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PROGRAMME "CRIMINAL JUSTICE"

Call for framework partners

1. INTRODUCTION

On 12 February 2007, the Council adopted Decision No 16945/3/06 establishing the specific programme on Criminal Justice¹, as part of the general programme on Fundamental Rights and Justice.

The general objectives of the programme are the following:

- (a) to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters based on mutual recognition and mutual confidence.
- (b) to promote the compatibility in rules applicable in the Member States as may be necessary to improve judicial cooperation. To promote a reduction in existing legal obstacles to the good functioning of judicial cooperation with a view to strengthening the coordination of investigations and to increase compatibility of the existing judicial systems of the Member States to the European Union with a view to providing adequate follow-up to investigations of law enforcement authorities of the Member States.
- (c) to improve the contacts and exchange of information and best practice between legal, judicial and administrative authorities and the legal professions: lawyers and other professionals involved in the work of the judiciary, and to foster the training of the members of the judiciary, with a view to enhancing mutual trust.
- (d) to improve further mutual trust with the view to ensuring protection of rights of victims and of the accused.

Together with the specific programme "Prevention of and Fight against Crime"², this specific programme will replace the framework programme on police and judicial cooperation in criminal matters (AGIS)³.

The Commission services intend to implement certain priority areas of the new programme "Criminal Justice" by means of framework partnerships with key actors in the area of judicial training. The implementation of the following call for proposals for framework partnerships is subject to the approval of the relevant annual work programmes by the Commission having obtained the opinion of the programme Committee. It is therefore not excluded that this call

¹ Hereafter referred to as "the basic act"

² COM (2005) 124 final

³ 2002/630/JHA of 22 July 2002, OJ L 203, 1.8.2002, p.5.

may have to be cancelled and replaced by another call more in keeping with the adopted measures.

2. WHAT ARE THE FRAMEWORK PARTNERSHIP AGREEMENTS?

To achieve the above-mentioned objectives the Commission intends to conclude framework partnerships with key actors in the area of judicial training, who are interested in working with the Commission **on a regular basis** in the designated areas, in order to provide for a **long term cooperation framework** based on the provisions of Article 108 of the Financial Regulation and Article 163 of the Implementing Rules.⁴

Framework partnerships are foreseen in particular for those actions for which there is a **need to work on a regular and stable basis with a network involving a certain number of beneficiaries**: a network of 'key' players to work alongside the Commission on a regular and stable basis may need to be set up in order to implement some of its policies effectively.

In the area of criminal justice, this scenario arises particularly in regard to bodies or organisations with a European dimension in the area of judicial training as elaborated below.

The total maximum amount for individual grants to be awarded within framework partnership agreements in 2007 is expected to be in the order of €2,6 million, subject to the adoption of the annual work programme for 2007 (in accordance with the procedures laid down in the Council decision).

3. ELIGIBLE ORGANISATIONS

The framework partnerships will be concluded with **bodies or organisations** with a European dimension in the area of training of legal professions established in the Member States with legal personality. They should have **experience of organising transnational projects in the field of judicial training and/or the training of legal professions in the last 3 years**.

Profit-oriented bodies and organisations will have access to grants only in conjunction with non-profit oriented bodies or state organisations.

Natural persons, international organisations or organisations which are profit-oriented are not eligible to become framework partners.

4. DURATION OF THE PARTNERSHIPS

The framework partnerships will be concluded for a period of four years. The framework partners can undertake individual projects that may last up to three years.

⁴ Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.09.2002, p.1. Commission Regulation (EC, Euratom) N° 2342/2002 of 23 December 2002, laying down detailed rules for the implementation of the Financial Regulation, OJ L 357, 31.12.2002, p.1, modified by Commission Regulation 1248/2006 of 7 August 2006, OJ L 227 19.8.2006, p.3.

The Commission is not committed to publishing further calls for proposals for framework partnerships before 2009/2010. However, an earlier call is not excluded if relevant needs are identified.

5. AREAS OF ACTIVITIES UNDERTAKEN WITHIN FRAMEWORK PARTNERSHIPS

Background

In June 2006, the Commission adopted a Communication on judicial training⁵, emphasising its importance. In particular, training should aim at improving familiarity with EU legal instruments and policies, improving language skills and developing familiarity with the legal and judicial systems of other Member States. Judges, prosecutors and defence lawyers should be considered as the most important target group.

Area of Activities

The activities to be carried out by framework partners should comprise of:

- (1) Organisation in at least 8 Member States of a general seminar presenting the institutional context of the development of the EU as an area of freedom, security and justice, and the various instruments adopted in order to improve judicial cooperation in criminal matters. Each seminar should involve practitioners (prosecutors, judges and defence lawyers) from at least 3 Member States.
- (2) Organisation in at least 6 Member States in cooperation between judges, prosecutors and defence lawyers, of comparative analyses of the different Member State responses to similar cases in criminal law based on moots and exchanges of judicial practices. This action should at least involve 3 Member States.
- (3) Organisation in at least 6 Member States of language training on the vocabulary of judicial cooperation with both theoretical and practical activities, and involving in each case at least 2 countries. Participants should be members of the European judicial network or other practitioners (prosecutors, judges and defence lawyers) particularly involved in judicial cooperation in criminal matters. The language training specifically aimed at judges, prosecutors or defence lawyers involved in judicial cooperation in criminal matters should take into account their particular role in criminal proceedings and hence their distinctive training needs,

It should be noted that, although some of these actions might involve exchanges of experiences among practitioners, the Exchange programme for judicial authorities will be supported separately and not within framework partnership agreements.

In terms of methodology, the following would be welcome:

- emphasis on practical aspects for example by use of moots, workshops and attendance at Court;

⁵ COM(2006)356 final.

- the use of e-tools when possible;
- the involvement of actors such as Eurojust, the European Judicial Network in criminal matters and, if it wishes, the European Court of Justice;
- the introduction of multidisciplinary training, involving trainers from different professions – prosecutors, judges, defence lawyers and police officers.

In addition, regarding language training, projects should complement a theoretical part with a practical stage. In both stages, oral and written skills should be taken into account with practical exercises.

Framework Partners

It is envisaged to conclude framework partnership agreements with organisations with a European dimension involved in, and with proven experience in judicial training and/or the training of legal professions.

6. CONDITIONS AND MODALITIES

6.1. FUNDING CONDITIONS

- a) The maximum duration of framework partnership agreements will be 4 years.
- b) The maximum rate of co-financing for individual projects is 80% of the total eligible costs. However, any applicant proposing co-funding of more than 70% for an individual project must substantiate and justify why it should receive co-funding at this higher rate.

6.2. ELIGIBILITY CRITERIA

To be eligible, applications for framework partnerships must meet the following criteria:

- a) Applicants must be bodies or organisations with a European dimension in the area of training and legal professions established in the member States with legal personality. Bodies and organisations which are profit oriented will have access to grants only in conjunction with non-profit oriented bodies or state organisations. Applications from natural persons are not eligible.
- b) Applicants must clearly identify one or more **areas of activities**.
- c) Applications must be submitted on the **application form** for framework partners made available by the Commission in electronic format; no other form will be accepted; all sections of the form must be completed and it must be accompanied by all documents and material listed in Section 7.
- d) Applicants must respect the **deadline** for applications, which is 19 April 2007.

With regard to the first criterion, the Commission reserves the right to conclude a single framework partnership agreement if more than one application is received from subordinate parts of the same legal units

6.3. EXCLUSION CRITERIA

Applicants and their partners shall be excluded from participating in this call for proposals if they are in one or more of the situations listed in Articles 93 and 94 of the Financial Regulation.⁶

6.4. SELECTION CRITERIA

Proposals for framework partnerships shall be evaluated on the basis of the following criteria:

- (a) **tasks of the applicant organisation** with a particular view to its statutory responsibilities and their conformity with the objectives of the programme and the areas of activity listed in Section 5 of this call.
- (b) **professional capacity of the applicant organisation** required for a long-term cooperation with the Commission and for completing a considerable number of relevant actions
- (c) **"Action plan"**: included with the application form: conformity and impact of the **planned future activities** with the objectives of this specific programme; and the political programmes adopted by the EU, such as the Hague programme.
- (d) **financial capacity of the applicant organisation** as evidenced by annual balance sheet and profit and loss accounts, revenue and expenditure accounts and other annexes supplementing the financial information provided
- (d) **experience** of organising transnational projects in the field of judicial training and/or the training of legal professions in the last 3 years;
- (e) **European dimension** in the area of training of legal professions (as shown by the applicant's aims, membership, composition of management boards and staff, and activities).

Framework partners will be selected on the basis of the information in the application form and annexed documents provided by the applicant. The Commission may contact applicants to request additional proof or clarification of supporting documents accompanying the application or to validate the correction of a manifest error.

In the interest of efficiency and effectiveness, it is envisaged to conclude partnership agreements with about five partners.

Signature of the framework agreement by the parties shall not give rise to any obligation on the Commission to award a grant. It shall be without prejudice to the partner's participation in other calls for proposals with a view to the award of grants outside the action plan set out in the Annex to the framework partnership agreement which may be concluded following this call for framework partners. Specific grant agreements will be

⁶ Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.09.2002, p.1.

concluded with framework partners for individual grants in the areas of their interest. Such individual grants will be awarded under the procedures described in Section 6.5.

6.5. AWARD PROCEDURE FOR THE INDIVIDUAL GRANTS

This section relates to the procedures for the award of individual grants under the framework partnerships and has been included for information.

(a) Procedure

Individual grants will be awarded to framework partners according to one or more of the following procedures:

- **a call for proposals, restricted** to framework partners for whom the type of the planned action is contained in the action plan annexed to the framework partnership agreement. This restricted call for proposals may take the form of a letter to be sent to relevant framework partners. It may also be published on the Commission's Freedom, Security and Justice web site;
- **the direct submission of proposals to the Commission by partners**, notably in cases where they work in a network with pre-selected partners, provided that one of the exceptions laid down in Article 168 (1) of the IR⁷ applies (e.g. monopoly for the type of action envisaged, identification in the basic act as recipient of a grant).
- **a call for proposals, open to all applicants who meet the required criteria:** in this case, grants are awarded either to partners under individual agreements or to beneficiaries by means of "classic" grant agreements, following an assessment of the proposals.

These procedures will be further defined in the framework partnership agreements and/or annual work programmes.

(b) Types of projects

Framework partnerships may be concluded with bodies interested in undertaking either **transnational** or **national** projects, taking into account the following conditions:

Individual transnational projects carried out subsequently under the framework partnership agreement must involve partners in at least two Member States, or at least one Member State and on other State which is an acceding or a candidate country. Third countries or international organisations may participate as partners, but are not permitted to submit projects

While applicants to become framework partners are not required to nominate their future partners, their later applications for individual transnational projects must identify the partners involved in such projects. Cooperation among several framework partners is welcome, but

⁷ Commission Regulation (EC, Euratom) N° 2342/2002 of 23 December 2002, laying down detailed rules for the implementation of the Financial Regulation, OJ L 357, 31.12.2002, p.1, modified by Commission Regulation 1248/2006 of 7 August 2006, OJ L 227 19.8.2006, p.3.

such partners can only benefit from the Union grant as "co-beneficiaries", i.e. if they also sign the grant agreement or by means of sub-contracting;

Other organisations, who have not themselves concluded a framework partnership agreement with the Commission, may be involved in the individual projects as "operational partners", i.e. they may contribute financially or otherwise to the project. However, operational partners can only benefit from the EU grant awarded to framework partners by means of sub-contracting. Third countries and international organisations may also participate as "operational partners" in projects carried out by one or more framework partner.

National projects, which involve partners of only one Member State, are not generally eligible; application being accepted only as starter and/or complementary measures to transnational projects, or if they contribute to developing innovative methods and/or technologies with a potential for transferability to actions at Union level, or develop such methods and technologies with a view to transferring them to other Member States and/or to acceding and/or candidate countries.

(c) Eligibility criteria

The proposals for the individual projects submitted by framework partners must comply with the following eligibility criteria:

- a) The project must not last more than three years;
- b) Projects cannot be already completed and cannot have begun before the application for the individual project has been submitted.
- c) Budget must be in Euro, balanced in income and expenditure.
- d) The maximum rate of co-financing for individual projects is 80% of the total eligible costs.
- e) The transnational projects must involve partners in at least two Member States, or at least one Member State and one other state which is an acceding or candidate country. National projects must comply with the conditions set out in the basic act.
- (f) Subsequent calls for proposals may provide for additional eligibility criteria.

(d) Award criteria

The Commission will conduct an evaluation of the proposals for individual projects submitted on the basis of the award criteria as defined in the annual work programme each year.

For 2007, the following schedule is envisaged.

Call for proposals on framework partnerships	March 2007
Deadline for submission of proposals:	April 2007

Decision on award of partnership agreements

May 2007

Conclusion of partnership agreements

from June 2007

7. PRACTICAL INFORMATION ABOUT SUBMITTING AN APPLICATION

Applications for framework partnerships must be submitted with the application form which is available on the Europa web-site.

http://ec.europa.eu/justice_home/funding/jpen/funding_jpen_en.htm

The applicant must fill in the fields indicated and send back the document on a **diskette or CD-ROM** and in **three paper copies (one signed original plus two copies)**.

Applications submitted on an application form that has been altered or used before, as well as forms completed by hand, will be disqualified.

7.1. DOCUMENTS TO BE SUBMITTED

The following documents must be submitted in triplicate:

- the application form for framework partnerships, **duly completed, dated and signed by the person authorised** to enter into legally binding commitments on behalf of the applicant;

A single copy of the following documents is required for **all applicants**:

- the legal entities form, dated and signed by the applicant;
- an organisation chart and a description of the tasks of the staff responsible for carrying out the activities specified in the application for framework partnerships,
- the applicant organisation's annual activity programme for 2007 including the list of the planned activities and their timing, location and costs;
- a report or description of the activities carried out by the organisation in the last 3 years
- evidence that the applicant can enter into financial commitments on behalf of the university (applicable only to universities or university departments);
- a copy of the resolution, law, decree or decision establishing the entity in question; or, failing that, any other official document attesting the establishment of the entity and laying down its (statutory) responsibilities;
- or, failing that any other official document attesting the establishment of the entity.

In addition to the above mentioned documents, private institutions or bodies should provide:

- the latest financial statements (balance sheet, profit and loss account), including audited accounts when they exist;

- the forward budget for 2007 showing a detailed breakdown of the body's expected expenditure and revenue;
- evidence of legal status, including articles of association;
- a copy of the VAT registration document if applicable and if the VAT number does not appear on the official document referred to above;

In order to assist the Commission's assessment under selection criteria (d) and (e) (see section 6.4 above), applicants should also:

- provide evidence by means of curricula, seminar descriptions, attendance lists etc. that they have successfully implemented training projects in one or more of the three areas of activity identified in section 5 above, and that these projects have been transnational in nature. Applicants should explain the nature of their contacts and cooperation with national judicial training organisations and/or practitioners (courts, prosecution services, bars and law societies).
- show the European dimension of their activities by reference to their aims, membership, composition of management boards and staff, and activities.

Applicants are free to provide any other documentation which they consider appropriate in support of their application.

7.2. DEADLINE FOR SUBMITTING APPLICATIONS

Applications must be submitted in a sealed envelope by registered mail, by courier service, or by hand-delivery to the address indicated below:

By post or by courier service, to:

European Commission
 Directorate-General Justice, Freedom, Security
Unit D4 Financial support:
 Programme "Criminal Justice" - **Call for framework partners**
 Office LX-46 2/106
 B-1049 Brussels

By hand delivery, to

European Commission
Directorate-General Justice, Freedom, Security
 Programme "Criminal Justice" - **Call for framework partners**
 Office LX-46 2/106
 Avenue du Bourget 1
 B – 1140 Brussels (Evere)

Applications must be either:

- by registered mail or by courier service, posted or dispatched **not later than 19 April 2007** (as evidenced by the postmark or by the date of the deposit slip),

- received by hand-delivery (in person or by an agent) **not later than 19 April 2007 at 15.00** (Brussels time), in which case a receipt must be obtained as proof of submission, signed and dated by the official who took delivery.

Any application received after the deadline or at the wrong address will be automatically rejected.

Following the opening of proposals, the Commission will send an acknowledgement of receipt to all applicants, indicating whether or not the application was received prior to the deadline and informing them of the reference number of their application.

7.3. FURTHER INFORMATION

Questions may be sent by e-mail or by fax to the address or number listed below, indicating clearly the reference of the Call for framework partners:

e-mail address: JLS-JPEN@ec.europa.eu

Fax: + 32 2 299 82 15

The Commission shall reply according to the code of good administrative conduct within 15 working days from the receipt of the question. The questions received and answers given will be published on the Commission's Freedom, Security and Justice web site.

In addition, the European Commission has the task of promoting equality between women and men and must aim in all its activities to eliminate gender inequalities (Articles 2 and 3 of the EC Treaty). In this context, women are particularly encouraged either to submit individual project proposals under framework partnerships or to be involved in their submission. As regards studies or research projects, the Commission would also like to draw your attention to the importance of a systematic breakdown by sex of all statistics used and of an analysis of the potentially different impact of policies on men and women, even if they appear at first sight to be gender neutral.

7.4. EXAMINATION OF APPLICATIONS

The Commission may contact applicants to request additional information at any time prior to taking its decision. Failure to respond to such requests by the deadline set may lead to disqualification of the application. Applicants must take the necessary steps to ensure that they can be contacted rapidly up to the end of the selection process. Where the Commission contacts an applicant, this does not in any way constitute or reflect a pre-selection of the proposal on the part of the Commission.

The Commission expects to offer framework partnerships to successful applicants by May 2007.

7.5. EX-POST PUBLICITY

All grants awarded to framework partners in the course of a financial year must be published on the Internet site of the Community institutions during the first half of the year following the closure of the budget year in respect of which they were awarded. The information may also be published by any other appropriate medium, including the Official Journal of the European Union. The following will be published with the agreement of the beneficiary:

1. the name and address of the beneficiaries
2. the subject of the grant
3. the amount awarded and rate of funding of the costs of the project

The European Commission may waive the above obligations if publication of the information could threaten the safety of the beneficiaries or harm their business interests. Beneficiaries of grants must clearly display acknowledgement of the support received from the EU.
