EUROPEAN UNION

THE EUROPEAN PARLIAMENT **THE COUNCIL**

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REGULATION
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
ESTABLISHING THE JUSTICE PROGRAMME
AND REPEALING REGULATION (EU) No 1382/2013

REGULATION (EU) 2021/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 28 April 2021

establishing the Justice Programme
and repealing Regulation (EU) No 1382/2013

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(1) and (2) and Article 82(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[2],

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1 OJ C 62, 15.2.2019, p. 178.

2 Position of the European Parliament of 17 April 2019 (not yet published in the Official Journal) and position of the Council at first reading of 19 April 2021 (not yet published in the Official Journal). Position of the European Parliament of … (not yet published in the Official Journal).

Whereas:

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

(2) It is crucial that those rights and values continue to be actively cultivated, protected, promoted, enforced and shared among the citizens and peoples and that they remain at the heart of the Union project, given that a deterioration in the protection of those rights and values in any Member State can have detrimental effects on the Union as a whole. Provision should therefore be made in the general budget of the Union for a new Justice, Rights and Values Fund, comprising the Citizens, Equality, Rights and Values Programme established by Regulation (EU) 2021/… of the European Parliament and the Council[1+] and the Justice Programme. At a time when European societies are confronted with extremism, radicalism and divisions, and space for independent civil society is shrinking, it is more important than ever to promote, strengthen and defend justice, rights and the Union values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. This will have profound and direct implications for political, social, cultural and economic life in the Union. As part of the new Justice, Rights and Values Fund, the Justice Programme (the 'Programme') in line with the 2014–2020 Justice Programme established by Regulation (EU) No 1382/2013 of the European Parliament and of the Council[2] will continue to support the further development of a Union area of justice based on the rule of law, the independence and impartiality of the judiciary, mutual recognition and mutual trust, access to justice and cross-border cooperation. The Citizens, Equality, Rights and Values Programme will bring together the Rights, Equality and Citizenship Programme for 2014–2020 established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council[3] and the 'Europe for Citizens' programme established by Council Regulation (EU) No 390/2014[4].

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1 Regulation (EU) 2021/… of the European Parliament and of the Council of … establishing the Citizens, Equality, Rights and Values Programme and repealing Regulation (EU) No 1381/2013 of the European Parliament and of the Council and Council Regulation (EU) No 390/2014 (OJ L …).

+ OJ: insert in the body of the text the number and in the footnote the number, date and OJ reference of the Regulation contained in doc ST 6833/2020 ((2018/0207 (COD)).

2 Regulation (EU) No 1382/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 73).

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

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

(3) The Programme should be established for a period of seven years to align its duration with that of the multiannual financial framework laid down in Council Regulation (EU, Euratom) 2020/2093[1].

(4) The Justice, Rights and Values Fund and its two underlying funding programmes will focus on persons and entities which contribute to making our common values and rich diversity as well as rights and equality alive and vibrant. The ultimate objective is to nurture and sustain a rights-based, equal, open, pluralist, inclusive and democratic society. That includes a vibrant and empowered civil society as a key stakeholder, encouraging people's democratic, civic and social participation and cultivating the rich diversity of European society on the basis of our common values, history and memory. Article 11 TEU requires that the Union institutions maintain an open, transparent and regular dialogue with civil society and, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

[1] Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433I, 22.12.2020, p. 11).

(5) The Treaty on the Functioning of the European Union (TFEU) provides for the creation of an area of freedom, security and justice, with respect for fundamental rights and for the different legal systems and traditions of the Member States. Respect for and promotion of the rule of law, fundamental rights and democracy within the Union are prerequisites for upholding all rights and obligations enshrined in the Treaties, and for building people's trust in the Union. The way in which the rule of law is implemented in the Member States plays a vital role in ensuring mutual trust among Member States and between their legal systems. To that end, the Union should adopt measures to develop judicial cooperation in civil and criminal matters. Respect for fundamental rights as well as for common principles and values, such as non-discrimination and equal treatment on the basis of any of the grounds listed in Article 21 of the Charter, in addition to solidarity, effective access to justice for all, the rule of law, democracy and a well-functioning independent judicial system, should be ensured and fostered at all levels as a European area of justice is further developed.

(6) Financing should remain one of the important tools for the successful implementation of the ambitious goals set by the Treaties. Among other measures, a flexible and effective Justice Programme is crucial in order to facilitate the planning and implementation of those goals. The Programme should be implemented in a user-friendly way, for example through a user-friendly application and reporting procedure, and it should aim at balanced geographical coverage. Particular attention should be paid to the accessibility of the Programme for all types of beneficiary. Within the financial envelope for the Programme, a certain flexibility in the allocation of the funds among specific objectives should be preserved. The flexibility margin should be allocated, as a priority, to actions which support the promotion of the rule of law.

(7) To ensure the gradual establishment of an area of freedom, security and justice for all, the Union is to adopt measures relating to judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and judicial decisions, something which has been a cornerstone of judicial cooperation within the Union since the Tampere European Council of 15 and 16 October 1999. Mutual recognition requires a high level of mutual trust among Member States. Measures to approximate the laws of the Member States in several areas have already been adopted in order to facilitate mutual recognition and foster mutual trust. A well-functioning area of justice, where obstacles to cross-border judicial proceedings and to access to justice in cross-border situations are eliminated, is also of key importance in ensuring economic growth and further integration. At the same time, a properly functioning European area of justice that comprises efficient, independent and high quality national legal systems, as well as a greater degree of mutual trust, are necessary for a flourishing internal market and for upholding the common values of the Union.

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

(9) Full respect for the rule of law, and the promotion thereof, are essential for a high level of mutual trust in the area of justice and home affairs, and in particular for effective judicial cooperation in civil and criminal matters, which is based on mutual recognition. The rule of law is one of the common values enshrined in Article 2 TEU, and the principle of effective judicial protection provided for in Article 19(1) TEU and Article 47 of the Charter is a concrete expression of the rule of law. Promoting the rule of law by supporting efforts to improve the independence, transparency, accountability, quality and efficiency of national justice systems enhances mutual trust, which is indispensable for judicial cooperation in civil and criminal matters. Judicial independence and impartiality form part of the essence of the right to a fair trial and are key for the protection of European values. Furthermore, having efficient justice systems with reasonable time limits for proceedings serves legal certainty for all parties concerned.

(10) Pursuant to point (h) of Article 81(2) and point (c) of Article 82(1) TFEU, the Union is to support the training of the judiciary and judicial staff as a means of developing judicial cooperation in civil and criminal matters based on the principle of mutual recognition of judgments and judicial decisions. The provision of training to justice professionals is an important tool in developing a common understanding of how best to implement and uphold the rule of law and fundamental rights. It contributes to the building of the European area of justice by creating a common judicial culture among justice professionals of the Member States. It is essential to ensure the non-discriminatory, correct, coherent and consistent application of law in the Union and mutual trust and understanding between justice professionals in cross-border proceedings. The training activities supported by the Programme should be based on sound assessment of training needs, use state-of-the-art training methodology, include cross-border events involving justice professionals from different Member States, comprise active learning and networking elements and be sustainable. Such activities should include training on legal terminology, civil and criminal law, and fundamental rights, and on mutual recognition as well as procedural safeguards. Such activities should also include training courses for judges, lawyers and prosecutors in relation to the challenges and obstacles experienced by people who frequently face discrimination or are in a vulnerable situation, such as women, children, minorities, LGBTIQ persons, persons with disabilities, and victims of gender-based violence, domestic violence or violence in intimate relationships, and other forms of interpersonal violence. Such training courses should be organised with the direct involvement of organisations representing or supporting such persons and, where possible, the involvement of such persons. Taking into account the fact that women are under-represented in senior positions within the judiciary, female judges, female prosecutors and women in other legal professions should be encouraged to participate in the training activities.

(11) For the purposes of this Regulation, the term 'judiciary and judicial staff' should be interpreted widely to include judges, prosecutors, court and prosecutors' office staff, as well as any other justice professionals associated with the judiciary or otherwise participating in the administration of justice, irrespective of the definition in national law, legal status or internal organisation, such as lawyers, notaries, bailiffs or enforcement officers, insolvency practitioners, mediators, court interpreters and translators, court experts, prison staff and probation officers.

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

(13) The Programme should support the annual work programme of EJTN, which is an essential actor with regard to judicial training. The EJTN is in an exceptional situation, insofar as it is the only network at Union level bringing together the judicial training bodies of the Member States. It is in a unique position to organise exchanges for both new and experienced judges and prosecutors between all Member States, and to coordinate the work of the national judicial training bodies regarding the organisation of training activities on Union law and the promotion of good training practices. The EJTN is also a provider of training activities of excellent quality delivered in a cost-efficient manner at Union level. Moreover, it also includes the judicial training bodies of candidate countries as observer members. The EJTN annual report should include information on the training provided, disaggregated by, *inter alia*, staff category.

(14) Measures under the Programme should support enhanced mutual recognition of judgments and judicial decisions in civil and criminal matters, mutual trust between Member States and the necessary approximation of legislation to facilitate cooperation between all the relevant authorities, including by electronic means. The Programme should also support the judicial protection of individual rights in civil and commercial matters. It should also promote greater convergence in civil law, which will help to eliminate obstacles to satisfactory and efficiently functioning judicial and extrajudicial procedures for the benefit of all parties in a civil dispute. Finally, in order to support the effective enforcement and practical application of Union law on judicial cooperation in civil matters, the Programme should support the functioning of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC[1]. In criminal matters, the Programme should help foster and implement rules and procedures for ensuring recognition of judgments and decisions throughout the Union. It should facilitate cooperation and contribute to eliminating obstacles to effective cooperation and to mutual trust. The Programme should also contribute to improving access to justice, by promoting and supporting the rights of victims of crime as well as the procedural rights of suspects and accused persons in criminal proceedings.

[1] Council Decision 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (OJ L 174, 27.6.2001, p. 25).

(15) Pursuant to Article 3 TEU, Article 24 of the Charter and the United Nations Convention on the Rights of the Child, the Programme should support the protection of the rights of the child and should mainstream the promotion of the rights of the child in the implementation of all of its actions. To this end, particular attention should be given to actions aimed at the protection of the rights of the child in the context of civil and criminal justice, including the protection of children accompanying parents in detention, children of imprisoned parents and children who are suspects or accused persons in criminal proceedings.

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

(17) Pursuant to Article 67 TFEU, the Union is to constitute an area of freedom, security and justice with respect for fundamental rights. Non-discriminatory access to justice for all is instrumental in this regard. In order to facilitate effective access to justice, and with a view to fostering the mutual trust which is indispensable for the satisfactory functioning of the area of freedom, security and justice, it is necessary to extend financial support to activities at national, regional and local level of authorities other than judicial authorities, of legal practitioners and of civil society organisations, which contribute to these objectives. Support should be given, in particular, to activities which facilitate effective and equal access to justice for persons who frequently face discrimination or are in a vulnerable situation. It is important to support advocacy activities of civil society organisations such as networking, litigation, campaigning, communication and other watchdog activities. Within this context, justice professionals associated with the judiciary and working for civil society organisations also have an important role to play.

(18) In accordance with Articles 8 and 10 TFEU, the Programme in all its activities should support gender mainstreaming and the mainstreaming of non-discrimination. Moreover, the United Nations Convention on the Rights of Persons with Disabilities confirms the right to full legal capacity and access to justice for persons with disabilities. An interim and a final evaluation of the Programme should evaluate gender impacts to assess the extent to which it contributes to gender equality and to assess whether it is having unintended negative impacts on gender equality, in accordance with point 16 of the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources[1] (the 'Interinstitutional Agreement of 16 December 2020'). In this context and while taking into account the different nature and size of the activities of the specific objectives of the Programme, it will be important for individual data collected by project promoters to be broken down by sex whenever possible. It is also important to provide information to applicants on how to take gender equality into account, including information on the use of gender mainstreaming tools such as gender budgeting and gender impact assessments where necessary. Gender balance should be considered when consulting experts and stakeholders.

[1] OJ L 433 I, 22.12.2020, p. 28.

(19) The Programme in all its activities, where relevant, should also support and protect the rights of victims in both civil and criminal matters. To this end, particular attention should be given to improved implementation of the various Union instruments for the protection of victims, and coordination between them, as well as to actions aimed at the exchange of best practices between courts and legal practitioners dealing with cases of violence. The Programme should also support the improvement of the knowledge and use of collective redress instruments.

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

(21) The Programme should also contribute to enhancing cooperation between Member States, wherever Union law has an external dimension, taking into account external consequences, in order to improve access to justice and facilitate tackling judicial and procedural challenges.

(22) The Commission should ensure overall consistency, complementarity and synergies with the work of Union bodies, offices and agencies, in particular the European Union Agency for Criminal Justice Cooperation (Eurojust), the European Union Agency for Fundamental Rights (FRA), the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) and the European Public Prosecutor's Office (EPPO), and should take into account the work of other national and international actors in the areas covered by the Programme.

(23) In order to ensure the efficient allocation of funds from the general budget of the Union, it is necessary to ensure that all actions carried out under the Programme have Union added value, complement Member States' actions and are consistent with other Union actions. Consistency, complementarity and synergies should be sought with funding programmes supporting policy areas which are closely interlinked, in particular with the Citizens, Equality, Rights and Values Programme, as well as with the Single Market Programme, established by Regulation (EU) … of the European Parliament and of the Council[1+], programmes in the fields of border management and security, in particular the Asylum, Migration and Integration Fund and the Internal Security Fund, programmes in the field of strategic infrastructure, in particular the Digital Europe Programme, established by Regulation (EU) … of the European Parliament and of the Council[2++], Erasmus+, established by Regulation (EU) … of the European Parliament and of the Council[3+++], Horizon Europe, established by Regulation (EU) … of the European Parliament and of the Council[4++++], the Instrument for Pre-accession Assistance and the LIFE Programme, established by Regulation (EU) … of the European Parliament and of the Council[5+++++].

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1 Regulation (EU) … of the European Parliament and of the Council of … establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014 (OJ L …).

+ OJ: insert in the body of the text the number and in the footnote the number, date and OJ reference of the Regulation contained in doc ST 14281/20 (2018/0231 (COD)).

2 Regulation (EU) …of the European Parliament and of the Council of … establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L …).

++ OJ: insert in the body of the text the number and in the footnote the number, date and OJ reference of the Regulation contained in doc ST 6789/20 (2018/0227 (COD)).

3 Regulation (EU) … of the European Parliament and of the Council of … establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L …).

+++ OJ: insert in the body of the text the number and in the footnote the number, date and OJ reference of the Regulation contained in doc ST14148/20 (2018/0191 (COD)).

4 Regulation (EU) … of the European Parliament and of the Council of … establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L …).

++++ OJ: insert in the body of the text the number and in the footnote the number, date and OJ reference of the Regulation contained in doc ST 7064/20 (2018/0224 (COD)).

5 Regulation (EU) …of the European Parliament and of the Council of … establishing a Programme for the Environment and Climate Action (LIFE), and repealing Regulation (EU) No 1293/2013 (OJ L …).

+++++ OJ: insert in the body of the text the number and in the footnote the number, date and OJ reference of the Regulation contained in doc ST 6077/20 (2018/0209 (COD)).

(24) This Regulation lays down a financial envelope for the entire duration of the Programme, which is to constitute the prime reference amount, within the meaning of point 18 of the Interinstitutional Agreement of 16 December 2020, for the European Parliament and the Council during the annual budgetary procedure.

(25) In accordance with Article 193(2) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council[1] (the 'Financial Regulation'), a grant may be awarded for an action which has already begun, provided that the applicant can demonstrate the need for starting the action prior to signature of the grant agreement. However, the costs incurred prior to the date of submission of the grant application are not eligible, except in duly justified exceptional cases. In order to avoid any disruption in Union support which could be prejudicial to Union's interests, it should be possible, for a limited period of time at the beginning of the multiannual financial framework 2021-2027, that costs incurred in respect of actions supported under this Regulation which have already begun be considered eligible as of 1 January 2021, even if they were incurred before the grant application was submitted.

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1 Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

(26) The Financial Regulation applies to the Programme. The Financial Regulation lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect management, financial instruments, budgetary guarantees, financial assistance and the reimbursement of external experts.

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

(28) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[1] and Council Regulations (EC, Euratom) No 2988/95[2], (Euratom, EC) No 2185/96[3] and (EU) 2017/1939[4], the financial interests of the Union are to be protected by means of proportionate measures, including measures relating to the prevention, detection, correction and investigation of irregularities, including fraud, to the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, to the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) has the power to carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. The EPPO is empowered, in accordance with Regulation (EU) 2017/1939, to investigate and prosecute criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council[5]. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, the Court of Auditors and, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the EPPO, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

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

2 Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p. 1).

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

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

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

(29) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the Agreement on the European Economic Area[1], which provides for the implementation of the programmes on the basis of a decision adopted under that Agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation requiring third countries to grant the necessary rights and access required for the authorising officer responsible, OLAF and the Court of Auditors to comprehensively exercise their respective competences.

(30) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 TFEU apply to this Regulation. Those rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes and indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.

(31) Pursuant to Council Decision 2013/755/EU[2], persons and relevant public and/or private bodies and institutions in overseas countries and territories are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.

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1 OJ L 1, 3.1.1994, p. 3.

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

(32) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement adopted under the United Nations Framework Convention on Climate Change and the United Nations Sustainable Development Goals, the Programme is intended to contribute to mainstreaming climate action and to the achievement of an overall target of 30 % of the Union budget expenditures supporting climate objectives and the ambition of 7,5 % of the Union budget reflecting biodiversity expenditures in 2024 and 10 % in 2026 and 2027 while considering the existing overlaps between climate and biodiversity goals. The Programme ought to support activities that respect the climate and environmental standards and priorities of the Union and the 'do no harm' principle of the European Green Deal. Relevant actions ought to be identified during the Programme's preparation and implementation, and be reassessed in the context of the relevant evaluations and review processes.

(33) Pursuant to paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1], the Programme should be evaluated on the basis of information collected in accordance with specific monitoring requirements, while avoiding an administrative burden, in particular on Member States, and overregulation. Those requirements, where appropriate, should include measurable indicators as a basis for evaluating the effects of the Programme on the ground. The Commission should report on the performance of the Programme annually to the European Parliament and to the Council, within the existing reporting mechanisms, in particular the EU Justice scoreboard.

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1 OJ L 123, 12.5.2016, p. 1.

(34) In order to ensure the effective assessment of the Programme's progress towards the achievement of its objectives, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of indicators set out in Articles 13 and 15 and Annex II. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(35) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1].

[1] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(36) Since the objectives of this Regulation, namely to contribute to the further development of a European area of justice based on the rule of law, mutual recognition and mutual trust, in particular by promoting judicial cooperation in civil and criminal matters, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effect of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

(37) Regulation (EU) No 1382/2013 should therefore be repealed.

(38) In order to ensure continuity in providing support in the relevant policy area and to allow implementation to start from the beginning of the multiannual financial framework 2021-2027, this Regulation should enter into force as a matter of urgency and should apply, with retroactive effect, from 1 January 2021.

(39) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(40) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

Chapter I
General Provisions

Article 1

Subject matter

This Regulation establishes the Justice Programme (the 'Programme') for the duration of the multiannual financial framework 2021-2027, as laid down in Regulation (EU, Euratom) 2020/2093.

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

Article 2

Definition

For the purposes of this Regulation, 'judiciary and judicial staff' means judges, prosecutors and members of staff of courts and of prosecutors' offices, as well as any other justice professionals associated with the judiciary.

Article 3

Programme objectives

1. The Programme has the general objective of contributing to the further development of a European area of justice based on the rule of law including the independence and impartiality of the judiciary, on mutual recognition and mutual trust, and on judicial cooperation thereby also strengthening democracy, the rule of law and the protection of fundamental rights.

2. Within the general objective set out in paragraph 1, the Programme shall have the following specific objectives:

   (a) to facilitate and support judicial cooperation in civil and criminal matters, and to promote the rule of law and the independence and impartiality of the judiciary, including through supporting efforts to improve the effectiveness of national justice systems and the effective enforcement of decisions;

   (b) to support and promote judicial training, with a view to fostering a common legal and judicial culture as well as a culture based on the rule of law, and to support and promote the consistent and effective implementation of the Union legal instruments that are relevant in the context of the Programme;

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

Article 4

Mainstreaming

In the implementation of all of its actions, the Programme shall seek to promote gender equality, the rights of the child, *inter alia* by means of child-friendly justice, the protection of victims and the effective application of the principle of equal rights and non-discrimination based on any of the grounds listed in Article 21 of the Charter, in accordance with and within the limits set by Article 51 of the Charter.

Article 5

Budget

1. The financial envelope for the implementation of the Programme for the period from 1 January 2021 to 31 December 2027 shall be EUR 305 000 000 in current prices.

2. The amount set out in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme, such as preparatory, monitoring, control, audit and evaluation activities, including corporate information technology systems.

3. In accordance with point (a) of the second subparagraph of Article 193(2) of the Financial Regulation, taking into account the delayed entry into force of this Regulation and in order to ensure continuity, for a limited period, costs incurred in respect of actions supported under this Regulation may be considered eligible as of 1 January 2021, even if they were incurred before the grant application was submitted.

4. Within the financial envelope for the Programme, amounts shall be allocated to each specific objective in accordance with the percentages set out in Annex I.

5. Resources allocated to Member States under shared management may, at the request of the Member State concerned, be transferred to the Programme subject to the conditions set out in Article 26 of a Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (the 'Common Provisions Regulation for 2021-2027'). The Commission shall implement those resources directly in accordance with point (a) of the first subparagraph Article 62(1) of the Financial Regulation or indirectly in accordance with point (c) of that subparagraph. Those resources shall be used for the benefit of the Member State concerned.

Article 6

Third countries associated to the Programme

The Programme shall be open to the the participation of the following third countries:

(a) members of the European Free Trade Association (EFTA) which are members of the EEA, in accordance with the conditions laid down in the Agreement on the European Economic Area;

(b) acceding countries, candidate countries and potential candidates, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions or in similar agreements and in accordance with the specific conditions laid down in agreements between the Union and those countries;

(c) European Neighbourhood Policy countries, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions or in similar agreements and in accordance with the specific conditions laid down in agreements between the Union and those countries;

(d) other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement:

(i) ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;

(ii) lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes, and their administrative costs;

(iii) does not confer on the third country any decision-making power in respect of the Union programme;

(iv) guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.

The contributions referred to in point (d)(ii) of the first subparagraph shall constitute assigned revenues in accordance with Article 21(5) of the Financial Regulation.

Article 7

Implementation and forms of Union funding

1. The Programme shall be implemented in direct management in accordance with the Financial Regulation or in indirect management by the bodies referred to in point (c) of the first subparagraph of Article 62(1) thereof.

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

3. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. The provisions laid down in Article 37(7) of Regulation (EU) …/…[+] shall apply.

[+] OJ: insert in the body of the text the number of the Regulation contained in doc 7064/20 (2018/0224).

Article 8

Types of action

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

(a) awareness-raising and dissemination of information to improve knowledge of Union policies and Union law, including substantive and procedural law, of judicial cooperation instruments, of the relevant case-law of the Court of Justice of the European Union and of comparative law and European and international standards, including the understanding of the interaction between different areas of law;

(b) mutual learning and the exchange of good practices among stakeholders to improve knowledge and mutual understanding of the civil and criminal law and the legal and judicial systems of the Member States, including the rule of law and access to justice, and to enhance mutual trust;

(c) analytical and monitoring activities to improve knowledge and understanding of potential obstacles to the smooth functioning of a European area of justice, and to improve the implementation of Union law and policies in the Member States, such as activities including the collection of data and statistics; the development of common methodologies and, where appropriate, of indicators or of benchmarks; studies, research, analyses and surveys; evaluations; impact assessment; and the development and publication of guides, reports and educational material;

(d) training relevant stakeholders to improve knowledge of Union law and policies, including substantive and procedural law, fundamental rights, the use of Union judicial cooperation instruments, the relevant case-law of the Court of Justice of the European Union, legal language and comparative law;

(e) developing and maintaining information and communication technology (ICT) as well as e-justice tools, taking into account privacy and data protection, to improve the efficiency of judicial systems and cooperation between them by means of ICT, including the cross-border interoperability of systems and applications;

(f) developing the capacity of key European-level networks and European judicial networks, including networks established by Union law to ensure the effective application and enforcement of Union law, to promote and further develop Union law, values, policy goals and strategies in the areas of the Programme;

(g) supporting civil society organisations and non-profit stakeholders active in the areas covered by the Programme to increase their capacity to react and advocate as well as to ensure adequate access for all citizens to their services, counselling activities and support activities, thereby also contributing to the strengthening of democracy, the rule of law and fundamental rights;

(h) enhancing knowledge of the Programme and the dissemination, transferability and transparency of its results and fostering citizen outreach, including by organising forums for discussion for stakeholders.

Chapter II

Grants

Article 9

Grants

1. Grants under the Programme shall be awarded and managed in accordance with Title VIII of the Financial Regulation.

2. Members of the evaluation committee may be external experts.

Article 10

Cumulative and alternative funding

1. An action that has received a contribution under the Programme may also receive a contribution from another Union programme, including funds under shared management, provided that the contributions do not cover the same costs. The rules of the relevant Union programme shall apply to the corresponding contribution to the action. The cumulative financing shall not exceed the total eligible costs of the action. The support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

2. Actions awarded a Seal of Excellence label under the Programme may receive support from the European Regional Development Fund or the European Social Fund Plus, in accordance with Article 73(4) of the Common Provisions Regulation for 2021-2027) if they comply with the following cumulative conditions:

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

(b) they comply with the minimum quality requirements of that call for proposals;

(c) they cannot be financed under that call for proposals due to budgetary constraints.

Article 11

Eligible entities

1. The eligibility criteria set out in paragraphs 2 and 3 of this Article shall apply in addition to the criteria set out in Article 197 of the Financial Regulation.

2. The following entities shall be eligible:

(a) any legal entity established in:

(i) a Member State, or an overseas country or territory linked to it;

(ii) a third country associated to the Programme;

(b) any legal entity created under Union law, or any international organisation.

3. The Programme shall support the EJTN's expenditure associated with its permanent work programme, and any operating grant to that effect shall be awarded without a call for proposals in accordance with the Financial Regulation.

Chapter III

Programming, Monitoring, Evaluation and Control

Article 12

Work programme

1. The Programme shall be implemented by work programmes referred to in Article 110 of the Financial Regulation.

2. The work programme shall be adopted by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 18.

Article 13

Monitoring and reporting

Indicators to report on the progress of the Programme towards the achievement of the general and specific objectives laid down in Article 3 are set out in Annex II.

To ensure the effective assessment of the Programme's progress towards the achievement of its objectives, the Commission is empowered to adopt delegated acts, in accordance with Article 15, to amend Annex II with regard to the indicators where considered necessary as well as to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework.

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

The Commission shall report on the performance of the Programme annually to the European Parliament and to the Council, within the existing reporting mechanisms, in particular the EU Justice Scoreboard. In particular, the Commission shall report on the use of the funds allocated to each specific objective. In its report, it shall specify the types of action that have received funding, including actions linked to the promotion of gender equality. On the basis of that report, the European Parliament may make recommendations. The Commission shall duly take those recommendations into account.

Article 14

Evaluation

1. Evaluations of the Programme shall be carried out in a timely manner with a view to feeding into the decision-making process.

2. The Commission shall carry out an interim evaluation of the Programme once there is sufficient information available about the implementation of the Programme, but no later than four years after the start of its implementation.

3. The Commission shall carry out a final evaluation of the Programme at the end of its implementation, but no later than four years after the end of the period specified in Article 1.

4. The Commission shall communicate the conclusions of the evaluations, accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

Article 15

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission until 31 December 2027.

3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 13 shall enter into force if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 16

Protection of the financial interests of the Union

Where a third country participates in the Programme by means of a decision adopted pursuant to an international agreement or on the basis of any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, OLAF and the Court of Auditors to comprehensively exercise their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, as provided for in Regulation (EU, Euratom) No 883/2013.

Chapter IV
Transitional and Final Provisions

Article 17

Information, communication and publicity

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

The Commission shall implement information and communication actions relating to the Programme, to actions taken pursuant to the Programme and to the results obtained.

Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, insofar as those priorities are related to the objectives referred to in Article 3.

Article 18

Committee procedure

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

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 19

Repeal

Regulation (EU) No 1382/2013 is repealed with effect from 1 January 2021.

Article 20

Transitional provisions

1. This Regulation shall not affect the continuation of or modification of actions initiated pursuant to Regulation (EU) No 1382/2013, which shall continue to apply to those actions until their closure.

2. The financial envelope for the Programme may also cover the technical and administrative assistance expenses necessary to ensure the transition between the Programme and the measures adopted pursuant to Regulation (EU) No 1382/2013.

3. If necessary, appropriations may be entered in the Union budget beyond 2027 to cover the expenses provided for in Article 5(2), to enable the management of actions not completed by 31 December 2027.

Article 21

Entry into force

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I

Within the financial envelope of the Programme, amounts shall be allocated as follows for each specific objective:

(a) 27 % for the specific objective referred to in point (a) of Article 3(2);

(b) 36 % for the specific objective referred to in point (b) of Article 3(2);

(c) 27 % for the specific objective referred to in point (c) of Article 3(2);

(d) 10 % for any of the objectives referred to in Article 3(2).

ANNEX II

INDICATORS

The Programme shall be monitored on the basis of a set of indicators intended to measure the extent to which its general and specific objectives have been achieved while minimising administrative burdens and costs. To that end, while respecting rights related to privacy and data protection, data will be collected as regards the following set of indicators:

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

(2) number of civil society organisations supported by the Programme;

(3) number of exchanges of information in the European Criminal Records Information System (ECRIS);

(4) number of hits on the e-Justice portal / pages addressing the need for information on cross-border civil and criminal cases;

(5) number of people per specific objective reached by:

(a) mutual learning activities and the exchange of good practices;

(b) activities related to awareness-raising and information, and to the dissemination of information.

All individual data shall be broken down by sex whenever possible. The interim and final evaluations of the Programme shall focus on each specific objective, and shall include a gender equality perspective and evaluate impacts on gender equality.