



COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 21 novembre 2008

C(2008)7438

NOTE A L'ATTENTION DES MEMBRES DE LA COMMISSION

PE/2008/7668

NORMALE

Délai: VENDREDI 28 NOVEMBRE 2008 - 11H

Objet : Programme général «Droits fondamentaux et justice»
- programme de travail annuel 2009

Proposition de M. BARROT

Décision proposée :

- approuver le projet de décision de la Commission portant adoption du programme de travail annuel 2009 au titre du programme spécifique «Justice civile», valant décision de financement;
- ne pas publier au JO.

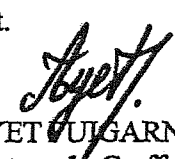
Commentaire :

Ce projet vise à adopter le programme de travail annuel en matière de subventions et de marchés dans le domaine de la justice, de la liberté et de la sécurité pour 2009.

Le comité pour le programme Justice Civile a émis, le 4 septembre 2008, un avis favorable par 276 voix POUR. Les représentants bulgare, danois, italien, chypriote, luxembourgeois, hongrois et maltais étaient absents et non représentés.

Selon le service responsable, le présent projet a été porté à la connaissance du président de la commission parlementaire compétente au titre du droit de regard du Parlement européen (articles 7 et 8 de la décision 1999/468/CE du Conseil) dont le délai a expiré le 5 octobre 2008.

Les incidences financières sont précisées dans la fiche d'accompagnement.


Jordi AYET GULGARNAU
Directeur du Greffe

Cette procédure et ce dossier sont gérés par Leena HAKKARAINEN (BERL 08/390, tél: 56237).
Les cabinets sont invités à transmettre toute demande de corrigendum / suspension / prorogation via e-Greffe.

Copie : Mmes et MM. les directeurs généraux et chefs de service de
JLS, BUDG, COMM, COMP, MARKT et SJ

EDE

NOTE DU SECRETARIAT GENERAL

PREPARATION DU DOCUMENT

Direction générale ou service responsable (Référence de la consultation CIS-Net:
JLS/C4/2008/D12772)

JLS

DG Justice, liberté et sécurité

Directions générales ou services consultéspour accord

BUDG	DG Budget	: Accord sous réserve
COMM	DG Communication	: Accord
COMP	DG Concurrence	: Accord
MARKT	DG Marché intérieur et services	: Accord
SG	Secrétariat général	: Accord sous réserve

pour avis

SJ

Service juridique

: Accord sous réserve

Langue originale

EN

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Pour toute question générale, merci de contacter l'info-point du greffe (e-mail : SG-GREFFE-INFO@ec.europa.eu),
tél 80000.



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,
C(2008)

Draft

COMMISSION DECISION

of [...]

**on the 2009 annual work programme for the specific programme "Civil Justice" serving
as a financing decision[...]**

Draft

COMMISSION DECISION

of [...]

on the 2009 annual work programme for the specific programme "Civil Justice" and serving as a financing decision[...]

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 1149/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the specific programme "Civil Justice" as part of the General Programme 'Fundamental Rights and Justice'¹, and in particular Articles 9(2), (3) and 10(2) thereof,

Whereas:

- (1) Article 75 of Council Regulation (EC, Euratom) N° 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, (hereinafter "the Financial Regulation")², imposes the adoption of a financing decision prior to any expenditure.
- (2) Grants are subject to an annual programme, published at the start of the financial year, in conformity with Article 110 of the Financial Regulation and Article 166 of Commission Regulation (EC, Euratom) N° 2342/2002 of 23 December 2002³ establishing the detailed rules for the implementation of the Financial Regulation, (hereinafter "the rules for the implementation of the Financial Regulation").
- (3) Article 90(1) of the rules for the implementation of the Financial Regulation provides that the financing decision shall set out the essential elements of an action involving expenditure from the budget.
- (4) According to Article 90(2) of the rules for the implementation of the Financial Regulation, for grants, the decision adopting the annual work programme referred to in Article 110 of the Financial Regulation shall be considered to be the financing decision within the meaning of Article 75 of the Financial Regulation, provided that it constitutes a sufficiently detailed framework. As regards procurement, where the

¹ OJ L 257, 3.10.2007, p. 16.

² OJ L 248, 16.9.2002, p. 1., Regulation as last amended by Council Regulation (EC, Euratom) N° 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007, p.9)

³ OJ L 357, 31.12.2002, p. 1 Regulation as last amended by Commission Regulation (EC, Euratom) No 478/2007 of 23 April 2007, OJ L 111, 28.04.2007, p. 13.

implementation of the corresponding appropriations is provided for by an annual work programme constituting a sufficiently detailed framework, this work programme shall also be considered to be the financing decision for the procurement contracts involved.

- (5) Under Article 166 of the rules for the implementation of the Financial Regulation, the annual work programme for grants is adopted by the Commission. It specifies the basic act, the objectives and the schedule of calls for proposals with the indicative amount and the results expected.
- (6) The measures provided for in this Decision are in accordance with the opinion issued on 4 September, 2008, by the Committee established by Article 10 of Decision No 1149/2007/EC.

HAS ADOPTED THIS DECISION:

Article 1

The annual work programme for 2009 for the specific programme "Civil Justice", as described in the attached annex, is hereby adopted. The total amount covered by this decision shall be € 14.600.000.

This Decision shall serve as a financing decision for 2009 for the following budget line:

18.06.07 – Civil Justice

Article 2

A modification to the indicative budget foreseen in the work programme 2009 for Civil Justice as outlined in the attached annex shall not be considered as substantial as long as it does not exceed 20% of the amount foreseen for the section concerned. The authorising officer by delegation may adopt such modifications in accordance with the principle of sound financial management.

Article 3

The appropriations may also finance the payment of default interest in accordance with Article 83 of the Financial Regulation.

Done at Brussels, [...]

For the Commission

[...]

Member of the Commission

ANNEX

GENERAL PROGRAMME "FUNDAMENTAL RIGHTS AND JUSTICE"

SPECIFIC PROGRAMME "Civil Justice"

Budget Line: 18 06 07

TITLE : CIVIL JUSTICE

LEGAL BASE: Decision No. 1149/2007/EC of the European Parliament and of the Council

WORK PROGRAMME 2009

1. GENERAL CONTEXT

1.1. Policy and Legal Context

On 25 September 2007, the European Parliament and the Council adopted Decision No 1149/2007/EC⁴ establishing for the period 2007-2013 the specific programme "Civil Justice" as part of the General Programme 'Fundamental Rights and Justice', in order to contribute to the strengthening of the area of Freedom, Security and Justice over the period of 2007 - 2013.

1.2. General Objectives

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 civil matters based on mutual recognition and mutual confidence;
- (b) to promote the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States;
- (c) to improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice;
- (d) to improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals.

1.3. Programme Activities

⁴ OJ L 257, 3.10.2007, p. 16

Over the period 2007-2013, the programme will be used to finance the following types of action:

- (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 expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities; or
- (b) specific transnational projects of Community interest presented by at least two Member States or by one member state and one acceding or candidate country under the conditions set out in the annual work programmes; or
- (c) support to the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the programme under the conditions set out in the annual work programmes; or
- (d) operating grants to co-finance expenditure associated with the work programme of the European Network of Councils for the Judiciary and the Network of the Presidents of the Supreme Judicial Courts of the European Union, insofar as it is incurred in pursuing an objective of general European interest by promoting exchanges of views and experience on matters concerning the jurisprudence, organisation and functioning of its members in the performance of their judicial and/or advisory functions with regard to Community law; or
- (e) operation of the European Judicial Network in Civil and Commercial Matters, created by Council Decision No. 2001/470/CE of 28 May 2001, establishing a European Judicial Network in Civil and Commercial Matters.

1.4. Monitoring and evaluation

1.4.1 Projects

Projects are monitored throughout their life cycle. Project supervision is carried out at several stages:

- a) At the time of the selection process: Commission departments check that projects correspond to the objectives of the programme and that they meet the various eligibility, selection and award criteria listed in the call for proposals. They also check whether the proposed budget forecasts are eligible and properly presented.
- b) While projects are running: a Commission official may attend activities such as conferences and seminars.

- c) At the end of the projects: the balance is paid to the recipient only after approval of the final report by the Commission, with respect both to aspects of substance and to financial aspects.

1.4.2 Mid-term implementation report

By 31 March 2011 the Commission will submit to the European Parliament and to the Council a mid-term evaluation report, assessing the qualitative and quantitative aspects of the implementation of the programme since its adoption.

1.4.3 Final evaluation of the programme

No later than 31 December 2014, the Commission shall submit a final evaluation of the programme to the Council and the European Parliament.

2. ANNUAL WORK PROGRAMME 2009

2.1. General Provisions

The relevant budget heading is 18 06 07.

- (a) In 2009, the annual budget available for specific programme "Civil Justice" is EUR 14 600 000. From this amount EUR 4 650 000 will be allocated to specific actions taken by the Commission, EUR 4 800 000 to specific transnational projects of Community interest (co-financing of specific projects), EUR 1 500 000 to support the activities of non-governmental organisations or other entities (operating grants), EUR 500 000 to co-finance the expenditure associated with the work programme of the European Network of Councils for the Judiciary and the Network of the Presidents of the Supreme Judicial Courts of the European Union, and EUR 3 150 000 to the operation of the European Judicial Network in Civil and Commercial Matters.
- (b) The aforesaid breakdown is indicative. Any modification thereof exceeding 20% will, however, be considered to be a "substantial change" in the sense of Art. 90 of the Implementing Rules⁵ and as such will require adoption by the same procedure as the Work Programme itself

3. ACTION GRANTS – CO-FINANCING FOR SPECIFIC PROJECTS

3.1. Action Grants

3.1.1. Priorities for 2009

The general priority for 2009 is the area of **e-justice**. Emphasis will be given to support of best practices development through transnational pilot projects. Priority should be given also

⁵ 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 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357, 31.12.2002, p. 1), as last amended by Commission Regulation (EC, Euratom) No 478/2007 of 23 April 2007 (OJ L 111, 28.04.2007, p. 13).

to projects related to the electronic application of the new adopted Community instruments (Regulations on small claims No 861/2007 and European payment order No 1896/2006 and the Directive 2008/52/EC on mediation). The following four types of projects can be supported, based on each of the four objectives of the framework programme:

- a) **Projects aimed at promoting judicial cooperation in civil matters, with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence.**

Scope:

Projects with this objective may consist of studies and research (including development of IT projects) or meetings and seminars, or a combination of them. Projects can cover any topic in the area of judicial cooperation in civil matters.

Priority will be given to projects focusing on the following topic:

- Encouraging the development and use of electronic tools in the context of justice and on the basis of exchange of best practices. All projects will have to show how they contribute to the improvement of interoperability at European level. Such projects could relate to support to translation and the use of video-conferencing technology for communication in cross-border proceedings; networking of public registers (e.g. insolvency registers or land registers or registers of wills or civil status registers); development of e-Signature in the justice field, development of paperless procedures and creation of databases with national legislation and/or case law of the Member States relevant for the application of mutual recognition and enforcement of judgments instruments

- b) **Projects aimed at promoting the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States**

Scope:

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

Priority will be given to projects related to e-justice, succession and wills and enforcement of decisions.

- c) **Projects aimed at improving the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice**

Scope:

Projects with this objective may consist of dissemination of information.

Priority will be given to projects focusing on information for citizens on access to justice in situations involving two or more Member States, in particular by the means of e-justice.

- d) **Projects aimed at improving the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals**

Scope:

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

Priority will be given to projects consisting of:

- training to develop the use of e-Justice tools regarding electronic communication between judicial authorities, legal practitioners and parties to proceedings,;
- training for practitioners of justice in Community legislative instruments adopted on the basis of Article 61(c) of the Treaty establishing the European Community,⁶ and in particular Regulation (EC) No 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters; Regulation (EC) No 805/2004 creating a European Enforcement Order for uncontested claims; Regulation (EC) No 593/2008 on the law applicable to contractual obligations (Rome I), Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters; Regulation (EC) No 1896/2006 creating a European order for payment procedure; Regulation (EC) No 861/2007 establishing a European Small Claims Procedure; Regulation No 864/2007 on the law applicable to non contractual obligations (Rome II); Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the

⁶ Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, OJ L 26, 31.1.2003, p. 41.

Council Regulation (EC) No 1206/2001 of 28.05.2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, OJ L 174, 27.6.2001, p. 1.

Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, OJ L 12, 16.1.2001 p.1.

Council Regulation (EC) 1346/2000 of 29 May 2000 on insolvency proceedings, OJ L 160, 30.6.2000, p. 1.

European Parliament and Council Regulation (EC) No 805/2004 of 21 April 2004 creating a European Enforcement Order for uncontested claims, OJ L 143, 30.4.2004.

Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, OJ L 160, 30.6.2000, p. 37.

Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II), OJ L 199, 31.7.2007, p.40.

Regulation (EC) No 861/2007 of the European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure, OJ L 199, 31.7.2007, p.1.

Regulation (EC) No 1896/2006 of the European Parliament and the Council of 12 December 2006 creating a European order for payment procedure, OJ L 399, 30.12.2006, p.1.

Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member states of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000, OJ L 324, 10.12.2007, p.79.

Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I), OJ L 177, 4.7.2008, p.6.

Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters, OJ L 136, 21.5.2008, p.3.

service in the Member states of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 .

- training for the judges and the central authorities referred to in the parental responsibility Regulation (new Brussels II Regulation)⁷ on the operation of that Regulation in relation to their judicial cooperation functions;
- training for practitioners of justice in mediation techniques.

3.1.2. Expected results

The call for proposals should prompt between 100 and 150 proposals, of which the available budget should allow 15 to 30 to be co-financed (depending on the number of eligible requests presented). To be eligible, proposals must clearly state the expected results of the action. The projects that are selected must enable progress to be made in the attainment of one or more of the four objectives of the programme, mentioned above, and must present a good cost/value ratio.

3.1.3. Procedure for Project Selection, Implementation and Type of Expenditure

Projects to be co-financed under the programme will be selected following a call for proposals. Proposals will be evaluated by an evaluation committee on the basis of the eligibility, selection and award criteria described at point 2.6. below.

Co-financing will take the form of grants for the selected projects, and will be formalised by a grant agreement.

3.1.4. Target Group

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

3.1.5. Budgetary Implications

3.1.5.1. General

The indicative action grants budget planned for 2009 is € 4.000.000, of which € 1.000.000, should in principle be devoted to the co-financing of projects aimed at improving the functioning of the European Judicial Network in civil and commercial matters (assuming availability of eligible proposals following this objective).

3.1.5.2. Financial Provisions for Action Grants

- a) The maximum rate of co-financing by the Commission is 80% of the total eligible costs of the project. Consequently, a minimum of 20% of the total eligible costs of

⁷ Council Regulation (EC) No 2201 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, repealing Regulation (EC) No 1347/2000.

the project must be in the form of a direct monetary contribution from the applicant or from another fund provider.

- b) The applicant must submit budget estimates in euros, in which revenue and expenditure are in balance.
- c) The rules on eligible costs are described in the standard grant agreement.
- d) Co-financing of a project under this framework cannot be combined with any other co-financing by another programme financed by the budget of the European Communities.
- e) Commission grants are given for non-commercial purposes only and projects must be strictly non-profit making.

3.1.5.3. Amount of Grant

The minimum amount of grant is € 75 000, project proposals requesting a grant of less than

€ 75 000 will be considered ineligible. The maximum grant that can be awarded is €500 000, project proposals requesting a grant of more than € 500 000 will be considered ineligible.

3.1.5.4. Payment Conditions

As a general rule, the Commission grant is paid in two instalments: a prefinancing payment (in principle up to 70% of the total grant) on signature of the grant agreement, and the balance on receipt and approval by the Commission of the final report and final financial statement of the project. Sums due shall be paid by the Commission within no more than 45 calendar days from the date of signature of the grant agreement and no more than 90 calendar days from the date of receipt of the final report. On expiry of the time-limit, the creditor shall be entitled to late payment interest.

3.1.6. Exclusion, Eligibility, Selection and Award Criteria

3.1.6.1. Exclusion Criteria

Candidates shall be excluded from participation in a call for proposals if:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in

which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

(e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;

(f) they are currently subject to an administrative penalty referred to in Article 96(1) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, as last amended by Council Regulation (EC) N° 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007), due to having been guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in another grant or procurement procedure or failing to supply this information or due to having been declared to be in serious breach of their obligations under contracts covered by the budget.

(g) they are subject to a conflict of interest;

(h) they are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the grant procedure or fail to supply this information;

3.1.6.2. Eligibility Criteria

- a) Projects may be submitted by institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training institutes for legal practitioners, international organisations and non-governmental organisations of the Member States. The following countries may participate in the actions of the Programme: the acceding countries, the candidate countries and the Western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or additional protocols thereto relating to participation in Community programmes concluded or to be concluded with those countries. Projects may associate legal practitioners from Denmark, from candidate countries not participating in the Programme where this would contribute to their preparation for accession, or from other third countries not participating in the Programme where this serves the aim of the projects. b) The minimum amount of grant is € 75 000, project proposals requesting a grant of less than € 75 000 will be considered ineligible. The maximum grant that can be awarded is €500 000, project proposals requesting a higher amount will be considered ineligible. The maximum rate of co-financing by the Commission is 80%, proposals requesting more than 80% of eligible costs will be considered ineligible.
- c) Projects should be have a duration of maximum 24 months.
- d) Projects must involve at least two Member States⁸ or at least one Member State and a candidate / acceding country eligible to participate in the actions of the Programme⁹,

⁸ For the purposes of this point, the term "Member States" shall mean Member States with the exception of Denmark since, as mentioned in Recital 19 of the Decision N°1149/2007/EC,

whether they are working together to organise them or actually participating. Projects may also associate practitioners from Denmark or from non-member countries not participating in this framework for activities, where this serves the aims of the projects.

- e) Projects which are eligible for financing must correspond to one of the four objectives of the framework programme.
- f) The audience targeted by the proposal: the project must target practitioners of justice, except for projects concerning public information, which must target the general public or specified categories.
- g) There must be no overlap or duplication with other activities, in particular with previous projects financed under the programme or under the old Schuman, Grotius, Grotius Civil programmes or the Framework Programme for Judicial Cooperation in Civil Matters.
- h) Only requests submitted on the standard request forms, signed and accompanied by the annexes required in the call for proposals, will be taken into account. Any alterations made to the form will disqualify the application.
- i) The form should be completed in full, in one of the European Union's official languages. It must be signed by the person authorised to enter into legally binding commitments on behalf of the applicant.
- j) Requests must be presented within the time allowed by the call for proposals.

3.1.6.3. Selection Criteria

Proposals which meet the eligibility criteria will be evaluated on the basis of the following selection criteria:

- a) The applicant's sufficient operational capacities to carry out the project.
- b) The applicant's sufficient financial capacities to carry out the project.

3.1.6.4. Award Criteria

Only proposals meeting the selection criteria described above will be subject to in-depth evaluation. The evaluation will be carried out according to the following criteria. Each criterion will be assessed against the maximum number of points indicated below, the maximum total for all the award criteria together being 100 points:

- (a) Relevance to the programme's objectives and complementarity with other Community activities, avoiding duplication with projects funded by other Community programmes. Ability of the project to attain the desired objective,

Denmark did not take part in the adoption of the aforementioned Decision and is therefore not bound by it or subject to its application.

⁹ Participation of acceding countries and candidate countries is subject to compliance with the conditions specified in the legal base (Art. 5 (1))

particularly in terms of the relevance of the expected results and practical impact (15 points);

- (b) **Quality of the proposed action in terms of its design, organisation, presentation and expected results (30 points);**
- (c) **Amount requested for Community financing and its appropriateness in relation to expected results (15 points);**
- (d) **Geographical scope of the project in terms of partners, participants and target group and/or its added value at European level. (15 points);**
- (e) **Sustainability of the project, i.e. likely impact of the expected results, measures planned for the dissemination of the results and to ensure adequate follow-up of project outputs. (25 points)**

Where a single applicant submits several applications for separate projects, the Commission reserves the right to select only one project from each applicant.

3.1.7. *Approximate Timetable*

For 2009, the schedule of calls for proposals will most probably be as follows:

Publication of the call for proposals on the Commission website:	Q2 2009
Deadline for submission of proposals:	Q3 2009
Opinion of the Programme Committee:	Q3 2009
Commission Decision:	Q3 2009
Commitments and grant agreements:	Q4 2009
Projects' starting date (at the earliest):	Q4 2009

3.2. Action Grants for Specific Projects in the Context of the Implementation of the European competition rules

3.2.1. *Priorities for 2009*

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

- a) **Projects aimed at promoting judicial cooperation between, and the training of, national judges in the context of the enforcement of the European competition rules including Articles 81 and 82 of the EC Treaty as well as the State Aid rules, with the aim of contributing to the development and implementation of European competition policy and Community cooperation measures in the field of competition in order to ensure the consistency of Community competition policy.**

Scope:

Projects with this objective may consist of

- training activities in the form of conferences, seminars, colloquia, meetings and symposia on European competition law (e.g. on actions for damages) for national judges as well as short- or long-term training courses in European competition law under study programmes for national judges;
- activities promoting the cooperation and/or networking between national judges, in particular between judicial authorities or other public or private organisations responsible for encouraging or monitoring the correct application of European competition law by national judges;
- the setting-up and/or maintenance of databases providing information on European competition law (such as, for example, but not exclusively, judgments applying Art. 81 & 82 EC) and the distribution of such information specifically adapted to the needs of national judges;

Projects must cover the enforcement of **the European competition rules including Articles 81 and 82 of the EC Treaty and/or the State Aid rules and/or private enforcement.**

Priority will be given to projects focusing on the following topics:

- ensuring coherence and consistency in the enforcement of **the European competition rules including Articles 81 and 82 of the EC Treaty and/or the State Aid rules;**
- improving and encouraging the cooperation between national judges in the field of European competition law;
- distribution of information on European competition law specifically adapted to the needs of national judges;

3.2.2. Expected results

The call for proposals should prompt between 20 and 30 proposals, of which the available budget should allow ca. 20 to be co-financed (depending on the number of eligible requests presented). To be eligible, proposals must clearly state the expected results of the action. The projects that are selected must enable progress to be made in the attainment of the objectives of the programme, mentioned above, and must present a good cost/value ratio.

3.2.3. Procedure for Project Selection, Implementation and Type of Expenditure

Projects to be co-financed under the programme will be selected following a call for proposals. Proposals will be evaluated by an evaluation committee, on the basis of the eligibility, selection and award criteria described below.

Co-financing will take the form of grants for the selected projects, and will be formalised by a grant agreement.

3.2.4. *Target Group*

The projects are targeted at **the national judges, including the prosecutors, the apprentice national judges and the legal staff of the judges' offices or that of national courts of the Union.**

3.2.5. *Participation*

1. The following countries may participate in the actions of the Programme: the acceding countries, the candidate countries and the Western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or additional protocols thereto relating to participation in Community programmes concluded or to be concluded with those countries.
2. Projects may associate legal practitioners from Denmark, from candidate countries not participating in the Programme where this would contribute to their preparation for accession, or from other third countries not participating in the Programme where this serves the aim of the projects.

3.2.6. *Budgetary Implications*

3.2.6.1. **General**

The grants budget planned for 2009 is € 800.000, to be devoted to the co-financing of projects aimed at promoting judicial cooperation between, and the training of, national judges in the context of the enforcement of **the European competition rules including Articles 81 and 82 of the EC Treaty and the State Aid rules** (assuming availability of eligible proposals following this objective).

3.2.6.2. **Financial Provisions for Action Grants**

- a) The maximum rate of co-financing by the Commission is **80%** of the total eligible costs of the project.
- b) The applicant must submit budget estimates in euros, in which revenue and expenditure are in balance.
- c) The rules on eligible costs are described in the standard grant agreement.
- d) Contributions in kind are not eligible costs. In any event, a minimum of **20%** of the co-financing for the project must be in the form of a direct monetary contribution from the applicant or from another fund provider.
- e) Co-financing of a project under this framework cannot be combined with any other co-financing by another programme financed by the budget of the European Communities.
- f) Commission grants are given for non-commercial purposes only and projects must be strictly non-profit making.

3.2.6.3. Amount of Grant

The maximum grant that can be awarded is €100 000, the minimum amount of grant is € 20 000.

3.2.6.4. Payment Conditions

As a general rule, the Commission grant is paid in two instalments: a prefinancing payment (in principle up to 70% of the total grant) on signature of the grant agreement, and the balance on receipt and approval by the Commission of the final report and final financial statement of the project. Sums due shall be paid by the Commission within no more than 45 calendar days from the date of signature of the grant agreement and no more than 90 calendar days from the date of receipt of the final report. On expiry of the time-limit, the creditor shall be entitled to late payment interest.

3.2.7. Exclusion, Eligibility, Selection and Award Criteria

3.2.7.1. Exclusion Criteria

Candidates shall be excluded from participation in a call for proposals if:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- (e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- (f) they are currently subject to an administrative penalty referred to in Article 96(1) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, as last amended by Council Regulation (EC) N° 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007), due to having been guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in another grant or procurement procedure or failing to supply this information or due to having been declared to be in serious breach of their obligations under contracts covered by the budget.
- (g) they are subject to a conflict of interest;

(h) they are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the grant procedure or fail to supply this information;

3.2.7.2. Eligibility Criteria

- a) Projects may be submitted by institutions and public or non-profit making private organisations, including professional organisations, universities, research institutes and legal and judicial training institutes for legal practitioners, international organisations and non-governmental organisations of the Member States¹⁰.
- b) Projects should have duration of maximum 24 months.
- c) The minimum amount of grant is € 20 000, project proposals requesting a grant of less than € 20 000 will be considered ineligible. The maximum grant that can be awarded is €100 000, project proposals requesting a higher amount will be considered ineligible. The maximum rate of co-financing by the Commission is 80%, proposals requesting more than 80% of eligible costs will be considered ineligible.
- d) Projects should involve two or more Member States⁷-or at least one Member State and one other State which may be either an acceding or a candidate country eligible to participate in the actions of the Programme¹¹. The requirement of involvement can be fulfilled through co-organisation of the action or participation, for example as speaker(s), participants etc.
- e) Projects which are eligible for co-financing must correspond to one of the objectives of the programme.
- f) The audience targeted by the proposal: the project must target national judges, including the prosecutors, the apprentice national judges and the legal staff of the judges' offices or of national courts of the Union³.
- g) There must be no overlap or duplication with other activities, in particular with previous projects financed under the programme or with projects which are co-financed by another programme financed by the budget of the European Communities.
- h) Only requests submitted on the standard request forms, signed and accompanied by the annexes required in the call for proposals, will be taken into account. Any alterations made to the form will disqualify the application.
- i) The form should be completed in full, in one of the European Union's official languages. It must be signed by the person authorised to enter into legally binding commitments on behalf of the applicant.

¹⁰ For the purposes of this point, the term "Member States" shall mean Member States with the exception of Denmark since, as mentioned in Recital 19 of the Decision N°1149/2007/EC, Denmark did not take part in the adoption of the aforementioned Decision and is therefore not bound by it or subject to its application.

¹¹ Participation of acceding countries and candidate countries is subject to compliance with the conditions specified in Article 5 (1) of the legal base.

- j) Requests must be presented within the time allowed by the call for proposals.

3.2.7.3. Selection Criteria

Proposals which meet the eligibility criteria will be evaluated on the basis of the following selection criteria:

- a) The applicant's sufficient operational capacities to carry out the project.
- b) The applicant's sufficient financial capacities to carry out the project.

The fulfilment of the above requirements is to be documented by Curriculum Vitae or other appropriate documents.

3.2.7.4. Award Criteria

Only proposals meeting the selection criteria described above will be subject to in-depth evaluation. The evaluation will be carried out according to the following criteria. Each of the 4 below-mentioned criteria will be assessed against a schedule of points representing 25 % of the maximum total of points to be awarded s:

- a) Relevance to the programme's objectives and complementarity with other Community activities, avoiding duplication with projects funded by other Community programmes. Ability of the project to attain the desired objective, particularly in terms of the relevance of the expected results and practical impact. This includes a clear and precise description of the objectives of the project and the means of attaining them, the expected results as well as of problem-solving orientation and methodology. For each type of project, it should be demonstrated that the objective of the project reflects a clearly identified need for action (25 % of the total points);
- b) The intrinsic quality of the project as regards its design, presentation, organisation and implementation (detail and specificity of the proposed activities, quality of the speakers and of the evaluation of the activities provided by the applicant) (25 % of the total points).
- c) The immediate results and medium-term impact of the project, in particular with a view to its European dimension. Measures planned for the dissemination of the results as well as the extent of the foreseeable multiplier effect of the whole project (25 % of the total points).
- d) Cost/benefit ratio of the activity proposed, in terms of economies of scale and cost-effectiveness (25 % of the total points).

3.2.8. Approximate Timetable

For 2009, the schedule of calls for proposals will most probably be as follows:

Publication of the call for proposals on the Commission website: Q1 2009

Deadline for submission of proposals: Q2 2009

Opinion of the Programme Committee:	Q2 2009
Commission Decision:	Q3 2009
Commitments and grant agreements:	Q3 2009
Projects' starting date (at the earliest):	Q3 2009

4. OPERATING GRANTS – CO-FINANCING OF THE ANNUAL WORK PROGRAMME OF NON-GOVERNMENTAL ORGANISATIONS

4.1. Priorities for 2009

Grants awarded under this heading are not intended to co-finance the implementation of a specific project but to support the activities included in the 2009 annual activity programme of eligible organisations, with the same priorities as those indicated in section 2.1. (priorities for action grants).

4.2. Expected Results

The call for proposals should prompt about 35 - 40 proposals, out of which the available budget should allow a maximum of 15 organisations to be selected (depending on the number of eligible requests presented). To be eligible, proposals must clearly state the expected results of the activities of the organisation making the proposal. The work programmes that are selected must enable progress to be made in the attainment of on or more of the four objectives of the programme, mentioned above.

4.3. Procedure for Project Selection, Implementation, Type of Expenditure

Organisations to be co-financed under the programme will be selected following a call for proposals. Proposals will be evaluated by an evaluation committee made up of Commission officials, possibly assisted by independent experts, on the basis of the eligibility, selection and award criteria described in point 3.6. below.

Co-financing will take the form of grants for the selected organisations and will be formalised by a grant agreement.

4.4. Budgetary Implications

4.4.1. General

The planned indicative budget for grants for the operation of non-governmental organisations is € 1.500.000.

4.4.2. Financial provisions

- a) The maximum rate of co-financing by the Commission is 80% of the total eligible costs the applicant expects to incur in carrying out its activities during 2009.

- b) Eligible costs are those necessary to enable the organisation to pursue its stated goals. The rules on eligible and ineligible costs are described in the standard grant agreement.
- c) The remaining funding of the organisation's budget must come from other sources. Contributions in kind do not count as external co-financing.
- d) Co-financing of the activities of an organisation under this framework cannot be combined with any other co-financing of activities from the budget of the European Communities.
- e) If an organisation realizes a surplus of income over expenditure at the end of the financial year, it may have to repay part of the grant paid to it by the Commission.
- f) When an operating grant is renewed (i.e. attributed to the same beneficiary for more than one consecutive term), the grant shall be gradually decreased.

4.4.3. Amount of Grant

The maximum grant that can be awarded is €250 000.

4.4.4. Payment Conditions

The grant is paid in two instalments: a prefinancing payment (in principle up to 50% of the total grant) on signature of the grant agreement, and the balance on receipt and approval by the Commission of the final report and final financial statement. Sums due shall be paid by the Commission within no more than 45 calendar days from the date of signature of the grant agreement and no more than 90 calendar days from the date of receipt of the final report. On expiry of the time-limit, the creditor shall be entitled to late payment interest.

4.5. Exclusion, Eligibility, Selection and Award Criteria

4.5.1. Exclusion Criteria

Candidates shall be excluded from participation in a call for proposals if:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

(e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;

(f) they are currently subject to an administrative penalty referred to in Article 96(1) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, as last amended by Council Regulation (EC) N° 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007), due to having been guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in another grant or procurement procedure or failing to supply this information or due to having been declared to be in serious breach of their obligations under contracts covered by the budget.

(g) they are subject to a conflict of interest;

(h) they are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the grant procedure or fail to supply this information;

4.5.2. Eligibility Criteria

- a) Non-governmental organisations which can present a request must duly constituted on the basis of the law of one of the Member States (except Denmark); one of the acceding countries, the candidate countries and the Western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or additional protocols thereto relating to participation in Community programmes concluded or to be concluded with those countries.
- b) Eligible expenditure must be incurred in the beneficiary's financial year beginning in 2009; the maximum grant that can be awarded is €250 000, proposals requesting a higher amount will be considered ineligible. The maximum rate of co-financing by the Commission is 80%, proposals requesting more than 80% of eligible expenditure will be considered ineligible.
- c) Organisations must carry out activities with a European dimension involving, at least 13 Member States;
- d) The aims of their activities must include one or more of the objectives of this specific programme (see above under "1.1.1 General Objectives").
- e) Only requests presented on the standard request forms, within the time mentioned in the call for proposals, will be taken into account. Any alterations made to the form will disqualify the application.

4.5.3. Selection Criteria

Proposals which meet the eligibility criteria will be evaluated on the basis of the following selection criteria:

- a) The applicant's sufficient operational capacities to carry out the annual activity programme;

- b) The applicant's sufficient financial capacities to carry out the annual activity programme;

4.5.4. Award Criteria

Only proposals meeting the selection criteria described above will be subject to in-depth evaluation. The evaluation will be carried out according to the following criteria. Each criterion will be assessed against the maximum number of points indicated below, the maximum total for all the award criteria together being 100 points:

- (a) Relevance to the programme's objectives and complementarity with other Community activities, avoiding duplication with projects funded by other Community programmes. Ability of the annual work programme to attain the desired objective(s), particularly in terms of the relevance of the expected results and practical impact (15 points);
- (b) Quality of the proposed activities in terms of their design, organisation, presentation and expected results (30 points);
- (c) Amount requested for Community financing and its appropriateness in relation to expected results (15 points);
- (d) Geographical scope (European dimension) of the applicant's activities in terms of partners, participants and target group and/or its added value at European level. (15 points);
- (e) Sustainability of the project, i.e. likely impact of the expected results, measures planned for the dissemination of the results and to ensure adequate follow-up of project outputs. (25 points)

4.6. Approximate timetable

For 2009 (i.e. for the operating grants covering expenditure incurred in the financial year beginning in 2010) the schedule of calls for proposals will most probably be as follows:

Publication of the call for proposals on the Commission website:	Q2 2009
Deadline for submission of proposals:	Q3 2009
Opinion of the Programme Committee:	Q4 2009
Commission Decision:	Q4 2009
Commitments and grant agreements:	Q4 2009

5. OPERATING GRANTS FOR SPECIFIC ORGANISATIONS MENTIONED IN THE LEGAL BASE

5.1. Object of Grants

Grants awarded under this heading are intended to support the activities included in the 2008 annual activity programme of the European Network of Councils for the Judiciary and the Network of Presidents of the Supreme Judicial Courts of the European Union, specifically mentioned in the legal base of the specific programme Civil Justice. The Commission may award these grants without publication of a call for proposals. All other requirements of the Financial Regulation and its Implementing Rules shall apply.

5.2. Expected Results

Grants awarded under this heading should permit the grant recipients develop activities pursuing an objective of general European interest, notably "jurisprudence portal" (Network of the Presidents of Supreme Judicial Courts of the European Union) and "the setting up of a permanent office and of a website with comprehensive information about the judiciaries in the EU Member States" (European Network of Councils for the Judiciary). The annual work programmes of grant recipients must enable progress to be made in the attainment of one or more of the four objectives of the programme, mentioned above.

5.3. Procedure for Grant Award, Implementation, Type of Expenditure

Grants under this heading will be awarded following the receipt of a grant request from the European Network of Councils for the Judiciary and the Network of Presidents of the Supreme Judicial Courts of the European Union. Grant requests shall be assessed in the light of:

- (a) consistency with the objectives of the Programme;
- (b) quality of the planned activities;
- (c) likely multiplier effect on the public of these activities;
- (d) geographical impact of the activities carried out;
- (e) citizens' involvement in the organisation of the bodies concerned;
- (f) cost/benefit ratio of the activity proposed

Grants will be formalised by a grant agreement. Co-financing may concern only eligible costs incurred when pursuing an objective of general European interest.

5.4. Budgetary Implications

5.4.1. General

The total planned budget for grants to co-finance the activities of the European Network of Councils for the Judiciary and the Network of Presidents of the Supreme Judicial Courts of the European Union is € 500.000.

5.4.2. Financial provisions

- a) The Community grant may not finance the entire costs of implementing the work programme in the year for which it is awarded. The maximum rate of co-financing by the Commission is 80% of the total eligible costs incurred in the beneficiary's financial year beginning in 2009.
- b) Eligible costs are those necessary to enable the organisation to pursue its stated goals. The rules on eligible and ineligible costs are described in the standard grant agreement.
- c) The remaining funding of the organisation's budget must come from other sources. Contributions in kind do not count as co-financing.
- d) Co-financing of the activities of an organisation under this framework cannot be combined with any other co-financing of activities from the budget of the European Communities.
- e) If an organisation realizes a surplus of income over expenditure at the end of the financial year, it may have to repay part of the grant paid to it by the Commission.

5.4.3. Amount of Grant

The maximum grant that can be awarded is €250 000.

5.4.4. Payment Conditions

The grant is paid in three instalments: a pre-financing payment (70% of the total grant) on signature of the grant agreement, further pre-financing within 45 days of the request (and not until 75% of the initial pre-financing payment has been spent) and the balance (5%) on receipt and approval by the Commission of the final report and final financial statement. Sums due shall be paid by the Commission within no more than 45 calendar days from the date of signature of the grant agreement and no more than 90 calendar days from the date of receipt of the final report. On expiry of the time-limit, the creditor shall be entitled to late payment interest.

5.5. Approximate timetable

For 2009 (i.e. for the operating grants covering expenditure incurred in the financial year beginning in 2009) the schedule will most probably be as follows:

Submission of the grant requests	Q1 2009
Evaluation of the grant requests	Q1 2009
Commitments and grant agreements:	Q2 2009

6. CALLS FOR TENDERS – ACTIONS ON THE INITIATIVE OF THE COMMISSION

6.1. Priorities for 2009

The Commission intends to continue or undertake the following actions in 2009:

6.1.1. *E-Justice*

- a) Updating and maintaining the Judicial Atlas in Civil Matters, launched in 2002, put on-line in March 2004 and developed in 2005-2008. In 2009 the Commission should continue to update this IT tool, which is designed to ensure user-friendly access, via the internet, to the information required for judicial cooperation in civil matters between the Member States and, in particular, for the use of Community instruments in this area.
- b) Maintenance, improving and development of databases designed to collect judgments and decisions given by the courts and tribunals of the Member States on the application of the following instruments: the Brussels I Regulation (No 44/2001), the Brussels Convention of 1968, the Lugano Convention of 1988, the Brussels II Regulation (No 1347/2000) and the new Brussels II Regulation (No 2201/2003, which came into operation on 1 March 2005, replacing the Brussels II Regulation).
- c) As follow-up of the Communication adopted on 30 May 2008 (COM(2008) 328 final), the Commission is committed to enhance cooperation between Member States in the field of the initiative "e-justice". There is thus a need for financing actions in this regard concerning the civil justice aspects of the projects in the field of e-Justice such as European Justice Portal, the feasibility of which requires further exploration in 2009. Secondly, in 2008 a feasibility study was launched by the Commission to facilitate the application of Regulation (EC) N° 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure. The follow-up actions in this area in 2009 will depend on the conclusions of the feasibility study to be delivered in 2008¹². Thirdly, follow up actions to the needs identified in the Report on the taking of evidence¹³ and in the Regulation (EC) No 861/2007¹⁴ establishing a European procedure for small claims *as regards* using the communication technology at performance of the taking of evidence, in particular by using video- and teleconference. Finally, feasibility studies and development of e-Justice projects, in particular regarding the development of an e-Justice portal including content of the portal, the use of IT for the improvement of translations and the creation of a secure network of communication between judicial authorities.

¹² and on the conclusions of the feasibility study concerning the development of a European interface ("E-justice portal") carried out and financed within the framework of specific programme "Criminal Justice" in 2008.

¹³ Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of the Council Regulation (EC) 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, COM(2007)769 final, 5.12.2007

¹⁴ OJ L 199, 31.7.2007, p. 1.

6.1.2. *Other actions in the field of judicial cooperation in civil matters*

- d) Organisation of the 7th edition of the European Day of Civil Justice (The European Day of Civil Justice, established in 2003, falls into the context of the wish expressed by the European Council at its Tampere meeting in 1999 to facilitate access to justice for all. The European Day of Civil Justice will be an event intended to enable European citizens to better understand how judicial systems work in practice. Different initiatives can be taken by the Member States for the European Day of Civil Justice: open days, meetings with legal practitioners, conferences, activities for young people),
- e) Preparatory work for the Organisation of the 4th edition of the Crystal Scales of Justice prize in year 2010 (In the context of European Day of Civil Justice, declared jointly by the European Commission and Council of Europe, a European prize for innovative practice in civil justice organisation and procedure is to be awarded in an effort to discover and spotlight innovative and effective practices either in court organisation or in respect of the conduct of civil proceedings in the courts of Europe, so as to improve the operation of the public system of civil justice. The prize was organized already in 2005 and 2006. From 2008 it will be organized every 2 years)¹⁵,
- f) Launching of actions of information on civil justice towards citizens and legal practitioners, in particular: launch of a survey (opinion poll) on the needs of European citizens and stakeholders in general (judges, law practitioners, expatriates, associations etc.) in the area of civil justice, distribution of a pocket guide on selected family-law issues (notably child abduction). Implementation of the interactive web-site ("Civil Justice Toolkit") to inform possible project promoters about the Commission's work programme with the aim to create synergies between them and facilitate the launching of the initiatives to be co-financed under the Civil Justice programme. Joint organisation of information events with associations of legal professionals.
- g) Joint Conference with the Council of Europe and/or the Presidency of the Council to disseminate the results of the comparative study on the adoption procedures between Member States which is supposed to be released beginning 2009 .
- h) Exploratory studies in the area of judicial cooperation in civil matters to support the Post -Hague Programme which is planned to be published in March 2009. The subject matters of the studies will be identified accordingly to the priorities set out in the new Programme. Moreover, other studies may be devoted to the evaluation of the application of the Directive on legal aid and to support the preparation of the report to the Council, the European Parliament and the European Economic and Social Committee requested by 17 June 2010 in accordance with article 27.2 of the EC Regulation No 593/2008 of 17 June 2008 on the law applicable to contractual obligations (Rome I) .
- i) Actions related to the preparation of the Common Frame of Reference in the field of European Contract Law. In particular, the translation in all the official languages of the Commission's CFR currently under preparation and a study to evaluate the

¹⁵ the prize is purely symbolic: a trophy made of crystal, no financial prize

consistency of the select areas and their coherence with the existing Community acquis.

6.2. Indicative Amounts Allocated to Actions on the Initiative of the Commission and the Types of Procurement Procedures to be used

ACTION	AMOUNT	PROCEDURE
E-Justice		
a) Judicial Atlas		
- Maintenance and development	250.000 €	JLS Framework Contract – lot II/Information (websites, IT issues)
b) Databases		
- Brussels I (review and feeding)		
New files: 200 x 515 Euro		
Review of the existing files: 700 x 135 Euro	200.000 €	JLS Framework Contract – lot II/Information (websites, IT issues)
- Brussels II(feeding)	80.000 €	
New files: 150 x 515 Euro		
-Maintenance and development JURE database	150.000 €	
c) e-justice actions such as feasibility studies, their follow-up; development of an e-Justice portal including content of the portal and the use of IT for the improvement of translations and the creation of a secure network of communication between		JLS Framework Contract – lot II/Information (websites, IT issues)

judicial authorities	800.000 €	
Publicity measures		
d)- Day of Civil Justice	200.000 €	Use of JLS framework contract
e) -Preparatory work for the organization of Crystal Scales of Justice prize	50.000 €	
f)- information actions and campaigns		
including the "Civil Justice toolkit"		
	1.700.000 €	
	100.000 €	

g) Joint Conference with the Council of Europe and/or Presidency of the Council to disseminate the results of the study on adoption	200.000 €	Use of JLS framework contract
h) Exploratory studies in the area of judicial cooperation in civil matters to support the Post –Hague Programme which is supposed to be published in March 2009. The subject matters of the studies will be identified accordingly to the priorities set out in the new Programme. Other studies may be devoted to the evaluation of the application of the Directive on legal aid and to the preparation of the report requested by article 27.2 of the Rome I Regulation.	600.000 €	Invitation to tender, open procedure
i) Actions related to the preparation of the Common Frame of Reference in the field of European Contract Law	300.000 €	Call for expression of interest and specific contracts or open procedures Q3/4.
Total	4.630.000 €	

Interested parties should not yet submit any tender or proposal nor express interest in relation to the above actions.

7. MANAGEMENT OF THE EUROPEAN JUDICIAL NETWORK IN CIVIL AND COMMERCIAL MATTERS

Context and Policy

- (f) The European Judicial Network in Civil and Commercial Matters pursues the following three fundamental objectives:

- (g) - improving and facilitating judicial cooperation in civil and commercial matters between the Member States in all fields;
- (h) - improving the effective and practical application of Community instruments and conventions in force between two or more Member States;
- (i) - promoting effective access to justice for the general public, in particular through an accessible web-based information system.

The 2006 report on the functioning of the Network¹⁶ has showed that the implementation of the Decision has helped to improve and accelerate judicial cooperation between courts in the Union and cut the time taken to process requests via its system of direct relations between contact points. In addition, it has had a significant impact on the settlement of unresolved requests for mutual judicial assistance.

The Commission stresses the importance of the Network as an essential tool for establishing a genuine European judicial area.

But the report considers also that by and large if the Network has attained the objectives assigned to it but notes that it is still far from having developed its full potential. To this end, it is essential that it be given the necessary means to perform its tasks, which are found to expand in the years to come. This is precisely the objective of the legislative proposal for a decision of the European Parliament and of the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters presented on 23 June 2008 by the Commission.¹⁷

The aim for 2009 is to make the Network even more effective and useful for legal practitioners and citizens.

Priorities for 2009

- (1) Consolidation of the Internet site of the European Judicial Network in civil and commercial matters, updating, maintenance and development of the network's Internet pages (in terms of lay-out, contents, language versions, on-line discussion facilities), and further development of the tools necessary for the good functioning of the Network (Intranet, data base serving the purpose of the Network's register). Continuation of efforts aimed at fully adapting the Network to the current reality of enlarged EU and the context of ongoing enlargement, especially concerning the multilingual character of the Network's Internet pages. The consolidation of the Internet site will take into account the general framework of the Community action on e-justice with a view to avoid any duplication or incoherence.
- (2) Continuation of the work carried out so far, in particular when it comes to the organisation of meetings (meetings of contact points and meetings of Network members).

¹⁶ COM(2006) 203 final report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the application of Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters (SEC(2006) 579)

¹⁷ COM (2008) 380 final

- (3) Execution of tasks related to the implementation of Community instruments, as defined in the decision establishing the Network or as specified in the individual instruments that constitute the *acquis* in the area of civil justice.
- (4) Follow-up on the report (adopted in 2006) addressed to the European Parliament, Council and Economic and Social Committee and focused on the implementation of the decision establishing the European Judicial Network in Civil and Commercial Matters and on the proposal for a decision of the European Parliament and of the Council amending Council Decision 2001/470/EC establishing a European Judicial Network in Civil and Commercial matters (adopted in 2008), especially with respect to various projects aimed at increasing the level of awareness of the Network on the part of the judicial authorities, citizens and businesses and activities carried out in individual Member States with a view to reinforcing the role of the Network as a vital tool for the creation of a real European area of justice. In particular, preparation of practical guidelines and information activities covering the work of the Network and the instruments of judicial cooperation, including activities prepared and carried out at the level of individual Member States, and relations with other European networks associating judicial authorities and judges.

7.1.1. Actions

- (1) Internet pages
 - (a) Maintenance of the Internet pages
 - (b) Development of the Internet website rendering its content more attractive and adapted to the needs of the end-users
 - (c) Information campaign focused on raising awareness of the Internet pages
 - (d) Translations
- (2) Maintenance and development of the Register (Intranet of the Network)
- (3) Set up web-based discussion forum for judges and central authorities
- (4) Organisation of several meetings of contact points and an annual meeting of the members of the Network
- (5) Publications and promotion materials
 - (a) Practical Guide concerning the European order for payment procedure and/or the European small claims procedure
 - (b) Publication of a leaflet and a practical guide for the general public on the European enforcement order for uncontested claims
 - (c) Publication of a brochure for the general public on international child abduction)
 - (d) Expedition of publications and promotion materials

- (e) Production of promotional materials for the Network
- (6) Financing of information activities towards legal practitioners in the Member States concerning the EJCNCM and the community instruments in the area of civil and commercial law.

7.2. Indicative Amounts Allocated to Individual Actions and the Types of Procurement Procedures to be used

Action	Amount	Procedure
E-justice:		
a) Internet pages (including translations, website maintenance and development and information campaign focused on raising awareness of the Internet pages)	800 000 €	JLS Framework Contract – lot II/Information (websites, IT issues)
b) Register (maintenance and development)	150 000 €	JLS Framework Contract – lot II/Information (websites, IT issues)
c) Meetings	600 000 €	JLS Framework Contract – lot I/Communication (conferences/events)
d) Publications and other promotional materials concerning EJCNCM	1000 000 €	JLS Framework Contract – lot III/Communication (graphics, posters)
e) Financing of information activities towards legal practitioners in the Member States concerning the EJCNCM and the community instruments in the area of civil and commercial law).	600 000 €	JLS Framework contract (2008-A5-lot I "écriture et graphisme" et lot III "audiovisual, événements et campagnes de communication)
Total	3 150 000 €	

8. MANAGEMENT OF THE MEMBERSHIP OF THE COMMUNITY IN THE HAGUE
CONFERENCE ON PRIVATE INTERNATIONAL LAW

Context and Policy

On 28 November 2002 the Council authorised the Commission to negotiate the conditions and modalities of Community accession to the HCCH. Following the success of its negotiations with the HCCH, the Commission recommended that the Council adopt the decision on the accession of the European Community to the Hague Conference on Private International Law. The European Parliament endorsed the Community's accession on 7 September 2006.

On 5 October 2006 the Council of the European Union (EU) adopted a decision on the accession of the European Community to the Hague Conference on Private International Law¹⁸. The purpose of this international intergovernmental organisation is to work for the progressive unification of the rules of private international law in the participating countries.

Since 3 April 2007, the European Community has been a participant of the Hague Conference on Private International Law.

Action, Corresponding Allocation and Type of Procedure to Be Used

Action	Amount	Procedure
Contribution to HCCH to cover the additional administrative expenses arising out of EC membership in the Hague Conference of Private International Law	20.000 €	Exchange of letters (in the sense of article 108 § 2 d) FR and 160a IR) concerning the participation of the European Community to the Hague Conference

¹⁸

Council Decision (EC) No 2006/719 of 5.10.2006 on the accession of the Community to the Hague Conference on Private International Law, OJ L 297, 26.10.2006, p. 1.

