

GROTIUS

Annual programme and call for applications for 1998

(98/C 2/04)

On 28 October 1996 the Council adopted the Grotius programme, a programme of incentives and exchanges for legal practitioners (Joint Action 96/636/JHA, OJ L 287, 8. 11. 1996, p. 3).

The programme covers the period from 1996 to 2000 and the financial reference amount for implementing it comes to ECU 8 800 000. The 1998 budget comes to ECU 2 000 000.

Objectives of programme

1. The general objectives of the Grotius programme are outlined in the Joint Action establishing the programme, notably in Article 1.
2. Projects to be financed from the 1998 budget may relate to all types of measures listed in 3 below and detailed in Articles 3, 4, 5, 6 and 7 of the Joint Action establishing the Grotius programme, may be directed at all the professional categories referred to in Article 1 (2) of the Joint Action and may concern any topic relating to legal cooperation, whether civil, administrative or criminal (See paragraph 7).

Excluded projects

Apart from the criteria and guidelines in the text of the Joint Action establishing the programme, applicants should note that operations relating to training in Community law and the proper application thereof do not fall within the remit of the Grotius programme. (On 19 November 1996 the Commission sent the Council a proposal for a decision establishing an action programme to improve awareness of Community law for the legal professions (Robert Schuman Project) and adopted a pilot phase for 1997 of the programme.)

The following Title VI programmes are or will be administrated by the Commission:

- STOP (incentive and exchange programme for persons responsible for combating trade in human beings and sexual exploitation of children — OJ L 322, 12. 12. 1996),
- OISIN (common programme for the exchange and training of, and cooperation between, law enforcement authorities — OJ L 7, 10. 1. 1997),
- Odysseus (programme of training, exchanges and cooperation in the fields of asylum, immigration and external borders — Commission Proposal (97) 364 final of 9. 7. 1997), and

- Falcone (incentive and exchange programme for persons responsible for fighting against organized crime) — Commission Proposal (97) 528 of 20. 10. 1997.

In addition the Commission is implementing the Daphne Initiative, which provides Ecu 3 000 000 to support non-governmental and voluntary organizations in the fight against violence against children, young persons and women. (A call for proposals was published in OJ C 136, 1. 5. 1997).

Combined financing under these different programmes and the Grotius Programme is not permitted. It is imperative to address applications to the most relevant of these programmes. If an application is sent to the wrong programme, there is a risk of disqualification, due to the deadlines applicable in the different programmes.

Eligible Expenditure

3. Expenditure directly chargeable to the implementation of projects is eligible. The grant from the Community may not exceed 80 % of the cost of the project.

It is important to note that:

- no expenditure contracted before the date of the Committee meeting at which a positive decision is taken, may be eligible for reimbursement under the Grotius Programme,
- a project financed under the 1998 budget must start and receive significant materialization before the end of the year 1998,
- a project must be finalized at the latest within a year of the date when the decision of granting was officially communicated, unless an extension has been granted.

Applicants should take note that due to the payment procedures of the Commission, pre-financing of projects is presumed: the pace of installments will not enable applicants to cover expenditure directly out of the Grotius subvention.

Areas eligible for grants

Grants can be awarded in five areas (projects may cover combinations thereof), subject to the criteria and guidelines specified under points 5 and 6:

- training in professional language and comparative law;

- the organization of traineeships and visits abroad;
- the holding of conferences, seminars, meetings, colloquia;
- the coordination of research into subjects with a bearing on legal cooperation;
- the distribution of information about foreign law and legal cooperation.

The budget for the year 1998 will consist of ECU 2 000 000. It will be indicatively allocated to the different thematic areas in the following way:

Areas	ECU
— Training	250 000
— Exchange	400 000
— Research/studies	250 000
— Meetings (seminars, colloquia, conferences)	900 000
— Documentation/Information	100 000
— Evaluation (5 %)	100 000
Total	2 000 000

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

Project leaders may be national or international institutions, whether public or non-governmental, e.g. establishments which provide legal training and training for lawyers or professionals associated with justice, research centres and professional associations. Initiatives by private individuals are not eligible for the programme.

Criteria for selection

5. The criteria on which projects are selected for financing are as follows:
- the operational purpose, i.e. the extent to which stress is placed on passing on knowledge of immediate use in carrying on the professional activity concerned, without overlooking the need for thorough consideration of the cultural and sociological obstacles to cooperation,
 - the degree of preparation and the standard of organization, as well as clarity and precision as regards the objectives, design and planning of the project,
 - the number of practitioners likely to derive some advantage from the project, either directly or

through contact between those who have taken part and those who have not had the opportunity,

- language training should be considered only where directly linked to professional needs, and not easily available in the absence of the submitted project,
- conferences on general legal topics should be considered only where the topic is of a particular actuality, for instance if new legislation is envisaged in different countries,
- the accessibility of the project, i.e. the approach taken, and the allowance which the organizational arrangements make for participants' existing knowledge and for professional constraints,
- the involvement of different entities and the combined use of their particular expertise on the organization of the project,
- the openness to practitioners from different countries and disciplines and the opportunity for them to benefit from each other's experience,
- the extent to which the projects complement each other, the way in which they contribute to creating a forward momentum rather than merely juxtaposing isolated operations,
- the relevance of the project, as it is especially topical, for example in being linked to the implementation of legal cooperation instruments adopted by the Council,
- the need for the project, as it focuses closely:
 - on an issue that has so far received little discussion; or
 - on cooperation or improvement of mutual knowledge between Member States that do not yet have frequent experience of judicial contacts.

Guidelines

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

The following guidelines, based on the above criteria, should be of assistance to applicants:

- ambitious schemes, schemes of long duration or those for which a large grant is being applied for should be supported by pilot projects or studies that justify and demonstrate their feasibility,
- any plan for setting up a documentation network, data bases etc. should state in detail the sources, the field of investigation, the methodological approach, the frequency of updates etc.,
- research projects should not be limited to study based purely on the legal literature but should be based on practical experience and aim to produce usable conclusions,
- the knock-on effect of a project will be assessed on the basis of the number of participants and in view of their status and capacity to disseminate the results of the project,
- justification will have to be shown as to the benefits likely to be derived from very small projects, organization of traineeships or visits for a small number of participants. Projects likely to benefit only the applicant organization will not be considered,
- meetings between institutions responsible for basic or continuing training should be considered only where they aim at a well defined purpose in relation to a particular project or policy,
- the standard of preparation will be assessed both objectively, as regards project design and planning, and subjectively, as regards the experience and reputation of the applicant organization. Previous records will be paid attention if a series of applications is received from the same organization. Initiatives submitted by organizations or associations having neither well-established structures nor significant human and financial resources will not be disregarded,
- added value conferred by the involvement of several disciplines will be evaluated in terms of quality, not quantity, and will be assessed in terms of how the contributions from the various professional categories involved in a single project complement each other,
- a high degree of interaction between the project organizer(s) and the participants, will be regarded as a positive feature of a project,
- related projects put forward as complementary should be presented together, with individual budgets identified, so that consideration can be given to support them either individually or in group.

Possible topics

7. Against this background, the following topics are suggested as being of particular interest:

Criminal and procedural law:

- implementation of applicable judicial cooperation instruments, including regional and bilateral instruments to the extent that the project contributes to the furthering of cooperation within the European Union,
- particular aspects of mutual assistance,
- special means of cooperation, such as:
 - protection for witnesses and informers (implementation of resolution 95/C 327/04 of 23. 11. 1995 and resolution 97/C 10/01 of 20. 12. 1996),
 - instruments for cross-border investigation,
 - cross-border aspects of the enforcement of sentences,
 - transfer of proceedings in criminal matters,
 - seizure and confiscation,
- judicial cooperation aspects involved in:
 - action against drug trafficking (implementation of the joint action of 17. 12. 1996 and the resolution 97/C 10/02 of 20. 12. 1996 on convictions for serious offences),
 - action to combat racism and xenophobia (implementation of joint action 96/443/JHA of 15. 7. 1996),
 - the production of the financial interests of the Community.

Civil and procedural law:

- service of acts abroad,
- determination of competent judicial authority and enforcement of foreign judgments, particularly the application of the Brussels and Lugano Conventions,
- determination of law applicable to contractual obligations (the Rome Convention) and non-contractual obligations,

- other aspects of judicial cooperation, e.g. simplifying procedures for obtaining evidence from other member States of the European Union, granting legal aid, etc.,
- cooperation between the judicial authorities and the competent administrative services of the Member States in particular fields,
- protection of children's rights, particularly the application of the Strasbourg Conventions of 1980, 1993 and 1995;
- comparison of civil law aspects, relevant for judicial cooperation.

In general:

- assistance with procedures (legal aid, protection for witnesses and informers, assistance for victims);
- protection of human dignity and privacy in audio-visual and electronic data transmissions;
- activities of liaison and contact magistrates;
- administration of the judiciary.

Assessment of projects

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

Special attention will be given to projects open to professionals less familiar with international contacts, and to projects open to practitioners from candidate countries, in accordance with the Commission's Agenda 2000. It must be emphasized however that the Grotius Programme is not intended to provide assistance to CEEC, for which specific facilities are provided under Phare.

How to apply

8. Applications for grants must be submitted, not later than **31 March 1998** to the Justice and Home Affairs Task Force (for the attention of Mr Wennerström, N-9 6/3), Rue de la Loi/Wetstraat, 200, B-1049, Brussels, using the application form in one of the 11 European Union languages (a translation may be added in a second working language). Forms may be obtained by applying to the address above, by fax (32-2) 296 59 97, or by e-mail at address Erik Wennerstrom@sg.ccc.be. Note that the signed original application form has to be submitted in real time (not by telefax, followed by the original), together with a short memo (two or three pages) outlining the project. Alterations to the form or the use of earlier versions of the form, etc., will disqualify the application. The purpose of the project must be described as briefly and accurately as possible in point 9 of the form.

A detailed estimated budget in national currency must be sent in with the application. The budget must show the expected overall cost of the project. The grant applied for may not exceed 80 % of that final cost. The actual subvention may be for a lower amount than the percentage requested, or alternatively it may be decided to subsidize only part of the action envisaged. (It should be noted that the majority of subventions allocated so far, have covered 50 to 60 % of the project budget). The running costs of an organization are not eligible, even where the organization is pursuing goals similar to those of the Grotius Programme.

Beneficiaries are required to state in all advertising or published material that their projects are in receipt of financial support from the Grotius programme. Within three months of the completion of their project, they must submit to the Justice and Home Affairs Task Force a report on the execution of the project, any obstacles encountered, the assessment given by the participants, the results obtained, the dissemination of such results and the conclusions drawn.