

Tuesday 5 September 2006

P6_TA(2006)0333

Fight against violence (Daphne) (2007-2013) *I**

European Parliament legislative resolution on the proposal and amended proposal for a decision of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme 'Fight against violence (Daphne)' as part of the General programme 'Fundamental Rights and Justice' (COM(2005)0122 and COM(2006)0230 — C6-0388/2005 — 2005/0037A(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005) 0122) ⁽¹⁾ and the amended proposal (COM(2006)0230),
 - having regard to Article 251(2) and Article 152 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0388/2005),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A6-0193/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to the Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ Not yet published in OJ.

P6_TC1-COD(2005)0037A

Position of the European Parliament adopted at first reading on 5 September 2006 with a view to the adoption of Decision No .../2006/EC of the European Parliament and of the Council establishing for the period 2007-2013 the specific programme 'Fight against violence (Daphne III)' as part of the General programme 'Fundamental Rights and Justice'

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152 thereof,

Having regard to the proposal from the *Commission*,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

⁽¹⁾ OJ C 69, 21.3.2006, p. 1.

⁽²⁾ OJ C 192, 16.8.2006, p. 25.

⁽³⁾ *Position of the European Parliament of 5 September 2006.*

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Whereas:

- (1) The *Treaty* establishes that in the definition and implementation of all Community policies and activities a high level of human health *protection* has to be ensured; Article 3(1)(p) of the Treaty requires Community action to include a contribution to the attainment of a high level of health protection.
- (2) Community action should complement national policies directed towards improving public health, obviating sources of danger to human health.
- (3) Physical, sexual and psychological violence against children, young people and women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life, **and, in particular, trafficking in human beings and enforced prostitution**, constitute a breach of their right to life, safety, freedom, dignity and physical and emotional integrity and a serious threat to the physical and mental health of the victims of such violence. The effects of such violence, being so widespread throughout the Community, constitute a genuine **human rights violation and** health scourge and an obstacle to the enjoyment of safe, free and just citizenship.
- (4) **Traditions and cultural practices associated with the exercise of physical violence against women, such as genital mutilation and honour crimes, constitute a particular form of violence against women with short-term and long-term detrimental effects on their health, the main victims being members of minority communities.**
- (5) The World Health Organisation defines health as a state of complete physical, mental and social *well-being* and not merely the absence of disease or infirmity. According to a 1996 World Health Assembly *resolution*, *violence* is a leading worldwide public health problem. In its report on violence and health of 3 October 2002, the organisation recommends promoting primary prevention responses, strengthening responses for victims of violence and increasing collaboration and exchange of information on violence prevention.
- (6) These principles are recognised in numerous conventions, declarations and protocols of the main international organisations and institutions such as the United Nations, the International Labour Organisation, the World Conference on Women and the World Congress against Commercial Sexual Exploitation of Children.
- (7) **The fight against violence should be placed within the context of the protection of fundamental rights, as guaranteed by the Charter of Fundamental Rights of the European Union⁽¹⁾, which reaffirms, inter alia, the rights to dignity, equality and solidarity. It includes a number of specific provisions to protect and promote physical and mental integrity, equal treatment for men and women, the rights of the child and non-discrimination, as well as to prohibit inhuman or degrading treatment, slavery and forced labour, and child labour. It reaffirms that a high level of human health protection shall be ensured in the definition and implementation of all *Union* policies and activities.**
- (8) The Commission has been called upon by the European Parliament to draw up and implement action programmes to combat such violence, inter alia, in its Resolutions of 19 May 2000 on the communication from the Commission to the Council and the European Parliament 'For further actions in the fight against trafficking in **women**'⁽²⁾, of 20 September 2001 on female genital mutilation⁽³⁾, of 17 January 2006 on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation⁽⁴⁾, and of 2 February 2006 on the current situation in combating violence against women and any future action⁽⁴⁾.
- (9) The programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young persons and women set up by Decision No 293/2000/EC⁽⁵⁾ has helped increase awareness within the European Union and increase and consolidate cooperation between organisations in the Member States active in combating violence.

⁽¹⁾ OJ C 364, 18.12.2000, p. 1.

⁽²⁾ OJ C 59, 23.2.2001, p. 307.

⁽³⁾ OJ C 77 E, 28.3.2002, p. 126.

⁽⁴⁾ Not yet published in OJ.

⁽⁵⁾ OJ L 34, 9.2.2000, p. 1.

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- (10) *The programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) set up by Decision No 803/2004/EC⁽¹⁾ further developed the results already achieved by the Daphne programme; according to Article 8(2) thereof the Commission shall take the necessary steps to ensure the consistency of the annual appropriations with the new financial framework.*
- (11) It is desirable to ensure continuity for the projects supported by the Daphne and the Daphne II programmes.
- (12) It is important and necessary to recognise the serious immediate and long-term implications of violence **against children, young people and women** for **physical and mental** health, psychological and social development, and for the equal opportunities of those concerned, for individuals, families and communities, and the high social and economic costs to society as a whole.
- (13) ***It is necessary to recognise that some groups, namely women belonging to minority groups, refugee women, women migrants, women living in poverty in rural or remote communities, women in institutions or in detention, female children, lesbian women, women with disabilities and elderly women, are particularly vulnerable to violence.***
- (14) ***Not only children who are directly subjected to violence but also children who witness their mothers being assaulted should be regarded as victims of violence in accordance with this programme.***
- (15) Concerning the prevention of violence, including ***maltreatment of newborn children*** or abuse and sexual exploitation perpetrated against children, young people and women and the protection of victims and groups at risk, the European Union ***will*** bring added value to the actions ***principally*** to be undertaken by Member States by the following means: the dissemination and exchange of information, experience and good practices; the promotion of an innovative approach; ***the inclusion of new family models***; the joint establishment of priorities; the development of networking as appropriate, ***not least in order to support the victims of sexual, psychological or physical violence and groups at risk***; the selection of Community-wide projects; and the motivation and mobilisation of all parties concerned. These actions should also ***concern*** children and women brought to the Member States through human trafficking.
- (16) ***The overall objective of the Union's measures against violence is to prevent and combat all forms of violence in order to eliminate this crime and gross violations of human rights completely. To achieve this objective, clear and credible targets are required.***
- (17) The European Federation for Missing and Sexually Exploited Children groups together at European level different NGOs dealing with the problem of the disappearance and sexual exploitation of children. The Federation raises awareness and fights against the phenomena of missing and sexually exploited children by facilitating communication between European organisations towards a more efficient approach, stimulating the creation of a European study centre to centralise and analyse data concerning these phenomena and promoting and conducting activities to improve the situation of minors, victims of disappearance and/or sexual abuse, and to change the legal norms, the mentality and behaviour in Europe.
- (18) ***The programme will pay attention to the situation of street children, a situation which is becoming dramatic as street children are not only victims of traffickers in drugs and human beings, but also suffer violence and sexual abuse. In order to reintegrate these children into society a programme is needed which provides answers to social and family problems and takes account of these children's needs.***
- (19) ***The European Network of Ombudspersons for Children (ENOC) links independent children's rights institutions in twenty-four Member States of the Council of Europe. Its aims are to encourage the fullest possible implementation of the Convention on the Rights of the Child, to support collective lobbying for children's rights, to share information, approaches and strategies, and to promote the development of effective independent offices for children.***

(¹) OJ L 143, 30.4.2004, p. 1.

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- (20) The objectives of the proposed action, namely to prevent and combat all forms of violence against children, young people and *women*, cannot be sufficiently achieved by the Member States because of the need for an exchange of information at EU level and for the Community-wide dissemination of good practices. This can be better achieved at Community level. Due to the need for a coordinated and multidisciplinary approach and by reason of the scale or impact of the initiative, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (21) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used.
- (22) This Decision *lays down*, for the entire duration of the programme, a *financial envelope constituting the prime reference*, within the meaning of point 37 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and *sound financial management* ⁽¹⁾, *for the budgetary authority during the annual budgetary procedure*.
- (23) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾, hereinafter 'the Financial Regulation', and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 ⁽³⁾, which safeguard the Community's financial interests, have to be applied, taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.
- (24) The Financial Regulation requires a basic act to be provided to cover operating grants.
- (25) In accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾, *measures for the implementation of this Decision should be adopted by use of the advisory procedure provided for in Article 3 of that Decision. This is appropriate since the programme does not have a significant impact on the Community budget*,

HAVE DECIDED AS FOLLOWS:

Article 1

Subject matter and scope

1. **Building on the policies and objectives laid down in the Daphne and Daphne II programmes**, this Decision establishes the **specific** programme 'Fight against violence (Daphne III)', hereinafter referred to as 'the programme', as part of the general programme 'Fundamental Rights and Justice', in order to **provide European citizens with an** area of Freedom, Security and Justice **without internal borders**.
2. The programme shall cover the period from 1 January 2007 to 31 December 2013. **The programme may be extended**.

Article 2

Definitions

1. **For the purposes of the programme, the term 'children' covers an age range of 0-18 years, in accordance with international instruments concerning the rights of the child**.
2. **However, projects with actions particularly designed for beneficiary groups such as, for example, 'teenagers' (13 to 19 years old) or people from 12 to 25 years old, shall be considered as targeting the category of 'young people'**.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1248/2006 (OJ L 227, 19.8.2006, p. 3).

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

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Article 3

General objectives

1. The programme shall have the following general objectives:
 - (a) to contribute to the **maintenance and development** of an area of freedom, security and justice **in the European Community** by combating **and preventing** violence **against children, young people and women and protecting victims and groups at risk**;
 - (b) to protect **children, young people and women** against violence and to attain a high level of **physical and mental** health protection, *well-being* and social cohesion.
2. Without prejudice to the objectives and powers of the European Community, the general objectives of the programme shall contribute to the development of the Community policies and more specifically, to those related to the protection of public health, **especially where it concerns children, young people and women, to gender equality, to the fight against domestic violence, the fight against gender-based violence in conflict situations**, protection of children's rights, **the** fight against trafficking of human beings and sexual exploitation, **and the fight against female genital mutilation**.

Article 4

Specific objectives

The programme shall have the following specific objectives:

- (a) to prevent and combat all forms of violence occurring in the public or the private domain against children, young people and women by taking preventive measures and by providing support **and protection** for victims and groups at risk by the following means:
 - *assisting and encouraging* NGOs, **bodies**, organisations **and associations** active in protecting against and preventing violence **against children, young people and women**, and assisting victims, **both at national and Community level and in third countries**;
 - **continuing to provide a helpdesk service to NGOs and other organisations in order to help them draw up their projects and enter into contact with other partners**;
 - **establishing a think-tank to provide guidelines to the Commission on the social, cultural and political context as regards the selection of projects and complementary actions. The think-tank would be composed of representatives of the European Parliament's competent committee and include representatives of the major NGOs in the field**;
 - *developing and implementing* awareness-raising actions targeting specific audiences, **for example specific professions, specific sections of the population and perpetrators of violence**, designing materials to supplement those already available, or *adapting and using* the existing materials in other geographical areas or for other target groups;
 - **promoting the European Year against violence against women and supporting activities linked to the event**;
 - **taking measures targeting women who are members of culturally specific communities or ethnic minority groups and the specific forms of violence which these women encounter**;
 - **developing and implementing actions to reintegrate victims of violence into the labour market and social life**;
 - **carrying out research into the causes and current situation of trafficking in women and children for the purposes of sexual exploitation, and carrying out effective public awareness campaigns on that subject**;
 - **building on the objectives and specific actions of the two Daphne programmes and disseminating** the results obtained under **them** including their adaptation, transfer and use by other beneficiaries or in other geographical areas;

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- *identifying and enhancing actions contributing to positive treatment **and social reintegration** of **children, young people and women who are victims of violence or are** at risk of violence, i.e. following an approach that encourages respect for them and promotes their well-being and self-fulfilment;*
 - ***drawing up and carrying out actions specifically designed for groups at risk so as to prevent newborn children being abused;***
 - ***drawing up and carrying out actions specifically designed for groups at risk, for example street children;***
 - ***focusing support in particular on the fight against violations of the human rights of migrant women;***
- (b) to promote transnational actions to:
- *set up multidisciplinary networks, **particularly to support victims of violence against children, young people and women and victims of trafficking in human beings;***
 - *ensure the expansion of the knowledge base, the exchange of information and the identification and dissemination of good practice, including through training, study visits and staff exchange;*
 - ***provide appropriate education and training for professionals responsible for recording incidents and data relating to domestic violence so that such cases are more readily recognised;***
 - *raise awareness of violence **in all its forms** among targeted audiences such as **national, regional and local authorities, professionals, and sections of the population** to improve understanding thereof, to promote the adoption of zero tolerance towards violence and to encouraging support for victims and the reporting of violence to the competent authorities;*
 - *study phenomena related to violence **against children, young people and women and possible ways of preventing them**, to explore, **prevent** and address the root causes of violence at all levels of society.*

Article 5

Actions

With a view to pursuing the general and specific objectives set out in *Articles 3 and 4*, the programme will support the following types of actions:

- (a) specific actions taken by the Commission, such as studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and experts meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information materials (*including IT applications and training resources*), support to and animation of networks of national experts, analytical, monitoring and evaluation activities; or
- (b) specific transnational projects of Community interest presented by at least three *states, at least two of which must be Member States, possibly with the cooperation of associated or candidate countries*, under the conditions set out in the annual work programmes; or
- (c) support to the activities of NGOs or other entities pursuing an aim of general European interest regarding the general objectives of the programme under the conditions set out in the annual work programmes; or
- (d) an operating grant to co-finance expenditure associated with the permanent work programme of the European Federation for Missing and Sexually Exploited Children, *ENOC and other organisations that fight against child abduction and paedophilia*, which *pursue* an aim of general European interest in the field of children's rights and protection; or
- (e) *supporting the call for and the setting up of a Europe-wide child helpline, which should take the form of a standard free international number for children.*

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Article 6

Participation

The following countries, hereinafter referred to as 'participating countries', may participate in the actions of the programme:

- (a) the EFTA States that are party to the EEA Agreement, in accordance with the provisions of that Agreement;
- (b) the candidate countries associated to the EU, as well as the western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or their additional protocols relating to participation in Community programmes concluded or to be concluded with those countries.

Projects may associate candidate countries not participating in the programme where this would contribute to their preparation for accession, or other third countries not participating in the programme where this serves the aim of the projects, **in particular, Eastern European and Central Asian countries in accordance with the respective Partnership and Cooperation Agreements, ACP countries and Mediterranean countries in the framework of the respective agreements.**

The Commission should aim at ensuring the participation of all countries to which the programme is open and particularly encourage NGOs, notably self-help groups, to participate in it.

Article 7

Target Groups

1. The **target groups for actions under the programme shall be all those** that directly or indirectly deal with violence **in all its forms and with trafficking in human beings.**
2. **The main target groups are the victims of violence and groups at risk of violence, especially children, young people and women.** Other target groups are, inter alia, teachers and educational staff, police and social workers, local and national authorities, medical and paramedical staff, judicial staff, NGOs, trade unions and religious communities. It is also relevant to think about treatment programmes for victims on the one hand and for perpetrators on the other, with the aim of preventing violence.

Article 8

Access to the programme

Access to the programme shall be open to public or private organisations and institutions (local authorities at the competent level, university departments and research centres **and journalists and the media**) working to prevent and combat violence against children, young people and women or to protect against such violence or to provide support for victims or to implement targeted actions to promote rejection of such violence or to encourage attitude and behaviour change towards vulnerable groups and victims of violence.

Article 9

Types of intervention

1. Community funding may take the following legal forms:
 - grants,
 - public procurement contracts.
2. Community grants shall be awarded further to calls for proposals, save in duly substantiated exceptional cases of urgency or where the characteristics of the beneficiary leave no other choice for a given action, and shall be provided through operating grants and grants to actions. The maximum rate of co-financing will be specified in the annual work programmes.

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3. Furthermore, expenditure is foreseen for accompanying measures, through public procurement contracts, in which case Community funds will cover the purchase of services and goods. This will cover, inter alia, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 10

Implementing measures

1. The Commission shall implement the Community assistance in accordance with *the Financial Regulation*.
2. To implement the programme, the Commission shall, within the limits of the general objectives set out in *Article 3*, adopt an annual work programme specifying its specific objectives, thematic priorities, a description of accompanying measures envisaged in *Article 9* and if necessary a list of other actions.
3. The annual work programme will be adopted in accordance with the procedure referred to in *Article 11(2)*.
4. The evaluation and award procedures relating to grants to actions shall take into account, inter alia, the following criteria:
 - (a) conformity with the annual work programme, the general objectives as specified in *Article 3* and measures taken in the different domains as specified in *Articles 4 and 5*;
 - (b) quality of the proposed action regarding its conception, organisation, presentation and expected results;
 - (c) amount requested for *Community* financing and its appropriateness as to expected results;
 - (d) impact of the expected results on the general objectives defined in *Article 3* and on measures taken in the different domains as specified in *Articles 4 and 5*.
5. The applications for operating grants, referred to in *Article 5(c)* and (d), shall be assessed in the light of:
 - consistency with the programme objectives;
 - quality of the planned activities;
 - likely multiplier effect on the public of these activities;
 - geographic impact of the activities carried out;
 - citizen involvement in the organisation of the bodies concerned;
 - cost/benefit ratio of the activity proposed.
6. Pursuant to *Article 113(2)* of the *Financial Regulation*, the principle of gradual reduction shall not apply to the operating grant given to the European Federation for Missing and Sexually Exploited Children, *ENOC and other organisations that fight against child abduction and paedophilia, since they pursue an aim of general European interest in the field of children's rights and protection.*

Article 11

Committee

1. The Commission shall be assisted by a **gender-balanced** committee, composed of representatives of the Member States and chaired by the representative of the Commission, hereinafter referred to as '*the Committee*'.
2. Where reference is made to this paragraph, *Articles 3 and 7* of *Decision 1999/468/EC* shall apply, having regard to the provisions of *Article 8* thereof.

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3. The *Committee* shall adopt its Rules of Procedure.
4. ***The Commission may invite representatives from the participating countries to information meetings after the Committee's meetings.***

Article 12

Complementarity

1. Synergies and complementarity with other Community instruments will be sought, particularly the general programmes 'Security and Safeguarding Liberties' and 'Solidarity and Management of Migration Flows', the 7th Research & Development Framework Programme as well as the programmes on health protection and 'Safer Internet Plus'. ***Complementarity will also be sought with the future Institute for Gender Equality, particularly with a view to ensuring that Daphne III programme activities are targeted more effectively at groups at risk.*** The statistical element of information on violence will be developed in collaboration with Member States, using as necessary the Community Statistical Programme.
2. The programme may share resources with other Community instruments, in particular the general programmes 'Security and Safeguarding Liberties', 'Solidarity and Management of Migration Flows' and the 7th Research & Development Framework Programme in order to implement actions meeting the objectives of all the programmes.
3. Operations financed under this Decision shall not receive assistance for the same purpose from other Community financial instruments. The beneficiaries of this Decision shall provide the Commission with information about funding received from the Community budget and from other sources, as well as information about ongoing applications for funding.

Article 13

Budgetary Resources

1. The *financial envelope* for the implementation of the programme is hereby set at **EUR 125 million** for the period set out in Article 1.
2. The budgetary resources allocated to the actions provided for in the programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

Article 14

Monitoring

1. For any action financed by the programme, the beneficiary shall *submit technical* and financial reports on the progress of work. A final report shall also be submitted within three months of the completion of the action. The Commission shall determine the form and content of the reports.
2. Without prejudice to the audits carried out by the Court of Auditors in liaison with the competent national audit bodies or departments pursuant to Article 248 of the Treaty, or any inspection carried out pursuant to Article 279(c) of the Treaty, officials and other staff of the Commission may carry out on-the-spot checks, including sample checks, on actions financed under the programme.
3. Contracts and agreements resulting from this Decision shall provide in particular for supervision and financial control by the Commission (or any representative authorized by it), if necessary on-the-spot, and audits by the Court of Auditors.
4. For a period of five years following the last payment in respect of any action, the beneficiary of financial assistance shall keep available for the Commission all the supporting documents regarding expenditure on the action.

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5. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall, if necessary, adjust the scale or the conditions of allocation of the financial assistance originally approved and also the timetable for payments.

6. The Commission shall take every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation.

Article 15

Protection of Community financial interests

1. The Commission shall ensure that, when actions financed under *this* Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests⁽¹⁾, 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⁽²⁾ and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)⁽³⁾.

2. For the Community actions financed under *the* programme, Regulation (EC, Euratom) No 2988/95 and Regulation (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Union or budgets managed by *the* European Communities, by an unjustified item of expenditure.

3. The Commission shall reduce, suspend or recover the amount of financial assistance granted for an action if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having been sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial assistance is justified by the progress made with implementing an action, the Commission shall request the beneficiary to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission may cancel the remaining financial assistance and demand repayment of sums already paid.

5. Any undue payment shall be repaid to the Commission. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

Article 16

Evaluation

1. The programme will be monitored regularly in order to follow the implementation of activities carried out *thereunder*.

2. The Commission shall ensure the regular, independent, external evaluation of the programme.

3. The Commission shall submit to the European Parliament and the Council:

(a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of *the* programme no later than **31 March 2010, accompanied by a list of the subsidised projects and measures;**

(b) a Communication on the continuation of *the* programme no later than **31 December 2011;**

(c) an ex post evaluation report **on the implementation and results of the programme** no later than 31 December 2014.

⁽¹⁾ OJ L 312, 23.12.1995, p. 1.

⁽²⁾ OJ L 292, 15.11.1996, p. 2.

⁽³⁾ OJ L 136, 31.5.1999, p. 1.

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Article 17**Publication of projects**

The Commission shall, together with the Member States, publish annually a list of the projects financed under the programme together with a brief description of each project.

Article 18**Transitory measures**

Decision No 803/2004/EC is repealed.

Actions started before 31 December 2006 pursuant to that Decision continue to be governed, until their completion, by it. The committee provided for in Article 7 thereof shall be replaced by the one provided for in Article 11 of this Decision.

Article 19**Entry into force**

This Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall apply from 1 January 2007.

Done at ..., on ...

For the European Parliament
The President

For the Council
The President

P6_TA(2006)0334

Passenger car related taxes *

European Parliament legislative resolution on the proposal for a Council directive on passenger car related taxes (COM(2005)0261 — C6-0272/2005 — 2005/0130(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2005)0261) ⁽¹⁾,
- having regard to Article 93 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0272/2005),
- having regard to Rule 51 of its Rules of Procedure,
- having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Transport and Tourism (A6-0240/2006),

⁽¹⁾ Not yet published in OJ.