active learning and networking elements and be sustainable. **It should include training courses for judges, lawyers, prosecutors and police about the challenges and obstacles experienced by people in a vulnerable situation, including children, ethnic minorities, LGBTI people, persons with disabilities, victims of gender-based and other forms of interpersonal violence and victims of trafficking, and about how to ensure that victims of crimes are properly protected. Such training courses should be organised with the direct involvement of such persons and organisations representing or supporting them.**

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**Amendment 16**  
**Proposal for a regulation**  
**Recital 8 a (new)**

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*Text proposed by the Commission*

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*Amendment*

- (8 a) *Reasonable time-limits for proceedings serve the purpose of legal certainty, which is the key requirement for the rule of law.*

**Amendment 17**  
**Proposal for a regulation**  
**Recital 8 b (new)**

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*Text proposed by the Commission*

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*Amendment*

- (8 b) *Pursuant to Council Decision (EU) 2017/865 of 11 May 2017 on the signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, and the respective decision with regard to asylum and non-refoulement, the Programme should support the training of the judiciary and judicial staff with a view to raising awareness and promoting the practical application of the Convention within this scope to better protect victims of violence against women and girls across the Union.*

Wednesday 13 February 2019

**Amendment 18**  
**Proposal for a regulation**

**Recital 9**

*Text proposed by the Commission*

- (9) Judicial training can involve different actors, such as Member States' legal, judicial and administrative authorities, academic institutions, national bodies responsible for judicial training, European-level training organisations or networks, or networks of court coordinators of Union law. Bodies and entities pursuing a general European interest in the field of training of the judiciary, such as the European Judicial Training Network ('EJTN'), the Academy of European Law ('ERA'), the European Network of Councils for the Judiciary ('ENCJ'), the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union ('ACA-Europe'), the Network of the Presidents of Supreme Judicial Courts of the European Union ('RPCSJUE') and the European Institute of Public Administration ('EIPA'), should continue to play their role in promoting training programmes with a genuine European dimension for the judiciary and judicial staff, and could therefore be granted adequate financial support in accordance with the procedures and the criteria set out in the annual work programmes adopted by the Commission pursuant to this Regulation.

*Amendment*

- (9) Judicial training can involve different actors, such as Member States' legal, judicial and administrative authorities, academic institutions, national bodies responsible for judicial training, European-level training organisations or networks, or networks of court coordinators of Union law, **as well as relevant civil society organisations including those bringing forward representative actions.** Bodies and entities pursuing a general European interest in the field of training of the judiciary, such as the European Judicial Training Network ('EJTN'), the Academy of European Law ('ERA'), the European Network of Councils for the Judiciary ('ENCJ'), the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union ('ACA-Europe'), the Network of the Presidents of Supreme Judicial Courts of the European Union ('RPCSJUE') and the European Institute of Public Administration ('EIPA'), should continue to play their role in promoting training programmes with a genuine European dimension for the judiciary and judicial staff, and could therefore be granted adequate financial support in accordance with the procedures and the criteria set out in the annual work programmes adopted by the Commission pursuant to this Regulation. **In addition, organisations in the fields of fundamental rights, and professionals working with victims of violence as well as specialised academic institutions could also contribute to such training programmes, and should therefore be associated whenever relevant. Taking into account that women judges are under-represented in the top positions, women judges, prosecutors and other legal professions should be encouraged to participate in the training activities.**

**Amendment 19**  
**Proposal for a regulation**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

- (9 a) **The Member States should invest more in development of judicial training courses and continuous education for judges as such activities form a basis for an efficient, independent and impartial judicial system.**

Wednesday 13 February 2019

**Amendment 20**  
**Proposal for a regulation**  
**Recital 10 a (new)**

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*Text proposed by the Commission*

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*Amendment*

*(10 a) The programme should also support the promotion of best practices between courts specifically handling gender-based violence and the exchange of common resources and training materials on gender-based violence for judges, public prosecutors, lawyers, police and other professionals that come into contact with victims of gender based violence.*

**Amendment 21**  
**Proposal for a regulation**  
**Recital 11**

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*Text proposed by the Commission*

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*Amendment*

(11) Measures under the Programme should support enhanced mutual recognition of judicial decisions and judgments and the necessary approximation of legislation that will facilitate cooperation between all the relevant authorities, including Financial Intelligence Units, and the judicial protection of individual rights in civil and commercial matters. The Programme should also advance the procedural legislation for cross-border cases and greater convergence in civil law that will help to eliminate obstacles to good and efficient functioning judicial and extra-judicial procedures in benefit of all parties in a civil dispute. Finally, in order to support the effective enforcement and practical application of the Union law on judicial cooperation in civil matters, the Programme should support the functioning of the European Judicial Network in Civil and Commercial matters established by Council Decision 2001/470/EC.

(11) Measures under the Programme should support enhanced mutual recognition of judicial decisions and judgments, **mutual trust between Member States** and the necessary approximation of legislation that will facilitate cooperation between all the relevant authorities, including Financial Intelligence Units, and the judicial protection of individual rights in civil and commercial matters. The Programme should also advance the procedural legislation for cross-border cases **including mediation procedures, especially focusing on facilitating non-discriminatory access to justice for all**, and greater convergence, **in particular** in civil law that will help to eliminate obstacles to good and efficient functioning judicial and extra-judicial procedures in benefit of all parties in a civil dispute. Finally, in order to support the effective enforcement and practical application of the Union law on judicial cooperation in civil matters, the Programme should support the functioning of the European Judicial Network in Civil and Commercial matters established by Council Decision 2001/470/EC.

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**Amendment 22**  
**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

- (12) Pursuant to Article 3(3) of the TEU, Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child, the Programme should support the protection of the rights of the child, and should mainstream the promotion of the rights of the child in the implementation of all of its actions.

*Amendment*

- (12) Pursuant to Article 3(3) of the TEU, Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child, the Programme should support the protection of the rights of the child, and should mainstream the promotion of the rights of the child in the implementation of all of its actions. ***To this purpose, particular attention should be given to actions aimed at the protection of the rights of children in the context of civil and criminal justice, including the protection of children accompanying parents in detention and children of imprisoned parents. Appropriate support should also be considered in favour of training activities aimed at the proper implementation of Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.***

**Amendment 23**  
**Proposal for a regulation**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

- (12 a) ***Pursuant to Article 3(3) TEU, Article 23 of the Charter and the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), the Programme should support the protection of women's rights, and should mainstream the promotion of gender-based issues in the implementation of all of its actions. To ensure and strengthen women's and girls' access to justice in cases of gender-based violence, Member States should ratify the Istanbul Convention and adopt comprehensive legislation against gender-based violence in the Union.***

Wednesday 13 February 2019

**Amendment 24**  
**Proposal for a regulation**  
**Recital 12 b (new)**

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*Text proposed by the Commission*

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*Amendment*

*(12 b) Pursuant to the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, the Programme should support the protection of people belonging to racial or ethnic minorities, such as Roma, and mainstream the promotion of their rights in the implementation of all of its actions, in particular by strengthening anti-discrimination measures.*

**Amendment 25**  
**Proposal for a regulation**  
**Recital 13**

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*Text proposed by the Commission*

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*Amendment*

(13) The 2014-2020 Programme has enabled training activities on Union law, in particular on the scope and application of the Charter, targeted at members of the judiciary and other legal practitioners. In its conclusions of 12 October 2017 on the application of the Charter in 2016, the Council recalled the importance of awareness-raising on the application of the Charter, including among policymakers, legal practitioners and the rights holders themselves, at national as well as at Union level. Therefore, to mainstream fundamental rights in a consistent way, it is necessary to extend financial support to awareness-raising activities for other public authorities than judicial authorities and legal practitioners.

(13) The 2014-2020 Programme has enabled training activities on Union law, in particular on the scope and application of the Charter, targeted at members of the judiciary and other legal practitioners. In its conclusions of 12 October 2017 on the application of the Charter in 2016, the Council recalled the importance of awareness-raising on the application of the Charter, including among policymakers, legal practitioners and the rights holders themselves, at national as well as at Union level. Therefore, to mainstream fundamental rights in a consistent way, it is necessary to extend financial support to awareness-raising activities for other public authorities than judicial authorities and legal practitioners, **and for NGOs undertaking this task as well.**

Wednesday 13 February 2019

**Amendment 26**  
**Proposal for a regulation**

**Recital 14**

*Text proposed by the Commission*

- (14) Pursuant to Article 67 TFEU, the Union should constitute an area of freedom, security and justice with respect for fundamental rights, to which access to justice is instrumental. In order to facilitate effective access to justice, and with a view to foster the mutual trust which is indispensable for the good functioning of the area of freedom, security and justice, it is necessary to extend financial support to activities of other authorities than judicial authorities and legal practitioners, as well as of civil society organisations, which contribute to these objectives.

*Amendment*

- (14) Pursuant to Article 67 TFEU, the Union should constitute an area of freedom, security and justice with respect for fundamental rights, to which **non-discriminatory** access to justice **for all** is instrumental. In order to facilitate effective access to justice, and with a view to foster the mutual trust which is indispensable for the good functioning of the area of freedom, security and justice, it is necessary to extend financial support to activities of other authorities than judicial authorities **at national regional and local level**, and legal practitioners, as well as of civil society organisations **including those representing the rights of victims of crimes**, which contribute to these objectives. **In order to achieve access to justice for all, support should be given, in particular, to activities which facilitate effective and equal access to justice for people in a vulnerable situation such as children, ethnic minorities, LGBTI people, persons with disabilities, victims of gender-based and other forms of interpersonal violence and victims of trafficking and migrants, irrespective of their residence status.**

**Amendment 27**  
**Proposal for a regulation**

**Recital 15**

*Text proposed by the Commission*

- (15) Pursuant to Articles 8 and 10 TFEU, the Programme should **also** support the mainstreaming of equality **between women and men** and non-discrimination objectives in all its activities.

*Amendment*

- (15) Pursuant to Articles 8 and 10 TFEU, the Programme should **take a cross-cutting approach to promote gender equality and** support the mainstreaming of **gender equality** and non-discrimination objectives in all its activities. **Regular monitoring and evaluation should be carried out to assess the way in which those objectives are addressed in the Programme's activities.**



Wednesday 13 February 2019

**Amendment 28**  
**Proposal for a regulation**

**Recital 16**

*Text proposed by the Commission*

- (16) Actions covered by this Regulation should contribute to the creation of a European area of justice, increasing cross-border cooperation and networking and achieving the correct, coherent and consistent application of Union law. Funding activities should also contribute to a common understanding of the Union's values, the rule of law, to better knowledge of Union law and policies, to sharing know-how and best practices in using judicial cooperation instruments by all concerned stakeholders, as well as to a proliferation of interoperable digital solutions underpinning seamless and efficient cross-border cooperation, and should provide a sound analytical basis to support the development, enforcement and proper implementation of Union law and policies. Union intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover, the Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning.

*Amendment*

- (16) Actions covered by this Regulation should contribute to the creation of a European area of justice, **fostering the independence and efficiency of the legal system**, increasing cross-border cooperation and networking, **underpinning mutual trust between the Member State judiciaries** and achieving the correct, coherent and consistent application of Union law. **Particular attention should be given to the application of Union equality law and to a better implementation of and coordination between the various Union instruments for protection of victims.** Funding activities should also contribute to a common understanding of the Union's values, the rule of law, to better knowledge of Union law and policies, to sharing know-how and best practices in using judicial cooperation instruments by all concerned stakeholders, as well as to a proliferation **and promotion** of interoperable digital solutions underpinning seamless and efficient cross-border cooperation, and should provide a sound analytical basis to support the development, enforcement and proper **understanding and** implementation of Union law and policies. Union intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover, the Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning **and sharing of best practice.**

**Amendment 29**  
**Proposal for a regulation**

**Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

- (16 a) **The Programme should also contribute to enhancing cooperation with third countries whenever Union law has an extraterritorial application, to improve access to justice and facilitate tackling judicial and procedural challenges in particular in cases of human trafficking, and relating to climate change and corporate business responsibility.**

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**Amendment 30**  
**Proposal for a regulation**  
**Recital 16 b (new)**

*Text proposed by the Commission*

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*Amendment*

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**(16 b) As highlighted by the European Parliament's Report on the European Commission's 2017 Justice Scoreboard, there are still significant gender balance disparities among the Member States' judiciary and judicial staff, particularly, but not exclusively, in relation to the following aspects: the proportion of female judges in higher levels of the judiciary, transparency in appointments, reconciliation between work and non-work responsibilities and the existence of mentoring practices. The Programme should therefore support training activities seeking to address those disparities. Such activities could, for instance, be tailored for female professionals within Member States' judiciaries and judicial staff or, where adequate, target both female and male professionals, in an effort to raise awareness among all relevant staff.**

**Amendment 31**  
**Proposal for a regulation**  
**Recital 16 c (new)**

*Text proposed by the Commission*

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*Amendment*

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**(16 c) The Union's justice system does not deliver adequate justice and protection to women and girls, and consequently, victims of gender-based violence do not receive the necessary support. That also includes the lack of protection and support regarding victims of sex trafficking, refugee and migrant women, LGBTIQ-people and persons with disabilities.**

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**Amendment 32**  
**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

- (17) The Commission should ensure overall consistency, complementarity and synergies with the work of Union bodies, offices and agencies, such as EUROJUST, EU-LISA and the European Public Prosecutor Office, **and should** take stock of the work of other national and international actors in the areas covered by the Programme.

*Amendment*

- (17) The Commission should ensure overall consistency, complementarity and synergies with the work of Union bodies, offices and agencies, such as EUROJUST, **FRA, OLAF**, EU-LISA and the European Public Prosecutor Office, **in order to** take stock of the work of other national and international actors in the areas covered by the Programme **and recommend improvements, when necessary**.

**Amendment 33**  
**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

- (18) It is necessary to ensure the European added value of all actions and activities carried out within the Programme, their complementarity to Member States' activities, and their consistency with other Union activities. In order to ensure efficient allocation of funds from the general budget of the Union, consistency, complementarity and synergies should be sought between funding programmes supporting policy areas with close links to each other, in particular within the Justice, Rights and Values Fund — and thus with the Rights and Values Programme- and between the Programme and the Single Market Programme, Border management and Security, in particular the Asylum and Migration ('AMIF') and the Internal Security Funds, Strategic Infrastructure in particular the Digital Europe Programme, the Erasmus+ Programme, the Framework Programme for research and innovation, the Instrument for Pre-accession Assistance, and the LIFE Regulation <sup>(13)</sup>.

<sup>(13)</sup> Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 **Text with EEA relevance**

*Amendment*

- (18) It is necessary to ensure the **viability, visibility, the core principle of** European added value, **and sound financial management in the implementation** of all actions and activities carried out within the **Justice** Programme, their complementarity to Member States' activities, and their consistency with other Union activities. In order to ensure efficient **and performance-based** allocation of funds from the general budget of the Union, consistency, complementarity and synergies should be sought between funding programmes supporting policy areas with close links to each other, in particular within the Justice, Rights and Values Fund — and thus with the Rights and Values Programme- and between the Programme and the Single Market Programme, Border management and Security, in particular the Asylum and Migration ('AMIF') and the Internal Security Funds, Strategic Infrastructure in particular the Digital Europe Programme, the **European Social Fund+**, the Erasmus+ Programme, the Framework Programme for research and innovation, the Instrument for Pre-accession Assistance, and the LIFE Regulation <sup>(13)</sup>. **The implementation of the Justice Programme should be without prejudice to, and complemented by, Union legislation and policies regarding the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in Member States;**

<sup>(13)</sup> Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (**OJ L 347, 20.12.2013, p. 185**).

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**Amendment 34**  
**Proposal for a regulation**  
**Recital 19 a (new)**

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*Text proposed by the Commission*

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*Amendment*

*(19 a) Mechanisms to ensure a link between Union funding policies and Union values should be further refined, allowing the Commission to make a proposal to the Council to transfer resources allocated to a Member State under shared management to the Programme where that Member State is subject to procedures relating to Union values. A comprehensive Union mechanism on democracy, rule of law and fundamental rights should guarantee the regular and equal review of all Member States, providing the necessary information for the activation of measures related to general deficiencies of Union values in Member States. In order to ensure uniform implementation and in view of the importance of the financial effects of measures being imposed, implementing powers should be conferred on the Council which should act on the basis of a Commission proposal. To facilitate the adoption of decisions which are required to ensure effective action, reversed qualified majority voting should be used.*

**Amendment 35**  
**Proposal for a regulation**  
**Recital 19 b (new)**

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*Text proposed by the Commission*

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*Amendment*

*(19 b) It is important to ensure sound financial management of the programme and its implementation in the most effective and user-friendly manner possible, while also ensuring legal certainty and the accessibility of the programme to all participants.*

**Amendment 36**  
**Proposal for a regulation**  
**Recital 19 c (new)**

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*Text proposed by the Commission*

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*Amendment*

*(19 c) Improving implementation and the quality of spending should constitute guiding principles for achieving the objectives of the programme while ensuring optimal use of the financial resources.*

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**Amendment 37**  
**Proposal for a regulation**

**Recital 20**

*Text proposed by the Commission*

- (20) Regulation (EU, Euratom) No [the new FR] (the 'Financial Regulation') applies to this Programme. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation, financial assistance, financial instruments and budgetary guarantees.

*Amendment*

- (20) Regulation (EU, Euratom) No [the new FR] (the 'Financial Regulation') applies to this Programme. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation, financial assistance, financial instruments and budgetary guarantees **and demands full transparency on the use of resources, sound financial management and prudent use of resources. In particular, rules concerning the possibility for local, regional, national and transnational civil society organisations to be funded through multiannual operating grants, cascading grants, provisions ensuring fast and flexible grant-making procedures, such as a two-step-application procedure, user-friendly applications and reporting procedures should be operationalised and further strengthened as part of the implementation of this Programme. Co-funding criteria should take into account volunteer work.**

**Amendment 38**  
**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

- (21) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates **and** unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.

*Amendment*

- (21) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver **the desired** results, taking into account, in particular, the costs of controls, the administrative burden, **the size and capacity of relevant stakeholders and targeted beneficiaries**, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates, unit costs **and cascading grants**, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.

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**Amendment 39**  
**Proposal for a regulation**  
**Recital 22**

Text proposed by the Commission

Amendment

(22) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council <sup>(15)</sup>, Council Regulation (Euratom, EC) No 2988/95 <sup>(16)</sup> Council Regulation (Euratom, EC) No 2185/96 <sup>(17)</sup> and Council Regulation (EU) 2017/1939 <sup>(18)</sup> the financial interests of the Union are to be protected through proportionate measures, including **the** prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) **may** carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) **may** investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council <sup>(19)</sup> In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

(22) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council <sup>(15)</sup>, Council Regulation (Euratom, EC) No 2988/95 <sup>(16)</sup> Council Regulation (Euratom, EC) No 2185/96 <sup>(17)</sup> and Council Regulation (EU) 2017/1939 <sup>(18)</sup> the financial interests of the Union are to be protected through proportionate measures, including **complete transparency of the Programme financing and selection procedures**, prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) **should** carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) **should** investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council <sup>(19)</sup> In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

<sup>(15)</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999, (OJ L 248, 18.9.2013, p. 1).

<sup>(15)</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999, (OJ L 248, 18.9.2013, p. 1).

<sup>(16)</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

<sup>(16)</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

<sup>(17)</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>(17)</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

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*Text proposed by the Commission**Amendment*

<sup>(18)</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

<sup>(18)</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

<sup>(19)</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

<sup>(19)</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

**Amendment 40****Proposal for a regulation****Recital 23***Text proposed by the Commission**Amendment*

(23) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.

(23) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, **human rights bodies and networks, including national institutions responsible for the protection of human rights in each Member State, bodies and networks responsible for non-discrimination and equality policies, ombudsmen, the European Agency for Fundamental Rights (FRA)**, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences, **and enhance their synergies and cooperation. It should be possible to include third countries especially whenever their involvement fosters the objectives of the programme, taking note that it is in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions or similar agreements;**

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**Amendment 41**  
**Proposal for a regulation**  
**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

(24 a) *The proposal for a regulation of the European Parliament and the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States aims to equip the Union to better protect its budget when weaknesses in the rule of law impair or threaten to impair sound financial management of the financial interests of the Union. It should complement the Justice programme the role of which is different, namely to further support the development of a European Area of Justice that is based on the rule of law and mutual trust, and to ensure people can enjoy their rights.*

**Amendment 42**  
**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

*Amendment*

(25) Pursuant to [reference to be updated as appropriate according to a new decision on OCTs: Article 94 of Council Decision 2013/755/EU <sup>(1)</sup>], persons and entities established in overseas countries and territories are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.

(25) Pursuant to [reference to be updated as appropriate according to a new decision on OCTs: Article 94 of Council Decision 2013/755/EU <sup>(1)</sup>], persons and entities established in overseas countries and territories are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked. **It is essential that the Programme ensure that such persons and entities are sufficiently informed about their eligibility for funding.**

<sup>(1)</sup> Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

<sup>(1)</sup> Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

**Amendment 43**  
**Proposal for a regulation**  
**Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

(25 a) **Based on their importance and relevance, this Programme should contribute to fulfilling the commitment of the Union and its Member States to achieving the Sustainable Development Goals.**



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**Amendment 44**  
**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

- (27) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on **Member States**. These requirements, where **appropriate, can** include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.

*Amendment*

- (27) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on **Programme beneficiaries**. These requirements, where **possible, should** include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.

**Amendment 45**  
**Proposal for a regulation**  
**Article 1 — paragraph 2**

*Text proposed by the Commission*

It lays down the objectives of the Programme, the budget for the period 2021 — 2027, the forms of Union funding and the rules for providing such funding.

*Amendment*

It lays down the objectives of the Programme, the budget for the period **1 January** 2021 — **31 December** 2027, the forms of Union funding and the rules for providing such funding.

**Amendment 46**  
**Proposal for a regulation**  
**Article 2 — paragraph 1 — point 1**

*Text proposed by the Commission*

1. 'Judiciary and judicial staff' means judges, prosecutors and court staff, as well as other justice professionals associated with the judiciary, such as lawyers, notaries, bailiffs or enforcement officers, insolvency practitioners, mediators, court interpreters and translators, court experts, prison staff and probation officers.

*Amendment*

1. 'Judiciary and judicial staff' means judges, prosecutors and court staff, as well as other justice professionals associated with the judiciary, such as **defence and prosecution** lawyers, notaries, bailiffs or enforcement officers, insolvency practitioners, mediators, court interpreters and translators, court experts, prison staff and probation officers.

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#### Amendment 47

#### Proposal for a regulation

#### Article 3 — paragraph 1

*Text proposed by the Commission*

1. The Programme has the general objective of contributing to the further development of a European area of justice based on the rule of law, on mutual recognition **and** mutual trust;

*Amendment*

1. The Programme has the general objective of contributing to the further development of a European area of **freedom, security and** justice based on the rule of law, **including the independence of judges and impartiality of justice**, on mutual recognition, mutual trust **and cross-border cooperation, thereby also contributing to the development of democracy, rule of law and fundamental rights**;

#### Amendment 48

#### Proposal for a regulation

#### Article 3 — paragraph 2 — introductory part

*Text proposed by the Commission*

2. The Programme has the following specific objectives, **as further detailed in Annex I**:

*Amendment*

2. The Programme has the following specific objectives:

#### Amendment 49

#### Proposal for a regulation

#### Article 3 — paragraph 2 — point a

*Text proposed by the Commission*

(a) to facilitate and support judicial cooperation in civil and criminal matters, and to promote the rule of law including by supporting the efforts to improve the effectiveness of national justice systems **and the** enforcement of **decision**;

*Amendment*

(a) **within a framework of democracy and respect of fundamental rights**, to facilitate and support judicial cooperation in civil and criminal matters, **including cooperation beyond Union borders whenever Union law has extraterritorial applications, to strengthen access to justice for natural and legal persons** and to promote the rule of law **and the independence of the judiciary**, including by supporting the efforts to improve the effectiveness of national justice systems, **the adequate** enforcement of **judicial decisions and the protection of victims**;

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## Amendment 50

## Proposal for a regulation

## Article 3 — paragraph 2 — point b

Text proposed by the Commission

- (b) to support and promote judicial training, with a view to fostering a common legal, judicial and rule of law culture;

Amendment

- (b) to support and promote ***national and transnational*** judicial training, ***including legal terminology*** training, with a view to fostering a common legal, judicial and rule of law culture, ***as well as the consistent and effective implementation of the Union's legal instruments on mutual recognition and procedural safeguards. Such training shall be gender sensitive, take into account the specific needs of children and persons with disabilities, be victim-oriented, where applicable, and cover, in particular, civil and criminal law and, where applicable, administrative law, fundamental rights as well as the fight against terrorism and radicalisation;***

## Amendment 51

## Proposal for a regulation

## Article 3 — paragraph 2 — point c

Text proposed by the Commission

- (c) to facilitate effective access to justice for all and effective redress, including by electronic means, by promoting efficient civil and criminal procedures and by promoting and supporting the rights of victims of crime as well as the procedural rights of suspects and accused persons in criminal proceedings.

Amendment

- (c) to facilitate effective ***and non-discriminatory*** access to justice for all, ***with the emphasis on inequalities and discrimination on any ground, such as the grounds listed in Article 21 of the Charter***, and effective redress, including by electronic means (***e-justice***), by promoting efficient civil, and criminal procedures ***and, where applicable, administrative procedures***, and by promoting and supporting the rights of ***all*** victims of crime as well as the procedural rights of suspects and accused persons in criminal proceedings, ***giving particular attention to children and women.***

## Amendment 52

## Proposal for a regulation

## Article 3 — paragraph 2 — point c a (new)

Text proposed by the Commission

Amendment

- (ca) ***to promote the practical application of drug-related research, to support civil society organisations, to expand the knowledge base in the field, and develop innovative methods of addressing the phenomena of new psychoactive substances and trafficking in human beings and goods.***

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### Amendment 53

#### Proposal for a regulation

#### Article 3 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

**2 a. In the implementation of all of its actions, the Programme shall seek to support and promote, as a horizontal objective, the protection of equal rights and the principle of non-discrimination enshrined in Article 21 of the Charter.**

### Amendment 54

#### Proposal for a regulation

#### Article 4 — paragraph 1

Text proposed by the Commission

Amendment

1. The financial envelope for the implementation of the Programme for the period 2021 — 2027 shall be EUR [305 000 000] in current prices.

**1. Within the meaning of [reference to be updated as appropriate according to the new inter-institutional agreement] point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, the financial envelope for the implementation of the Programme for the period 2021 — 2027, representing the prime reference for the budgetary authority during the annual budgetary procedure, shall be EUR 316 000 000 in 2018 prices (EUR 356 000 000 in current prices).**

### Amendment 55

#### Proposal for a regulation

#### Article 4 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

**2 a. The budget allocated for actions linked to the promotion of gender equality shall be indicated annually;**

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**Amendment 56****Proposal for a regulation****Article 4 — paragraph 4***Text proposed by the Commission*

4. Resources allocated to Member States under shared management may, at their request, be transferred to the Programme. The Commission shall implement those resources directly in accordance with Article 62(1)(a) of the Financial Regulation **or indirectly in accordance with Article 62(1)(c)**. Where possible those resources shall be used for the benefit of the Member State concerned.

*Amendment*

4. Resources allocated to Member States under shared management may, at their request, **or at the request of the Commission**, be transferred to the Programme. The Commission shall implement those resources directly in accordance with Article 62(1)(a) of the Financial Regulation. Where possible those resources shall be used for the benefit of the Member State concerned.

**Amendment 58****Proposal for a regulation****Article 6 — paragraph 2***Text proposed by the Commission*

2. The Programme may provide funding in any of the forms laid down in the Financial Regulation.

*Amendment*

2. The Programme may provide funding in any of the forms laid down in the Financial Regulation, **primarily through action grants as well as annual and multiannual operating grants. That funding shall ensure sound financial management, prudent use of public funds, lower levels of administrative burden for the Programme operator and for beneficiaries, as well as accessibility of the Programme funds to potential beneficiaries. It may use lump sums, unit costs, flat rates, cascading grants and financial support to third parties. Co-funding shall be accepted in kind, and may be waived in cases of limited complementary funding.**

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**Amendment 59**  
**Proposal for a regulation**  
**Article 7**

Text proposed by the Commission

Amendment

Article 7

Article 7

Type of actions

Type of actions

Actions contributing to the achievement of a specific objective specified in Article 3 may receive funding under this Regulation. In particular, activities **listed in Annex I** shall be eligible for funding.

Actions contributing to the achievement of a specific objective specified in Article 3 may receive funding under this Regulation. In particular, **the following** activities shall be eligible for funding:

- (1) *awareness-raising, dissemination of information to improve the knowledge of Union policies and of Union law including substantive and procedural law, of judicial cooperation instruments, of the relevant case-law of the Court of Justice of the European Union, and of comparative law and of European and international standards, with a special focus on increasing the understanding of multi-, cross- and interdisciplinary areas of law, such as trade and human rights, and on how to facilitate extraterritorial litigation;*
- (2) *mutual learning through exchange of good practices among stakeholders, including civil society organisations, to improve knowledge and mutual understanding of the civil and criminal law and the legal and judicial systems of the Member States, including the rule of law and access to justice, and through enhancing mutual trust as well as exchange of good practices relating to a child-friendly justice and the promotion and incorporation of the gender perspective throughout the judicial system;*
- (3) *training courses for judges, lawyers, prosecutors and police and other people working in the justice system about the challenges and obstacles experienced by people in a vulnerable situation including children, ethnic minorities, LGBTI people, persons with disabilities, victims of gender-based and other forms of interpersonal violence and victims of trafficking, and about how to ensure victims of crimes are properly protected;*
- (4) *analytical and monitoring activities to improve the knowledge and understanding of potential obstacles to the smooth functioning of a European area of justice and to improve the implementation of Union law and policies in the Member States, also taking into account the effects of Union law on third countries;*

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Text proposed by the Commission

Amendment

- (5) *activities to improve the smooth functioning of a European area of justice, including by monitoring democracy, the rule of law and fundamental rights in Member States and research on how to eliminate obstacles to universal, non-discriminatory and effective access to justice for all;*
- (6) *initiatives addressing gender balance disparities among the Member States' judiciaries and judicial staff through training either tailored to female professionals, or targeting both female and male professional, raising awareness on issues like the low proportion of female judges in higher levels of the judiciary or the need for transparency and objective criteria during appointment procedures;*
- (7) *training relevant stakeholders, including civil society organisations active in the defence of victims of crimes and in bringing forward redress actions, to improve the knowledge of Union policies and law, including inter alia substantive and procedural law, fundamental rights, support and protection of victims of crime, use of collective redress and universal jurisdiction, the use of Union judicial cooperation instruments, the relevant case-law of the Court of Justice of the European Union, legal language and of comparative law;*
- (8) *multidisciplinary training of judicial staff and other relevant stakeholders in the field of penitentiary law, detention and prison management, in order to facilitate the dissemination of best practices;*
- (9) *multidisciplinary training of judicial staff and other relevant stakeholders in the field of juvenile justice, in order to prepare and promote the proper implementation of Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused person in criminal proceedings;*
- (10) *information and Communication Technology (ICT) as well as e-justice tools development and maintenance to improve the efficiency of judicial systems and their cooperation by means of information and communication technology, including the cross-border interoperability of systems and applications, privacy and data protection;*

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Text proposed by the Commission

Amendment

- (11) *developing capacity of key European level networks and European judicial networks, including networks established by Union law to ensure the effective application and enforcement of Union law, to promote and further develop Union law, policy goals and strategies in the areas of the programme;*
- (12) *structural support for civil society organisations and other relevant stakeholders active in the areas covered by the Programme and capacity building and training of legal experts working for those organisations, as well as for particular activities of such organisations including advocacy, networking activities, litigation relating to violations of democracy, the rule of law and fundamental rights, public mobilisation and education, and the provision of relevant services;*
- (13) *enhancing knowledge of the programme and dissemination, transferability and transparency of its results and fostering citizen outreach, including by setting up and supporting independent programme desks/national contact network;*
- (14) *benchmarks studies, research, analyses and surveys, evaluations, impact assessment, the elaboration and publication of guides, reports and educational material.*

#### Amendment 60

#### Proposal for a regulation

#### Article 9 — paragraph 1

Text proposed by the Commission

1. An action that has received a contribution under the Programme may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. [The cumulative financing shall not exceed the total eligible costs of the action and the support from different Union programmes may be calculated on a pro-rata basis].

Amendment

1. An action that has received a contribution under the Programme may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs, **and double-sourcing of Funds is avoided by clearly indicating the sources of funding for each category of expenditure, in line with the principle of sound financial management.** [The cumulative financing shall not exceed the total eligible costs of the action and the support from different Union programmes may be calculated on a pro-rata basis].



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**Amendment 61****Proposal for a regulation****Article 9 — paragraph 3 — subparagraph 2 — point a**

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*Text proposed by the Commission*

(a) they have been assessed in a call for proposals under the Programme;

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*Amendment*

(a) they have been **properly** assessed in a call for proposals under the Programme;

**Amendment 62****Proposal for a regulation****Article 10 — paragraph 3**

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*Text proposed by the Commission*

3. An operating grant **may** be awarded without a call for proposals to the European Judicial Training Network to cover expenditure associated with its permanent work programme.

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*Amendment*

3. An operating grant **shall** be awarded without a call for proposals to the European Judicial Training Network to cover expenditure associated with its permanent work programme.

**Amendment 63****Proposal for a regulation****Article 11 — paragraph 2**

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*Text proposed by the Commission*

2. The work programme shall be adopted by the Commission by means of **an implementing act. That implementing act** shall be adopted in accordance with **the advisory procedure referred to in Article 17.**

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*Amendment*

2. The work programme shall be adopted by the Commission by means of **a delegated act. That delegated act** shall be adopted in accordance with Article 14.

**Amendment 65****Proposal for a regulation****Article 12 — paragraph 1**

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*Text proposed by the Commission*

1. Indicators to report on progress of the Programme towards the achievement of the specific objectives set out in Article 3 are set out **in Annex II.**

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*Amendment*

1. Indicators to report on progress of the Programme towards the achievement of the specific objectives set out in Article 3 are set out **in the Annex. The data collected for monitoring and reporting shall, where applicable, be disaggregated by gender, age and staff category.**

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### Amendment 66

#### Proposal for a regulation

#### Article 12 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

**2 a.** *The monitoring shall also provide a means of assessing the way in which gender equality and non-discrimination have been addressed across the Programme's actions.*

### Amendment 67

#### Proposal for a regulation

#### Article 12 — paragraph 3

Text proposed by the Commission

Amendment

3. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in **a** timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and Member States.

3. The performance reporting system shall ensure that **correct** data for monitoring programme implementation and results are collected efficiently, effectively, and in **an accurate and** timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and Member States. **The Commission shall make available user-friendly formats and provide orientation and support, in particular to applicants and beneficiaries who may not have adequate resources and staff to meet reporting requirements.**

### Amendment 68

#### Proposal for a regulation

#### Article 13 — paragraph 1

Text proposed by the Commission

Amendment

1. Evaluations shall be carried out in a timely manner to feed into the decision-making process.

1. Evaluations shall be carried out in a timely **and well documented** manner to feed into the decision-making process **and to monitor the implementation of actions carried out under the Programme and the achievement of the objectives set out in Article 3. All evaluations shall be gender sensitive and include a detailed analysis of the programme budget dedicated to gender equality-related activities.**

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**Amendment 69****Proposal for a regulation****Article 13 — paragraph 2***Text proposed by the Commission*

2. The interim evaluation of the Programme shall be carried out once there is sufficient information available about the implementation of the Programme, but no later than **four** years after the start of the programme implementation.

*Amendment*

2. The interim evaluation of the Programme shall be carried out once there is sufficient information available about the implementation of the Programme, but no later than **three** years after the start of the programme implementation.

**Amendment 70****Proposal for a regulation****Article 13 — paragraph 3***Text proposed by the Commission*

3. At the end of the implementation of the Programme, but no later than **four** years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the Commission.

*Amendment*

3. At the end of the implementation of the Programme, but no later than **three** years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the Commission.

**Amendment 71****Proposal for a regulation****Article 13 — paragraph 3 a (new)***Text proposed by the Commission**Amendment*

**3 a. The interim and final evaluation of the Programme shall assess, inter alia:**

- (a) the perceived impact of the Programme on access to justice based on qualitative and quantitative data collected at European level;**
- (b) the number and quality of instruments and tools developed through actions funded by the Programme;**
- (c) the European added value of the Programme;**
- (d) the level of funding in relation to the outcomes achieved;**
- (e) potential administrative, organisational and/or structural obstacles to the smoother, more effective and efficient implementation of the Programme.**

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#### Amendment 72

##### Proposal for a regulation

##### Article 14 — paragraph 4

*Text proposed by the Commission*

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

*Amendment*

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. ***The group of experts consulted shall be gender balanced.***

#### Amendment 73

##### Proposal for a regulation

##### Article 16 — paragraph 1

*Text proposed by the Commission*

1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.

*Amendment*

1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information ***on the European added value of the Programme*** to multiple audiences, including the media and the public, ***thereby showing the Union added value and aiding the data gathering efforts of the Commission in order to enhance budgetary transparency.***

#### Amendment 74

##### Proposal for a regulation

##### Article 17 — paragraph 1

*Text proposed by the Commission*

1. The Commission shall be assisted by a committee. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

*Amendment*

1. The Commission shall be assisted by a committee. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011, ***and shall be assisted by the relevant civil society and human rights organisations. Gender balance and appropriate representation of minority and other excluded groups in the Committee shall be safeguarded.***

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**Amendment 75**  
**Proposal for a regulation**  
**Annex I**

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Text proposed by the Commission

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Amendment

**Annex I**

*deleted*

**Activities of the programme**

**The specific objectives of the Programme referred to in Article 3 (2) will be pursued in particular through support to the following activities:**

- 1. awareness raising, dissemination of information to improve the knowledge of Union policies and of Union law including substantive and procedural law, of judicial cooperation instruments, of the relevant case-law of the Court of Justice of the European Union, and of comparative law and of European and international standards;**
- 2. mutual learning through exchange of good practices among stakeholders to improve knowledge and mutual understanding of the civil and criminal law and the legal and judicial systems of the Member States, including the rule of law, and enhancing mutual trust;**
- 3. analytical and monitoring activities <sup>(25)</sup> to improve the knowledge and understanding of potential obstacles to the smooth functioning of a European area of justice and to improve the implementation of Union law and policies in the Member States;**
- 4. training relevant stakeholders to improve the knowledge of Union policies and Union law including inter alia substantive and procedural law, the use of EU judicial cooperation instruments, the relevant case-law of the Court of Justice of the European Union, legal language and of comparative law.**
- 5. information and Communication Technology (ICT) tools development and maintenance to improve the efficiency of judicial systems and their cooperation by means of information and communication technology, including the cross-border interoperability of systems and applications.**
- 6. developing capacity of key European level networks and European judicial networks, including networks established by Union law to ensure the effective application and enforcement of Union law, to promote and further develop Union law, policy goals and strategies in the areas of the programme, as well as supporting civil society organisations active in the areas covered by the Programme.**

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Text proposed by the Commission

Amendment

7. **enhancing knowledge of the programme and dissemination and transferability of its results and fostering citizen outreach, including by setting up and supporting programme desks/national contact network.**

<sup>(25)</sup> *These activities include for instance the collection of data and statistics; the development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations; impact assessment; the elaboration and publication of guides, reports and educational material.*

### Amendment 76

#### Proposal for a regulation

#### Annex II — paragraph 1 — introductory part

Text proposed by the Commission

Amendment

#### Annex II

The Programme will be monitored on the basis of a set of indicators intended to measure the extent to which the general and specific objectives of the Programme have been achieved and with a view to minimising administrative burdens and costs. To that end, data will be collected as regards the following set of key indicators:

#### Indicators

#### Indicators

#### Annex

The Programme will be monitored on the basis of a set of **qualitative and quantitative** indicators intended to measure the extent to which the general and specific objectives of the Programme have been achieved and with a view to minimising administrative burdens and costs **and to maximising the effectiveness of justice systems**. To that end, **while respecting rights related to privacy and data protection**, data will be collected **and, where applicable, disaggregated by gender, age and staff category** as regards the following set of key indicators:

### Amendment 77

#### Proposal for a regulation

#### Annex II — paragraph 1 — table

Text proposed by the Commission

Amendment

Number of members of the judiciary and judicial staff who participated in training activities (including staff exchanges, study visits, workshops and seminars) funded by the Programme, including by the operating grant of the EJTN

Number of members of the judiciary and judicial staff who participated in training activities (including staff exchanges, study visits, workshops and seminars) funded by the Programme, including by the operating grant of the EJTN

**Number of staff and members of civil society organisations who participated in training activities**

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*Text proposed by the Commission*

Number of exchanges of information in the European Criminal Records Information System (ECRIS)

**Number of hits on the e-Justice portal / pages addressing the need for information on cross-border civil cases**

Number of people reached by:

- (i) mutual learning and exchange of good practices activities;
- (ii) awareness raising, information and dissemination activities

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*Amendment*

Number of exchanges of information in the European Criminal Records Information System (ECRIS)

**Number of cases and activities, and level of output of cross-border cooperation, including cooperation by means of information technology tools and procedures established at Union level**

Number of people reached by:

- (i) mutual learning and exchange of good practices activities;
- (ii) awareness raising, information and dissemination activities
- (iia) capacity-building activities targeted at civil society organisations;**
- (iib) activities related to providing people with information on access to justice;**
- (iic) activities for judges on litigation challenges and how to apply private international law and Union law in cross border/multidisciplinary cases;**
- (iid) awareness-raising activities funded by the Programme.**

**Geographical coverage of the activities funded by the Programme**

**Participants' assessment of the activities in which they participated and of their expected sustainability**

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